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Gmail - Mayor Pollino's Threat of Criminal Referral for Protected Speech on 8/12/2025 – Request for Confirmation, Correction, or Agenda Inclu...



Chris Comiskey <[REDACTED]>

Mayor Pollino's Threat of Criminal Referral for Protected Speech on 8/12/2025 – Request for Confirmation, Correction, or Agenda Inclusion

Chris Comiskey <[REDACTED]>

Tue, Oct 28, 2025 at 3:15 PM

To: Brandon Christian <Brandon.Christian@unioncountync.gov>

Cc: Bo Caudill <bocaudill@villmercaudill.com>, bzellinger@ncdoj.gov, Nick Williams <nickwilliams@villmercaudill.com>

Mr. Christian:

This letter is a formal and immediate demand. Your email from today to my counsel and me (and the public record) is replete with conclusory assertions, selective facts, and threats, and it fails to answer or remedy a string of documented legal and factual problems we put to the Sheriff's Office and the Village of Marvin. Your letter misstates material facts, which has the effect of chilling our speech and denying us equal treatment by law enforcement. Your conduct as counsel for a public law-enforcement agency is therefore subject to review by the Sheriff, the North Carolina Department of Justice, the Governor's Office, and the courts — and we will pursue that review if you do not correct the record and immediately remove your threats, reverse course, and preserve and produce the requested materials.

Below I do three things in short order:

- A. spell out the specific, material falsehoods or omissions in your email;
- B. list the ways your letter fails to respond substantively to prior, discrete requests; and
- C. make immediate demands (preservation, production, public correction, and an investigation) and state the statutory bases for those demands.

A. Material factual corrections (recorded; must be corrected / retracted)

1. The [REDACTED] trespass / threatened violence incident and the so-called "refuse to cooperate."
 - Fact: When UCSO attended the [REDACTED] trespass incident adjacent to our home, our family fully cooperated with Deputy West's investigation; Deputy West later returned, took statements, identified the perpetrator, and created a report.
 - False statement to be corrected: Your correspondence implies (or states) that we "refused to cooperate." That is false. The characterization is wrong, damaging, and appears intended to discredit and silence us. You must identify the specific basis for your claim that we "refused to cooperate" (date, officer, documentation). If you have no such documentation, you must retract that claim immediately.
 - Demand: Immediately correct the record and provide the specific report(s) and written basis on which UCSO claims a refusal to cooperate was recorded.
2. August 11, 2025 Village Council meeting statements about audio and requests for recordings.
 - Fact: At the August 11 meeting Lt. Maye stated he had requested audio multiple times. That is incorrect — he asked once and was denied. Your letter repeats and amplifies Lt. Maye's misstatement without evidence.
 - Demand: Produce any UCSO record showing repeated requests for this audio, or retract the misstatement and publicly correct the record.
3. Pattern of apparent coordination with Village officials to suppress or manipulate community reporting.
 - Fact: Records we have assembled show sustained communications and apparent coordination among Village officials, certain HOA actors, and UCSO employees in ways that curtailed or misrepresented reporting from residents. Your letter does not address these factual concerns and instead seeks to threaten and chill us. That evasive approach is unacceptable for a public agency tasked with impartial law enforcement.

B. How your October 28 letter fails to respond (specific omissions)

Despite multiple, written demands and public requests, you failed to meaningfully address or produce the following items and/or explain why UCSO is withholding them:

1. No confirmation or production of any body-worn camera recordings, dash camera footage, or dispatch audio relating to (a) the [REDACTED] trespass incident and (b) the two UCSO visits identified in our filings (February 29, 2024 and March 28, 2024) to Village public meetings. These recordings are public records. See N.C. Gen. Stat. § 132-1 et seq.

