

**2019 Spring Public Defender  
Attorney & Investigator Conference  
PLENARY SESSIONS  
May 8-10, 2019 – Wilmington, NC**

**ELECTRONIC CONFERENCE MATERIALS\***

\*This PDF file contains "bookmarks," which serve as a clickable table of contents that allows you to easily skip around and locate documents within the larger file. A bookmark panel should automatically appear on the left-hand side of this screen. If it does not, click the icon—located on the left-hand side of the open PDF document—that looks like a dog-eared page with a ribbon hanging from the top.

## **2018-19 OFFICE ACCOMPLISHMENTS**

### **SUCCESS FOR CLIENTS**

#### **Trial victories**

Mecklenburg APD **Taylor Adams** worked through the way to defend a domestic violence case in his workshop in the Defender Trial School. Despite losing a *Thompson* motion, the ultimate outcome was not guilty verdicts on all charges. Sayeth Taylor, “Trial School works!”

Wake APD **Joe Arbour’s** client was charged with first degree murder based on felony murder. The underlying felony was child abuse, but Joe, assisted by Investigator **Jerry Winstead** and APD **Molly Hanes**, was able to show that the child’s injuries could have been caused by another child’s emulating TV wrestling moves. The jury rejected felony murder and instead convicted Joe’s client of involuntary manslaughter for failing to properly supervise the children, and the client was sentenced to time served. (The case is on appeal on the issue of whether mere neglect constitutes criminal negligence.)

**Joe** and investigators **J.C. Bais** and **Greg Porterfield** successfully defended a client originally accused of murder but tried on charges of involuntary manslaughter and AWDWISI. Joe convinced the jury that his client had the right to stand his ground as an invited guest, and the jury acquitted on all charges.

Another Trial School-workshopped case resulted in victory. First District APDs **Alicia Cassidy-Quate** and **John Raper** achieved a not guilty verdict in a two-day trial. Alicia and John’s client was accused of having sex with a friend who had passed out from drinking too much alcohol. The judge instructed the jury on rape and attempted rape, and the jury rejected both after deliberating for 45 minutes.

Robeson APD **Tatiana Daniel** achieved not guilty verdicts in two DWI trials.

Buncombe APD **Yolanda Fair** got the State to reduce an AWDWISI charge to misdemeanor assault with a deadly weapon and proceeded to try it in district court. The case involved the alleged victim’s calling Yolanda’s client racial slurs and pulling a knife on her client. Yolanda used her Racial Equity Network training to give her the knowledge and confidence to raise the racial issues, and she successfully achieved a not guilty verdict.

Second District APD **Laura Gibson** achieved a not guilty verdict in a case involving allegations of rape of a child.

In a trial involving their client's alleged first degree murder of her boyfriend, Buncombe APDs **Kerry Glasoe-Grant** and **Brooks Kamszick**, helped by investigators **Allison Owen** and **Josh Millsaps** as well as APD **Courtney Booth**, achieved a guilty verdict on the lesser charge of voluntary manslaughter. The boyfriend was a former local TV station employee, so [the case got a lot of publicity](#), but the team successfully presented evidence of a shoddy investigation and the boyfriend's abuse of their client.



Brooks and Kerry with their client

Guilford APD **Johnna Herron**, uncovered during trial the fact that a [detention officer had lied about her client's stealing his car](#) in order to avoid losing his job for drinking with a woman, giving her his car keys, blacking out, and not being able to get in touch with the woman when he sobered up. The DA dismissed the charges against Johnna's client, and the detention officer was sentenced for contempt to 30 days in the jail where he had worked.

Second District APD **Norma Laughton** tried and obtained not guilty verdicts in numerous high-level felonies in Beaufort and Martin Counties.

Robeson APD **Matthew McGregor** got a VD in a DWI trial.

The "DWI King," Robeson APD **Jack Moody**, was able to dispose of seven DWI cases in one week in trial, five of which ended in not guilty verdicts.

