

Remarks of Honorable Judge Francis J. Darigan, Jr. to the Press
on September 21, 2006

The Court would like to take this opportunity to address the community regarding the Defendants' requested change in plea. It is the Court's most sincere hope that these remarks will alleviate some of the public misconceptions regarding this issue and eliminate much of the manufactured controversy surrounding the resolution of these cases.

To begin with, the premature leak of the Attorney General's letter to the media by an anonymous source was unethical, reprehensible, devoid of any consideration for the victims of this tragedy and totally abrogated an agreement reached after weeks of discussion between the parties in this case. This Court sincerely regrets – beyond the Court's ability to articulate – the shock, anger, disbelief and sense of betrayal some of the families must feel because of the despicable action taken by the anonymous source within the Attorney General's Office. The Court has always been acutely aware that any disposition of this case – with or without a trial – would not satisfy all of the people so tragically affected by this fire, but had hoped that this resolution would have been presented in a more sensitive manner to the victims' families.

In this vein, at the request of the Attorney General and Defense Counsel, this Court took the unique step of crafting a letter to send out to the victims' families prior to a public release of this information. This letter was drafted with the full collaboration of the Attorney General and Defense Counsel, who provided their comments and suggestions as to how the Court might best explain this disposition to the persons most directly affected. The intent of both parties and the Court was to inform the families of the prospective plea prior to any media exposure. This desire was a sincere attempt to be

sensitive to those most affected by this tragedy. The Court also considered it an appropriate and necessary measure in order to give the victims' families a cogent, reliable and complete explanation as to how and why this disposition was accepted by the Court.

The Attorney General, Defense Counsel, and the Court worked diligently to provide this information to the families prior to media release. The Court's letter was completed in the late afternoon yesterday Wednesday, September 20th. The physical task of producing the letter, putting it in envelopes, and getting it to the main post office in Providence to be stamped and mailed was completed by 8:00 p.m. last evening. At the same time the Court was producing its letter, the Court was aware that the Attorney General was working on a response letter that would also be sent out to the victims' families in the same manner and in the same relative timeframe as the Court's letter. This Court had no input – nor did it have a desire to have any input – into the content of the Attorney General's letter, although the Attorney General's office made it clear that the letter would be critical of the Court's decision in this matter. Out of courtesy, the Attorney General's office allowed the Court to read a copy of the Attorney General's letter for the first time yesterday at 5:30 p.m. Less than fifteen minutes later, the Court was informed that the media had been sent a copy of the Attorney General's letter by a so-called "anonymous" source. Without question, this information emanated from within the Attorney General's Department. Around 6:00 p.m. the Court informed the local prosecutorial team still working in the Kent County Courthouse of the news reports. That team was completely taken by surprise by the leak, having only minutes earlier received the letter from the Attorney General themselves. The prosecutorial team of William Ferland, Randall White and Christopher Bush have, throughout these entire proceedings,

exhibited the highest characteristics of professionalism and concern for the conduct of this case and for the sensitivity of the victims.

The media reports on this unfortunate leak of the Attorney General's letter (without any apparent concern or comment by the media on this breach of confidence and trust) seems to report that this change in plea comes as a complete surprise to the State. The Court can ensure you that this is not the fact at all in this case. The negotiations leading to this Court's agreement to accept the Defendants' change of plea were fully engaged in by both the Attorney General's Office and the Defendants over a period of several weeks, while the parties and the Court were simultaneously preparing for trial. This Court was fully aware late in the negotiating process that the Attorney General objected to some of the terms and conditions of the prospective pleas. To be sure, it is the right of the State to voice objections when they're deemed to be appropriate. This Court not only understands this right but respects it as an integral part of the criminal justice process. However, the Attorney General was fully aware of the disposition which the Court intended to impose in these cases long before his letter was drafted and surreptitiously given to the media.

It was always the Court's intention throughout this process that the victims' families should receive the Court's letter containing all of the information regarding this important issue first, allowing them to digest the news in the privacy of their own homes. There is no way of knowing whether or not the Court's five-page letter that is currently in the mail, had it been received by the families prior to the media exposure of the Attorney General's letter, would have made any difference to the recipients. It is most unfortunate, however, that the information the families received via the early evening news was only

the Attorney General's comments on the content of the Court's letter. The Attorney General's letter only contained his reflections on the matter and not the entire explanation provided by the Court. The Court's letter will now be made available to the media only because of the current turn of events.

The Court does not wish to continue a dialogue about who said what to whom, as it serves no useful or palliative purpose and does not impact the efficacy of the terms of the sentence in this case. Nor would it provide any benefit to the families of The Station fire victims.