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2. No explanation for the false "refused to cooperate" notation appended to the report concerning the [REDACTED] incident; no identification of who added that notation, when, and on what basis.
3. No production of communications between UCSO personnel (including Lt. Maye and Det. Trull) and Village of Marvin officials (including Village Manager Christina Amos, Councilmember Kim Vandenberg, Mayor Pollino), regarding the incidents and meetings referenced in our previous requests.
4. No production of any records showing UCSO's off-duty work arrangements for any UCSO employees with ZEPSA Industries (or ZEPSA family members) over the requested 15-year lookback.
5. No preservation confirmation for any records relating to the matters above (audio, video, emails, internal notes, texts, memos, calendars, logs) despite our earlier preservation requests and your public-office duty to retain such records.
6. No explanation why UCSO has apparently characterized or treated reports involving certain Village officials and supporters differently than reports involving other residents (i.e., preferential/enhanced treatment alleged by multiple witnesses).

Your letter, in short, gestures at authority and threatens consequences but provides none of the underlying documents or factual support necessary to back up your claims. That posture will not stand.

C. Immediate demands (preserve, produce, correct, investigate)

Because UCSO is a public law-enforcement agency, and because the records in question are public records or evidence that may be material to investigations, I hereby demand as follows:

1. Immediate preservation (within 48 hours).
 - a. You must issue a written, internal preservation directive to UCSO personnel and contractors to preserve all potentially responsive materials in their possession, custody, or control — including but not limited to: body-worn camera footage, in-vehicle camera footage, dispatch logs, 911 recordings, audio recordings, internal emails, text messages (including deleted items), calendars, officer notes, memoranda, and communications with Village of Marvin officials, HOA officials, and KPT attorneys.
 - b. Legal basis: N.C. Gen. Stat. § 132-6.2(e) (duty to preserve) and § 132-9 (penalties for unlawful destruction). Preservation must include native files and associated metadata where available.
2. Public correction / retraction (within 7 days).
 - a. You must publicly retract or correct any UCSO or counsel statements falsely claiming the Comiskeys "refused to cooperate" or similarly mischaracterizing material facts about our interactions with UCSO. The retraction must be sent to the same distribution list that received your October 28 email and placed on the UCSO public records page.
 - b. If you contend the "refused to cooperate" notation is accurate, produce the documentary basis (report, officer notes, recording) now; absent such proof, retract.
3. Production of records (rolling, but initial production within 10 business days). Produce the following immediately (electronic native format preferred; include metadata):
 - a. All body-worn and in-vehicle camera footage, and all associated audio, for UCSO contacts with Comiskey family members and related incidents: (i) the [REDACTED] trespass incident and subsequent UCSO response(s); (ii) UCSO presence at the Village meetings of Feb. 29, 2024 and Mar. 28, 2024; and (iii) any other UCSO attendance or physical presence at Marvin Creek HOA locations regarding the Comiskeys between Jan. 1, 2024 and present.
 - b. All 911 and dispatch recordings, logs, and transcripts for calls placed by or about Marvin Creek HOA residents from Jan. 1, 2024 to present that relate to trespass, assault, or neighborhood disturbances — including the specific 911 call(s) that produced the events referenced in our filings.
 - c. All emails, texts (including deleted items if recoverable), and other communications between UCSO personnel (including Lt. Maye, Det. Trull, Deputy West, and any supervisor) and Village of Marvin officials (including Christina Amos, Kim Vandenberg, Mayor Pollino), Kendrick (campaign/council) personnel, or representatives of the Marvin Creek HOA or Cusick Management, from Jan. 1, 2023 to present, that relate in any way to the Comiskey family, the Marvin Creek easement, or communications about reporting, public comments, or investigations.
 - d. All records reflecting UCSO off-duty assignments or contracts with ZEPSA Industries or any ZEPSA family member over the last 15 years, including dates, compensation, and job descriptions.
 - e. Any written notes, internal memos, or investigative files created by UCSO regarding the Comiskeys, the [REDACTED] incident, the March/February 2024 meetings, or related events.
4. Immediate administrative steps pending review.
 - a. Because your letter threatens to cut off ordinary access to non-emergency UCSO services for our family while simultaneously spreading demonstrably false assertions, we request that Sheriff Cathey place Lt. James Maye and any UCSO official who drafted or approved the October 28 email on administrative review/pending inquiry until UCSO has completed production and an independent review is performed. If the Sheriff declines to do so,

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document the reasons for that refusal in writing.

b. We further request the Sheriff open an independent administrative review into UCSO operational conduct vis-à-vis Marvin Creek incidents referenced in our filings and communications with the Village.