In a non-capital first degree murder case, ACD **Rick Miller**, OCD Investigator **Jennifer Shires**, and private attorney Tabitha Bingham presented enough evidence in an imperfect self-defense case to impel the jury to return a verdict of involuntary manslaughter. The client was sentenced to 12 months active time, but Rick recognized that his client's drinking was the underlying problem and persuaded the judge to allow the client to serve his time at DART Cherry for rehabilitation.

ACD **Sam Snead** got an 11-1 hung jury on a retrial in a non-capital murder case in which a jailhouse snitch testified via closed-circuit video over Sam's objection. As Sam predicted, the State later quietly dismissed the case.

In her first jury trial, Robeson APD **Erin Swinney** earned not guilty verdicts on charges of injury to personal property and communicating threats after successfully getting several other charges dismissed.

Guilford APD **Richard Wells** tried a Class E Felony Assault by Pointing a Firearm at a LEO involving a shooting outside a nightclub. The officer testified that he was around seven yards away from the shooter at the time, never lost sight of the gunman the entire time, and was 100% sure it was Richard's client, and the defense was that another person had the gun, there was a 15-20-person melee taking place in the area, the police were mistaken, and the person who pointed the gun was trying to break up the fight and not to aim at the officer. The defense won the argument and the jury returned a verdict of not guilty.

I was just thinking about you and the great job you did in representing my son [REDACTED]. Thank you for believing in him and taking the time to listen and put forth your greatest effort in defending him. I admired you in court and you are a great attorney. My son's freedom was put in your hands and with you and God my son was able to walk out of court a free man. My son is able to continue with his life as God planned and I thank you from the bottom of my heart. You are a special and unique attorney. Thank you. Thank you. I and my son [REDACTED] will never ever forget you. Stay blessed

Thank-you email from Richard's client's mother

Dear Richard,

I just wanted to write you a note to say that I thought you did a completely amazing job of defending your client....Mr. [REDACTED]. I believe without a doubt we did the right thing today, but I just wanted to let you know how proud I was of you and the job that you did. I know at this point in your career you could probably write a book on the things you've seen and if that day comes I would be first in line to buy.

It makes me feel good as I know it does you even more so, when justice is served. Knowing that there are people like yourself and Stuart Albright making sure this happens as much as possible makes me feel real proud to call Greensboro my home. You guys are truly unsung heroes as far as I'm concerned.

Anyway, I just wanted to wish you all the best and relay my thoughts.

Letter to Richard from juror

### Appellate victories

Trial courts cannot revoke probation for one missed, unannounced, home visit even when coupled with missed office meetings, thanks to AAD **Emily Davis's** winning *State v. Krider* in the North Carolina Supreme Court.

In *State v. Griffin*, AAD **Jim Grant** convinced the Court of Appeals that absent any evidence that satellite-based monitoring is effective to protect the public from sex offenders, continuous SBM for 30 years was a violation of the client's 4<sup>th</sup> Amendment rights and should not have been imposed.

And thanks to **Jim** (and the First Amendment), you can now talk about people all you want on Google Plus, according to the Court of Appeals in *State v. Shackelford*.

AAD **Jill Katz** won a new trial in *State v. Whitfield*, where the trial court's denial of Mr. Whitfield's motion to sever a joint trial resulted in his not being able to raise a duress defense to a charge of first degree murder.

AADs **Kathy VandenBerg** and **John Carella**, and former AAD **Barbara Blackman**, convinced the North Carolina Supreme Court to vacate the death sentence in *State v. Juan Carlos Rodriguez*.

North Carolina's new self-defense law has teeth and actually means something thanks to victories by AADs **Amanda Zimmer**, **Andy DeSimone**, **Paul Green**, and **Dan Shatz** in *State v. Lee*, *State v. Irabor*, and *State v. Kuhns*. Additionally, in conducting the extensive research to develop an as-yet-unpublished self-defense litigation guide, they have been able to provide advice to trial counsel on multiple pending murder and felony assault cases.

