

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NORTH CAROLINA

POST OFFICE BOX 5006

GREENVILLE, NORTH CAROLINA 27835-5006

MALCOLM J. HOWARD
JUDGE

November 18, 1996

TELEPHONE: (919) 830-4976

The Honorable Janice M. Cole
United States Attorney
Federal Building, Suite 800
310 New Bern Avenue
Raleigh, NC 27601-1461

Re: Assistant U. S. Attorney J. Eric Evenson, II

Dear Mrs. Cole:

I am writing to commend Assistant U. S. Attorney J. Eric Evenson, II, of your office for the outstanding and extraordinary performance of duty in the prosecution of United States of America v. Dushawn Gardner, et al.

Mr. Evenson has been involved in this case for numerous months and represented the United States in a professional and exceedingly competent manner throughout this proceeding. As you are aware, this particular federal "death penalty" proceeding was begun almost a year ago and originally involved nine defendants, all of whom were charged with multiple counts of the "federal death penalty."

The case has been exceedingly complicated and highly contested. It resulted in four of the defendants proceeding to trial during the period October 21 - November 12, 1996. Prior to the trial, there were literally hundreds of motions and responses by Mr. Evenson and his staff, all of which responses and motions exhibited great thought and particular attention to legal detail.

During the trial, Mr. Evenson and his co-Assistant U. S. Attorney called more than 80 witnesses on behalf of the United States. Through these witnesses and stipulations, they introduced more than 300 exhibits. The case was competently and professionally defended by four of the most experienced attorneys in the eastern North Carolina district defense bar. Throughout the entire trial, Mr. Evenson exhibited great knowledge of criminal trial procedure, as well as the exhibition of extraordinary personal trial tactics. He wasted none of the court's time and sought only the "truth" from the witnesses testifying on behalf of the United States.

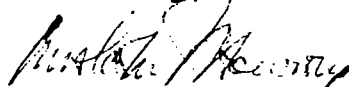
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In the twenty-five years that the undersigned has experienced courtroom activities, including approximately nine years on the federal bench, I have never witnessed a more effective and detailed presentation by any attorney. Mr. Evenson's preparation was evident, his mastery of the federal criminal laws was extraordinary, and his courtroom demeanor and trial tactics were superb.

Eric Evenson brought and continues to bring great credit upon the Office of the U. S. Attorney for the Eastern District of North Carolina, himself, and the United States.

I recommend that after your review, you cause this letter to be presented to him on behalf of yourself and the undersigned.

Sincerely,



MALCOLM J. HOWARD

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P.S. Mr. Evenson's final argument/rebuttal, which lasted approximately 50 minutes, was perhaps the most outstanding, concise, thorough, and persuasive that I have ever seen presented to a trial jury.