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September 27, 2024

VIA EMAIL

Wendy J. Olson
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Re: Aaron S. Hughston / Morgan Ballis

Dear Ms. Olson:

This firm represents Aaron Hughston regarding his dispute with Morgan Ballis. As such, please direct all future correspondence to me. I am writing in response to your letter directed to Mr. Hughston dated September 23, 2024, in which you threaten him to cease from making and publishing “defamatory statements about Morgan Ballis” or otherwise you’ll initiate legal action. I have reviewed your letter and what related materials my client and I could obtain, and I find your allegations factually false and without legal merit.

As you are aware, Mr. Hughston and Mr. Ballis are public figures engaged in a political campaign for the position of Sheriff – a leadership position in law enforcement requiring discretion, judgment and public trust. Free speech is an integral component of our political democracy. For this reason, establishing defamation against a political candidate is a very high bar, requiring a showing of actual malice. This is because such actions are often used as a tool to intimidate and silence the opposition when the facts being uncovered are particularly disturbing, and our system wishes to encourage public discourse, particularly on matters of public interest.

You have asserted defamation on behalf of political candidate Ballis and point to statements and opinions that have been expressed regarding Ballis’s criminal history (clearly highly pertinent to a position in law enforcement and of public interest). Specifically:

1. You allege Hughston stated “Ballis has a sexual assault on his record.”
2. You take issue with an alleged label of “Ballis Rape Report” to describe what you characterize as simply a police report in which Ballis was merely “one of several individuals interviewed about an incident determined not to be a crime.”
3. You assert Mr. Hughston told someone that “Morgan raped a girl when he was 15” and this statement is “unequivocally false” and constitutes defamation per se as it accuses Morgan of a crime.
4. You assert Ballis was falsely accused by Hughston of domestic violence against a 2-year-old.

5. You take issue with the statement that Ballis was arrested on DUI, both alcohol and narcotics.

As a preliminary matter, many of your assertions are vague as you accuse Hughston “and others affiliated with [his] campaign” of making certain statements but fail to provide details or enclose the examples. For example, in what communications did Hughston state that Ballis has a sexual assault on his record? Can you please provide a copy. Also, what are the specific details regarding your allegation that Hughston told someone that Morgan raped a girl when he was 15? Additionally, you assert it is false that Ballis was arrested on DUI for alcohol and narcotics. Can you please provide a copy of the related police report describing the circumstances of his arrest beyond the stated charge so I can assess what you’re asserting?

Setting aside whether Hughston and/or members of his campaign expressed the above statements and opinions, I take great issue with your efforts to recharacterize and downplay Ballis’s criminal history in an effort to strengthen his defamation claims and thereby silence community members concerned about Ballis’s record (which is replete with serious allegations of public import, particularly when considering who to entrust with a leadership position in law enforcement).

Your letter asserts the terms “rape” and “sexual assault” are defamatory when used to describe what you characterize simply as Ballis being “one of several individuals interviewed about an incident determined not to be a crime.” I trust you have not personally reviewed the relevant Sheriff’s incident report, and so I have enclosed a copy for your review. *See* enclosed Pima County Incident Report No.020423369.

As an attorney for victims of sexual assault, I am sure you are aware that these victims face tremendous challenges in coming forward with their stories. By attempting to conceal Ballis’s significant involvement in this matter and reframe such serious acts (including acts admitted at the time by Ballis) as something much less serious, shows a profound disrespect to young victims like the girl described in the enclosed report – and for all victims who deserve to have their trauma recognized.

As you will read in the enclosed Pima County Sheriff’s Department Detail Incident Report into the “possible rape of a juvenile,” the following statements were made to police:

- A boy in high school told his father he went to a party where a video of four males having sex with a juvenile student was being shown. Three were Sophomores and one was a Junior in High School. The victim was in Junior High. The boy’s sister confirmed rumors of a “gang rape” at school.
- The four high schoolers in the video having sex with the Junior High girl were Ballis and his three friends.
- The victim in the video was friends with Ballis but not the other three, who were Ballis’s friends.
- Upon being interviewed, the Victim reported that Ballis and his friends asked her to perform oral sex on them.
- The Victim reported “they continually asked her to do this, and she continued to tell them no, that she did not want to.”