### **Good outcomes**

Showing the importance of investment in developing relationships with clients and their families, Guilford APD **Wayne Baucino** and the defense team spent 21 months meeting with their client monthly and calling the client's mother in a capital case with terrible facts. The time they spent made them able ultimately to convince the client to take an LWOP plea.

Robeson APD **Gayla Biggs** obtained VDs in three serious cases, one involving charges of breaking or entering, AWDWISI, felony abuse of a disabled or elderly adult with injury, and two counts of felony conspiracy; another for conspiracy to commit robbery with a dangerous weapon; and one for three counts of first degree kidnapping and one count of second degree kidnapping.

Successes enjoyed by Robeson APD **Tatiana Daniel** included dismissal of a case with charges of possession of an open container in the passenger area and operating a vehicle with no insurance as well as getting a VD of a failure to wear a seat belt as a driver charge and a PJC on a reckless driving to endanger. Additionally, eight of her clients are in substance use treatment, and she helped several clients to restore their drivers' licenses.

One of **Tatiana's** clients was indicted on felony breaking or entering a motor vehicle and first degree trespass charges, and the client was level VI for sentencing purposes, having had 55 priors. Tatiana was successful in getting a plea for attempted breaking or entering, a class A1 misdemeanor, and the client was sentenced to 120 days suspended on supervised probation. Another client was looking at a plea to 16-33 months active time as a level VI with 34 priors. Thanks to Tatiana's hard work, the client's felony and misdemeanor larceny, larceny after breaking or entering, and breaking or entering charges were dismissed, a larceny of a firearm charge was reduced to a misdemeanor larceny, and other felony breaking or entering and larceny after breaking or entering charges were reduced to misdemeanors. Her client was sentenced to 120 days, suspended on supervised probation for 24 months and an order to pay \$500 in restitution. Another of her clients was facing a taking indecent liberties with a minor charge but was able to plead guilty to misdemeanor sexual battery.

Robeson PD **Ronald Foxworth** achieved VDs of serious cases in two cases. In each case, charges of trafficking opium or heroin were dismissed, and in one additional charges of maintaining a vehicle, dwelling, or other place for use, storage, or sale of controlled substances and possession of a firearm by a felon were as well. In one of the cases, the client received probation for the other charges, while the other client got active time on the remaining related charges.

Mecklenburg APD **Charlena Harvell** represented at a *Miller* resentencing hearing a juvenile defendant convicted of first degree murder and facing LWOP. She presented evidence of the client's very difficult childhood, drug abuse, and mental illness, as well as his significant improvements while incarcerated. Her efforts convinced the judge to impose a sentence of life with parole.

Hoke County APD **Jim Hedgpeth** secured favorable plea arrangements for clients held in custody on serious felony charges. In one case, Jim's client was charged with ADWDIKISI and possession of a firearm by a felon, resulting from the client's shooting his girlfriend in the abdomen, either intentionally or during a struggle over the gun, depending on whom you believe. When the case was set for trial in February 2018, the client failed to appear for court. Noting that the FTA wasted valuable state resources because two interpreters had been appointed for the trial, the presiding judge set a secured bond of \$750,000 and imposed the extraordinary condition that the bond was not to be modified by any other superior court judge in the state. Jim's client was apprehended in June 2018 in the state of Washington, and, after the client had been in custody approximately 10 months, Jim negotiated a plea arrangement for the client to enter pleas of guilty to possession of a firearm by a felon and AWDWISI, for which the client received consecutive suspended sentences of 29 to 47 months and 14 to 26 months and was placed on supervised probation for 36 months. This disposition was a significant improvement over the original plea offer, which called for an active sentence of 29 to 47 months.

