



State of Rhode Island and Providence Plantations

DEPARTMENT OF ATTORNEY GENERAL

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Patrick C. Lynch, Attorney General

October 27, 2008

Ms. Denise J. McNerney
Merits Cases Clerk
Supreme Court of the United States
One First Street, N.E.
Washington, D.C. 20543

Re: *Carcieri v. Kempthorne*, No. 07-526

Dear Ms. McNerney:

In response to your request to the Governor and the State of Rhode Island made through the law office of Gibson, Dunn & Crutcher, I advise you on behalf of the State by and through Attorney General Patrick C. Lynch that this office does not support the Emergency Motion filed by Mr. Joseph S. Larisa, Jr., counsel for the Town of Charlestown, Rhode Island on October 27, 2008.

In said Motion, Mr. Larisa asks that the Court reconsider granting divided argument in this case. This Honorable Court has already denied two such Motions. Thereafter, your office made clear to the three parties, including the Attorney General that you expected all three parties to comply with those orders and designate one counsel to argue this case. This Office has taken unprecedented actions to comply with that request, including offering a democratic vote to select counsel who could legally represent all citizens of this State, including all residents of Charlestown, Rhode Island, and even agreeing to cede our time to Governor Donald Carceiri's counsel. Unfortunately, the Town of Charlestown (a small town in Rhode Island) has frustrated those efforts.

We intend to approach that Town in a renewed effort to select one counsel in compliance with this Court's directive. I am hopeful we can supply that name by the designated deadline.

Respectfully submitted,

Neil F.X. Kelly
Assistant Attorney General

Ms. Denise McNerney
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cc: Hon. William K. Suter
Cynthia Rapp
Hon. Donald L. Carcieri
Kernan King, Esq.
Theodore Olson, Esq.
Hon. Patrick C. Lynch
Joseph S. Larisa, Jr., Esq.