- They continued to pressure her and berate her, calling her a “pussy” and saying that’s why she was there.
- She said “she agreed to do it just to make them stop....”
- The Victim reports that Ballis was one of the individuals present who tried to have sex with her and ultimately who received oral sex from her.
- The Victim further reported she realized Ballis had recorded on videotape (without telling her) her performing oral sex including one of his friends ejaculating into her mouth.
- When the Victim got home she asked Ballis for the video he recorded and he told her it didn’t come out.
- When the Victim was interviewed by police, she “became very distraught and began to cry”. The interviewing officer had to stop the tape until she could compose herself.

According to the report, the county attorney declined to prosecute due to insufficient evidence as the victim stated the acts were consensual because she had not been forced or threatened. It is unclear if the young girl received guidance regarding the definition of rape or what her mental state was in terms of pursuing charges against her friend and older classmates. What research tells us is the trial of sexual offenses can be extremely emotionally traumatic for victims, particularly the most vulnerable victims – children. It is also unclear why the prosecutor didn’t pursue other charges against Ballis for child pornography. In any event, as you know, the lack of a criminal conviction does not prevent informed constituents from forming their own opinions of what occurred based on what is available to review in public documents. Ballis may have escaped charges in court, but as a public candidate, he is willingly engaging in the court of public opinion.

Similarly, constituents have a right to know about and form opinions of an event involving a candidate for Sheriff whose wife (at the time) called call 911 to report him for hitting his 2-year-old across the face with an “amount of force ... more than a reasonable amount for a two year old child” and taking off with the child without a car seat. And they further have a right to form opinions regarding another incident in which Ballis’s ex-wife called law enforcement for help, in which there is a notation that “*she had been in active contact with detectives in the domestic violence unit....*” (Pima County incident report no. 140330245). While a two-year old may not have the ability to verbally report his physical injury, I refer you to Idaho’s definition of domestic violence. Statements and opinions characterizing his behavior as befitting of this description are certainly not “categorically false.” The members of the public voting in this election are smart and can review the reports of what occurred for themselves and assess whether women who are typically “in active contact with detectives in the domestic violence unit” are in houses with domestic violence.

Blaine County Sheriff’s office aptly lists its core values as: Integrity, “which is crucial to operational success as a vital aspect of the ... Office”; Honesty “crucial to maintain a healthy relationship with peers, supervisors, and to maintain credibility....”; and Trust “obtained and attained so long as the other Core Values are maintained and attained.” All of the public records referred to in our correspondence are at least relevant to Ballis serving in his current role as a representative of this office, let alone in a promoted leadership role. It is evident your attempt to label opinions and statements about Ballis’s record is an effort to avoid public discussion about

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September 27, 2024
Page 4

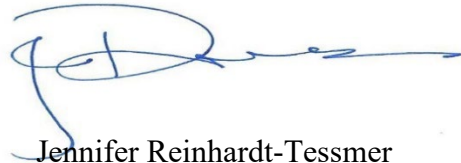
his past, which is not only counterproductive to free speech, but it also undermines the foundations of our democratic society. Political candidates must expect and accept criticism as part of their public role.

You and your client's attempts to carefully parse words so as to provide the misperception that Ballis has never engaged in the disturbing conduct described in these public documents is perplexing given the supporting documentation. Mr. Ballis should cease further attempts to conceal such serious conduct and to consider the ethical implications of doing so. I further urge your client to reconsider his tactics in this race. Engaging in dialogue, rather than attempting to stifle viewpoints, is the proper avenue for addressing the concerns of constituents. In this vein, I believe Mr. Hughston has invited Mr. Ballis to participate in a public debate.

As to the legal claims, be advised that if you continue efforts to pursue these baseless claims, our firm is prepared to take the necessary legal steps to protect Mr. Hughston's rights, including all remedies under the law. Further, we will not hesitate to take appropriate actions to ensure that the full and accurate history of Ballis's offenses is presented to the court, the public and any other relevant bodies, in order to prevent any further miscarriage of justice.

Sincerely,

KIRTON McCONKIE



Jennifer Reinhardt-Tessmer

JRT:vra

Enclosure