In another case, **Jim's** client faced two counts of statutory rape and multiple related charges arising from allegations that the client had sexually abused his teenage stepdaughter between 2007 and 2009. The client rejected an initial plea offer which contemplated a minimum active sentence of approximately 18 years but consented to several continuances and remained in custody approximately 27 months, at which point Jim negotiated a significantly improved plea arrangement of one active sentence of 25 to 39 months on guilty pleas to two counts of indecent liberties and two counts of sexual activity by a substitute parent, with all other charges dismissed.

Mecklenburg APD **Dean Loven** represented a woman charged with first degree murder for stabbing her boyfriend. The client was found in the garage of the house where the boyfriend died, sleeping next to a knife, which she said she had for protection, with blood on her pillow and a trail of blood between the garage and the entry to the house. Investigators **Stephanie Mieldon** and **Sylvia Summers** uncovered extensive evidence of the abuse and assaults the client had suffered from the boyfriend, and social workers **Sharlise Spindle** and **Leslie Fields** identified potential counseling programs. The State dismissed the murder charge and Dean reports that the client enrolled in classes to help her deal with her posttraumatic stress disorder and resulting alcohol issues and is on track to get a job similar to the great job she had before.

Several attorneys were successful in getting NGRI rulings, such as ACD **Brooke Mangum**, Pitt APD **Matt Geoffrion** with the assistance of AA **Bonita Raby** and Investigator **Rodney Glover** on the defense team and the advice of **Brooke** and New Hanover PD **Jennifer Harjo**, and New Hanover APD [Niccoya Dobson](#).

Robeson APD **Michael McDonald** obtained VDs in various cases involving charges of obtaining property by false pretense; attempted obtaining a controlled substance by fraud or

forgery; AWDW and AISI; resisting a public officer; discharging a weapon into occupied property and discharging a firearm within the city limit; and forgery/uttering and first degree trespass. One of Michael's clients was sent to TROSA for treatment on two counts of felony larceny after breaking or entering charges, injury to personal property, two counts of conspiracy to commit larceny after breaking and entering, and three counts of breaking or entering a motor vehicle; another was given a deferred prosecution and ultimate VD on a charge of PWISD marijuana, and still another received 12 months supervised probation with substance use treatment on a charge of larceny after breaking or entering. As the office puts it, "Superman is back."

VD successes by Robeson APD **Matthew McGregor** occurred in several cases for charges of larceny after breaking or entering and injury to real property; possession of a stolen vehicle and possession of burglary tools; violation of a domestic violence protection order; and common law robbery. He also was granted a motion to quash in a felony larceny case.

Buncombe PD **LeAnn Melton** [negotiated a plea to second-degree murder](#) for her client in lieu of the first degree murder charge resulting from a fatal bar shooting.

Robeson APD **Jack Moody** achieved VDs in cases involving fictitious or altered title, registration card, or tag and no liability insurance; DWLRs, cancellation, revocation, or suspension of certificate or tag, and operating a vehicle with no insurance; reckless driving to endanger, and assault on a female. He obtained a court dismissal in a felony extradition case and was able to get VDs and a finding of no probable cause in DWI cases.

District 29A APD **Brian Oglesby** and PD **Laura Powell** had a weeklong trial on three B1 felonies and two Class F felonies. The jury deadlocked on a Friday, and the judge dismissed them for the weekend. At that point, the State offered a plea to one Class C and one Class F for eight and a half years active time, three years of which the client had already served, and the client accepted. A jury member later related that the jury was 9-3 for guilt.

Three of the five clients Robeson APD **Troy Peters** represented in post-release hearings were released from custody. Troy also obtained VDs in cases with charges ranging from failure to register as a sex offender; extradition; and felony sale or delivery of marijuana, possession of a firearm by a felon, and several related misdemeanors.

In a trafficking opium or heroin case, **Troy** negotiated to have all of the client's charges in three other counties transferred to Robeson County, to allow the client to successfully complete parole and probation from judgments in other counties, and for the client to be offered a plea to attempt on the current case and to be placed back on probation.

After several years of having his mentally disabled client evaluated and working diligently towards a just outcome in a gruesome murder case alleging robbery and use of a machete, ACD **Vince Rabil**, assisted by investigator **Janet Holahan**, was able to achieve a plea to second degree murder.

