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To whom It May Concern,

In 2002, I was retained to represent Ismael Hassan and Khalid Saadiq, who were charged with various criminal offenses following an encounter with two Asheville Police Department officers.

On the evening of July 21, 2001, Mr. Hassan was standing in his own front yard at 47 Blanton Street in Asheville. With him were his five-year-old son and his best friend, Khalid Saadiq. Two Asheville police officers pulled up at 47 Blanton and ordered Mr. Hassan and Mr. Saadiq back into Mr. Hassan's car.

Mr. Saadiq and Mr. Hassan had both grown up in Asheville. At a certain point in their lives, both men became Muslims. Mr. Hassan had grown up on Blanton Street as Tyrone Koon. Mr. Saadiq lived nearby. He had changed his birth name from Carl Smith to Khalid Saadiq.

Unbeknownst to the policemen, Mr. Saadiq had himself previously served – for about 12 years, if I recall correctly – as an Asheville Police Officer. In July 2002,

Mr. Hassan was certified as a law enforcement officer and was employed by the North Carolina Department of Corrections.

When ordered back into the car, Mr. Saadiq asked the officers, “Why” and “What for?” Throughout the encounter, the officers never answered that question.

Mr. Hassan walked his five-year-old son, Elijah, to the front door of their home and scooted the child inside. Then, he returned to the area of the front yard where One of the officers was handcuffing Mr. Saadiq.

Before Mr. Hassan could say or do anything, the other officers stepped forward and pepper-sprayed him in the face. One of the officers jumped on his back and twisted his arms behind him so that he, too, could be handcuffed. Mr. Hassan was taken to the ground where he was beaten by the officers. A neighbor made a video recording of what happened next. On the video, you can see the officer – taller and heavier than Mr. Hassan – driving his knee into Mr. Hassan’s back.

Both Mr. Hassan and Mr. Saadiq were arrested. Mr. Hassan was charged with Assault on a Government Official; Resisting an Officer; Use of Profane Language on a Public Street; Failure to Yield to a Red Light; and an Improper Turn. If I recall correctly, Mr. Saadiq was charged with Resisting an Officer.

From the beginning, both men had asked the officers to give them a reason for the policemen’s actions. At trial, the officers testified that Mr. Hassan had made a rolling right hand turn at a red light at the intersection of Short Coxe and Southside Avenues. Both Mr. Hassan and Mr. Saadiq denied that Hassan had run the light.

Years later, I learned the real reason for the encounter. That night, APD had been conducting an undercover drug operation in the Lee Walker Heights housing project. With no reason other than two black men riding in a nice car with custom magnesium rims and factory-tinted window, The officers assumed that Hassan and

Saadiq had been involved in a drug transaction. In other words, the officers had confronted and violently arrested two entirely innocent citizens – themselves both certified law enforcement officers.

The fact that the officers had stopped the wrong car left APD with a problem in the criminal trials of Mr. Hassan and Mr. Saadiq. Under North Carolina law, a citizen had no obligation to submit to an unlawful arrest and may resist that arrest. So, the APD officers made up a story about the red light.

In other words, at trial, APD staged a cover-up. In charge of that cover-up was the Patrol Captain Daryl Fisher, who testified as a State's witness at the trial and who orchestrated the testimony of other police witnesses. As you know, Mr. Fisher is currently a candidate for Buncombe County Sheriff.

A Buncombe County jury saw through the facade. Mr. Hassan was found not guilty of all charges. Mr. Saadiq had previously been acquitted in District Court.

I believe copies of the videotape of the encounter remain available.

As a candidate for sheriff of our county, Mr. Fisher should be called to account for his role in the Hassn-Saadiq matter.

Sincerely yours,

Sean Devereux