5. Preservation of evidence for criminal and civil review.

a. Given the gravity of the allegations of misconduct and the appearance of coordinated misdirection of public information, preserve every record in a manner consistent with potential criminal or civil discovery obligations. Any alteration or deletion after receipt of this letter will be a separate and additional basis for immediate legal action.

D. Substantiation of “defamation” threats — you must do more than assert.

Your October 28 email contains unadorned warnings of litigation and defamation, but it supplies no evidence that the Comiskeyes have made false statements that meet the legal standard for defamation or that would survive immediate factual scrutiny. A threat of defamation action is not a substantive defense to our demand for records or to the need to correct false public statements. If UCSO intends to pursue defamation claims, please identify with specificity:

1. The exact statement(s) you claim to be false and defamatory (quote them verbatim).
2. The date(s) and forum(s) in which each allegedly defamatory statement was published.
3. The specific defamatory element you allege (false statement of fact; where and how it caused damages).
4. The precise documentary proof UCSO possesses substantiating that the Comiskeyes made those false statements (and therefore that UCSO's public statements about us were justified).

Without such proof, your threats function as intimidation and a form of viewpoint suppression. That conduct, by someone acting for a public law-enforcement agency, raises serious constitutional and ethical concerns.

E. Additional items — FOIA and oversight notice

1. We will be submitting public-records requests for all of the categories listed above through the official Union County portal in addition to this demand letter. This simultaneous submission is to ensure chain-of-custody and timely production. Do not construe that as duplicative; it is intentional.
2. We will also forward copies of your email and this response to the Governor's Office, the North Carolina Department of Justice Criminal Division, and appropriate judicial disciplinary authorities for review if UCSO does not promptly comply with the preservation and production directives above.

F. Deadlines — immediate, short, and specific

1. Within 48 hours: a written confirmation that UCSO (a) has issued a preservation directive to all UCSO personnel and contractors; and (b) has secured at least a forensic copy or reliable preservation path for all body-cam, dash-cam, 911, and dispatch recordings responsive to this letter.
2. Within 7 calendar days: a public written correction / retraction of any false statements that UCSO or its counsel has placed in the public record about the Comiskeyes (including the “refused to cooperate” assertion), or else a detailed production of the evidence UCSO claims supports the statement.
3. Within 10 business days: an initial production (rolling if necessary) of the categories listed in Section C (above). If production will be voluminous or require additional time, provide a written schedule and the reasons for delay — with a specific completion date.
4. Immediately: confirmation that UCSO will not discriminate in provision of non-emergency services to the Comiskey family and will treat us like any other Union County resident.

G. Consequences of noncompliance

If you fail to comply with these preservation and production demands, or if UCSO persists in publishing demonstrably false assertions about the Comiskeyes without documentary support, we will take immediate action including but not limited to:

- filing motions for discovery and preservation orders in pending court proceedings;
- submitting formal complaints to the North Carolina Department of Justice and the North Carolina State Bar (regarding the alleged misuse of law-enforcement authority and threats to chill speech);
- sending formal administrative complaints to the Governor's Office and to applicable oversight authorities; and
- pursuing all civil remedies available for any harms caused by UCSO's misconduct, including injunctive relief and damages.

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We are hopeful these steps are unnecessary — we prefer prompt cooperation over protracted litigation. But if UCSO will not correct its record or produce the public and evidentiary materials it controls, we will escalate immediately.

This correspondence constitutes a formal demand for a complete retraction and written public apology within forty-eight (48) hours. Should no such retraction and apology issue within that time, we will file formal complaints with the North Carolina Department of Justice and the North Carolina State Bar for abuse of authority, unprofessional conduct, and potential violations of citizens' First Amendment rights.

Sincerely,

Christopher Comiskey

[Quoted text hidden]



UCSO Comiskey Response - 10282025.pdf

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