First and Second District PD **Tommy Routten** has been representing Leroy Spruill since 2010 in the advice and waiver and investigation phases of an innocence proceeding. [The eight-member](#)

[Innocence Inquiry Commission unanimously referred the case to a three-judge panel](#) to determine whether there is clear and convincing evidence of innocence at a hearing in October. Tommy was heard to say that getting to deliver the news to Mr. Spruill of the unanimous decision of the panel was the proudest moment he has had as a lawyer.

Robeson APD **Erin Swinney** has taken over non-compliance court and is described by her office as “a force to be reckoned with.” In that court, she was able to get a continuance for the remainder of monies to be paid; community service; community service remitted due to rehab; and community service modified to 24 hours time served.

**Erin** also achieved VDs in cases of misdemeanor breaking and entering and resisting a public officer; shoplifting by concealment of goods; larceny; and second degree trespass.

Durham APD **Shannon Tucker**’s client was charged with peeping using a photographic device and indecent liberties with a child after being identified by several witnesses and supposedly captured on video following a girl around a store and taking a cellphone photograph of her using the bathroom. Despite being rebuffed by several potential alibi witnesses, Shannon prevailed because the client’s phone records obtained by the State showed that he was nowhere near the scene at the time, and State eventually dismissed the charges.

APD **Zeke Webster** is off to a great start in the Robeson PD Office, getting four VDs in cases involving charges of communicating threats; first degree trespass by entering or remaining and communicating threats; disorderly conduct; and harassing phone calls.

First District APD **Jenny Wells** represented two women charged with voting as convicted felons because they were still on probation. Jenny coordinated with other attorneys engaged in similar representation across the state and negotiated vigorously for a fair resolution. Ultimately, Jenny’s efforts resulted in the clients’ getting unsupervised probation and findings that the convictions would not violate their current probation.

### **Going the extra mile/fighting the good fight**

Former Chatham County now 29A APD **Jacob Harwood** was speaking on the phone with a woman in South Carolina about her daughter’s case and the woman suddenly was not on the phone any more. Jacob tried to call back and the line was busy. After much difficulty in figuring out how to determine whether she was okay, local police were sent to her house for a safety check, and they found her bleeding with a head injury from passing out while on the phone. The woman later called the office to relate that Jacob had saved her life and that she was very grateful.

Regional Defender Tucker Charns reported observing Pitt APD **Ann Kirby** doing excellent work in a murder plea and sentencing where Kirby’s client was charged with two others in the shooting death of another young man. Said Tucker, “The authenticity of [Kirby’s] grief for the victim and her advocacy and defense of her client obviously brought relief to both the family of the victim and her client.”

Mecklenburg APDs **Herman Little** and **Rex Marvel**, along with PD **Kevin Tully**, [spoke out](#) against [ICE’s practice of arresting people inside the courthouse](#).



## COLLABORATION

Throughout the year, messages abounded on the APD and PD Investigator listservs requesting help from other offices in checking out-of-county records and resolving charges that were preventing clients from being released from custody or having clean driving records. Responses indicated that their colleagues' ready willingness to assist. An upshot of this collaboration was Wake APD **Emily Mistr**'s compilation of a list of office contacts for traffic case assistance.

**Emily** also notified her fellow APDs around the state of a date on which a Wake County court would hear motions to remit costs and fines on old traffic matters leading to license suspensions and invited her colleagues to get her information about any of their clients in such situations due to Wake County tickets, including those about to take active time so that they could get their licenses upon release from prison. Afterwards, she reported that she had submitted 69 motions to remit for 38 clients, all of which were granted, resulting in \$17,400 of court debt being remitted. Several of the clients were referred by APDs in other counties.

Mecklenburg APD **Anthony Monaghan**, Wake APD **Deonté Thomas**, and AAD **Nick Woomer-Deters** volunteered to be part of NAPD's Across the State Line: A Criminal History Records Project, creating a network of PDs to consult with to obtain out-of-state client and witness criminal history information.

Everyone in the **Scotland PD Office**, including the attorneys, support staff, investigator, and intern, worked together on PD Jonathan McInnis's indecent liberties with a child case to prepare the client to testify and to dissect the State's case.

Wake Juvenile Chief APD **Mary Stansell** and Wake APDs **Laura Meyer** and **Sharif Deveaux** have been working with OJD on a grant proposal to the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) to pilot use of a social worker for juvenile cases in light of Raise the Age legislation.

## SERVICE TO THE COMMUNITY

Durham APD Dawn Baxton [ran for the superior court bench](#) for the 14<sup>th</sup> Judicial District.



Dawn

Mecklenburg APD **Mujtaba Mohommed** was elected to the NC Senate, where he is currently the youngest member of that chamber.



**Mujtaba**

Robeson APD **Jack Moody** [narrowly lost his race](#) for the District 16B district court bench.



**Jack**

**Robeson Office support staff** were cited for their work with Re-Entry Program participants. The office reports that they have assisted numerous people in getting old cases dismissed and helping to regain drivers' licenses, noting that "their grunt work makes it a seamless move forward." Robeson AA Kim Taylor returned the compliment, saying that she loves "these guys here," as "they are always willing to go the extra 10 miles, not just the extra mile." PD Ron Foxworth confirmed, "It is definitely a team effort here and I could not ask for a better group of employees."

The **Guilford Office support staff** organized a potluck lunch event to have a "Period Party" to collect feminine hygiene products for homeless women and helped create packs for over 200 women. The office spread the word to the clerks in the courthouse, and there is now talk of scheduling parties for several departments in that office as well.

Guilford APD **Marcus Shields** was appointed by the Governor to the district court bench for the 18<sup>th</sup> Judicial District.



Marcus and his investiture invitation

## IMPROVING THE SYSTEM

First District APD **Brandon Belcher** has been the point person on a judicial committee in the district to help to implement Raise the Age. This work has required his coordinating with various people in the seven counties in the district. Thanks go out also to all the other PDs and APDs who have been thinking about and assisting locally in implementing the legislation.

The **Buncombe PD Office** was part of an initiative that garnered a \$1.75 million MacArthur Foundation grant as part of the Safety and Justice Challenge to reduce the jail population. Some of the grant will go to providing the office with an additional APD.

The **Buncombe Office** also collaborated with other court officials on the county's fifth [Amnesty Day](#) to clear up outstanding misdemeanor and traffic charges.



LeAnn with other court officials

Wake PD **Chuck Caldwell** was quoted in an [article](#) in a series about bail reform, noting that an 18-year-old taking money from the till at McDonald's is not likely going to be much of a danger to society.

Furthering his status as the expert on financial burdens faced by indigent clients, Guilford Chief Assistant PD **Dave Clark**'s [article](#) on the need for bond reform, "Freedom for Sale," was published in the Fall 2018 edition of the State Bar *Journal*.



Dave's article

Two Second District APDs have been working on committees to combat substance use. **Mac Cleborne** has been involved with a local committee to establish a program in the district to help deal with opioid use, and **Galo Centenera** has been on a committee to start Drug Treatment Court.

AAD **Andy DeSimone** developed, planned, and executed a new appellate training program called "Beyond the Basics: Innovations in Appellate Public Defense." More than fifty appellate practitioners from around the state attended the two-day conference in Durham.

Durham APD **Hannah Emory**, along with Juvenile Defender **Eric Zogry**, was quoted in an article about the [continued practice of shackling juveniles in court](#).

Mecklenburg APD **Elizabeth Gerber** (along with former Robeson APD **Deanna Glickman**) were among those featured in the ACLU-NC's report, [\*At All Costs: The Consequences of Rising Court Fines and Fees in North Carolina\*](#). Robeson APD **Erin Swinney** also contributed information for the report.



**Elizabeth**

The **Guilford PD Office** was cited by April Parker at Central Regional Hospital for their excellence in filling out paperwork for things such as local forensic exams, commitment for examination, and commitment custody orders. **APD Richard Wells** has worked hard to foster good communication with Central Regional and has developed a guide for attorneys and support staff on completing these forms, and the staff and the clerk of court have devised labels to attach to the forms so that everyone is clear on who gets the required copies and is notified. The office also scans and immediately emails many documents to the jail and other agencies, as well as delivering certified copies, which speeds up the process.

The **Guilford Office** also participated in a [1,000 case setting](#) in court to handle DWIs in light of the *Turner* ruling.



**Greensboro APD Gabe Kussin corralling DWI shucks**



New Hanover PD **Jennifer Harjo** was viewed by the media as an authoritative source on criminal justice issues. When it was discovered that a Wilmington Police Department forensic chemist had [lied about checking the calibration of drug analysis machines](#), Jennifer cited it as an example of the importance of defense attorneys' asking for calibration records and potentially protecting innocent people. After the state crime lab determined that a substance three people were charged with trafficking was not fentanyl, Jennifer also commented on the importance of testing allegedly illegal substances as soon as possible to avoid suspects being held in custody on bogus charges, and she was quoted on the benefits of the federal [First Step Act to reform criminal justice](#).

Pitt Chief PD **Bert Kemp** was featured in an article highlighting how [traffic fines and fees can create unmanageable debt loads for defendants](#).

APD **Anthony Monaghan** and the Mecklenburg PD Office hosted CLEs in June on Eyewitness Identification Errors and in August on the Charlotte/Mecklenburg Police Department Crime Laboratory Sections.

**NC Public Defender attorneys and staff** contributed at great and even unprecedented rates in the workload study. One hundred percent of staff and almost 100% of attorneys participated, which were greater rates than that of the DAs and victim/witness advocates as well as any other judicial group the National Center for State Courts has worked with. Further, a significant number of all groups submitted a wealth of information in the sufficiency of time survey, and many folks gave of their time to serve on the Delphi panels.

The **Scotland PD Office** assisted those applying for expunctions [in a clinic in June](#).

Wake Juvenile Chief APD **Mary Stansell** has been selected by the Public Defenders' Association to serve as their representative on the Juvenile Justice Advisory Committee (JJAC), which is charged with overseeing implementation of the Raise the Age legislation.

**Mary**, First District APD **Brandon Belcher**, Buncombe APD **Tim Henderson**, and Forsyth APD **Andrew Keever** recently completed the Juvenile Training Immersion Program (JTIP), which will enable them to serve as trainers for others on handling cases pursuant to Raise the Age.

After a [NC Senate hearing on the "death by distribution" bill](#), **Mary** noted to the media that "death by distribution will kill the Good Samaritan laws. And more kids will die."

Mecklenburg APD **Bob Ward** was instrumental in the effort for people with mental illnesses to execute psychiatric advance directives (PADs) and mental health care powers of attorney (HCPAs) in the county. PADs allow people to refuse or to give consent to future psychiatric treatment and to give advance instructions on what that treatment should entail, while HPCAs entitle others to make decisions about mental health care on another's behalf. More about PADs, including the client whose case enabled Bob to pave the way for this initiative, can be found in this [article](#) from the NY *Times*.

## **NEW/EXPANDED OFFICES**

In its budget bill, the General Assembly created a new office in **District 29A** (McDowell and Rutherford Counties), and former District Court Judge **Laura Powell** was chosen as the PD. The office hit the ground running, taking cases starting in December.

In the same bill, the **Carteret Office** became part of a larger office serving all of **District 3B**, including Craven and Pamlico Counties. Chief PD **Jim Wallace** has worked to get the office up to speed in short order.

## **OFFICE SPACE AND OTHER CALAMITY SURVIVAL**

After being displaced by flooding caused by Hurricane Florence, the **Scotland PD Office** has finally dried out and is moving back into its old space. Representation continued apace during their dislocation. APD Lisa Freedman praised “the office team work that got us through the conditions, work space and limitations of resources while still committed to providing the most efficient service to our clients.”

## **RECOGNITION**

Guilford APD **Wayne Baucino** and Regional Defender **Tucker Charns** took and passed the test to become a certified specialist in criminal law.

AAD **Paul Green** retired last year.

ACD and former New Hanover APD **Nora Hargrove** retired at the end of July.



**Nora (second from right) and the rest of the New Hanover OCD team**

New Hanover APD **Ken Hatcher** [celebrated 40 years in the practice of law in August](#). The New Hanover PD Office attempted to surprise him with a party, but it is reported that “in true ‘Hatcher’ fashion, he failed to appear at the 9:15 a.m. gathering, and again at the 1:30 p.m. lunch party. . . .” Ken was finally located at the jail and was ultimately honored and presented with a special New Hanover County PD coffee mug designed by Investigator **Joe Vega**.



Ken and his commemorative coffee mug

WILMA Magazine named New Hanover APD **Lyana Hunter** as the [winner of their Women to Watch Award in the Public Service Category](#). The award is part of the Women to Watch Leadership Initiative, which has as its mission helping to develop more women leaders in Wilmington-area businesses, nonprofits, government bodies, and boards of directors.




Lyana



Guilford PD **Fred Lind** was presented by the Office of State Human Resources with the Caswell Award in recognition and appreciation of his 45 years of service, all in the Guilford PD Office.



**Fred receiving the Caswell Award from AOC HR Manager Russ Eubanks**

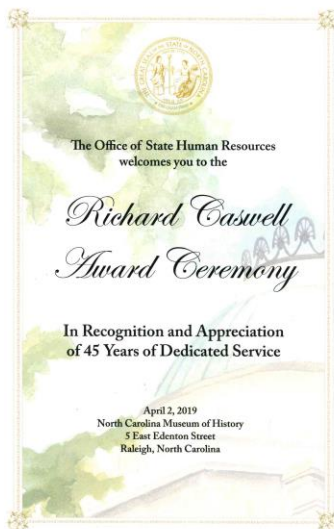


*The Richard Caswell Award*

The Richard Caswell Award Program, administered by the Office of State Human Resources, was established in January 1998. The program recognizes noteworthy extended service for state employees with 45 or more years of service.

Like the recipients of his namesake award, Caswell dedicated most of his adult life to North Carolina. He started his career as clerk of court in Orange County before taking up arms in the Revolutionary War. He later became a member of the colonial assembly, where he was a champion for free public education. With our nation's independence from Britain, Caswell became North Carolina's first governor, serving from 1776-1780. He next served as state controller, returning to the job of chief executive from 1784-1787. Caswell was also a delegate to the Constitutional Convention in Philadelphia in 1787 and then served as a state senator. In 1789, at age 60, he suffered a fatal stroke while presiding over a senate session in Fayetteville.

The 21 recipients of the 2019 Richard Caswell Award have, collectively, dedicated more than 945 years working for state government. We thank them for their extraordinary service and dedication.



### **Caswell Award Program**

Cumberland APD **Adam Phillips** was given the Cumberland County Young Lawyer Award, recognizing the best young attorney in the county, by the entirety of the Cumberland County Bar.

After a zillion years of service to the state, including stints as an AAD and a Mecklenburg APD, **Marc Towler** retired.

Guilford APD **Richard Wells** and Special Counsel **Willia Mills** and **Rob Stranahan** were part of a group nominated for the 2018 DHHS Secretary's Team Recognition Award for their

teamwork in capacity restoration and treatment with patients admitted to Central Regional Hospital.

Durham APD **Arin White** was [nominated for the 2019 John R. Larkins Award](#) in recognition of exemplary commitment to justice and equality.



Arin (third from left) with her fellow nominees and the winner.