

2020-21 OFFICE ACCOMPLISHMENTS

(The “Is COVID still a thing?” edition)

SUCCESS FOR CLIENTS

Trial victories

Guilford APD **Anika Bailey** had two district court domestic violence trials literally back-to-back and won acquittals in both for her clients.

First District APDs **Alicia Cassidy-Quate** and **Janisha Simpson** were able to secure a plea in a case where their client was charged with two B1s, statutory rape and incest. The victim in this case was his daughter and a child was born out of the encounter. There was a positive DNA match and the client confessed. Despite all of the evidence, the client wanted a trial until the Thursday before. Alicia and Janisha were able to finally convince him to take a plea to significantly less time (less than 1/3 of what he was facing) than he would have received at trial. On the Monday of the plea, client again balked, saying he wanted to take his chance with a jury, and they had to reel him back in again, ultimately getting the plea done.

Second District APD **Laura Gibson** and Investigator **Tim Camp** were able to assist PD **Tommy Routten** in obtaining a plea in a murder case where their client was charged with intentional infliction of child abuse causing serious bodily injury and the murder of her 7-week-old child. There was a significant mental health history with their client. Ultimately after many starts and stops with the client, they were able to get an agreement to a second degree murder plea in the mitigated range.

Despite his client’s admitting to the elements of the injury to personal property, Guilford APD **Delton Green** performed what has been termed “either a Jedi mind trick or excellent lawyering” to get her found not guilty.

The **Guilford team of juvenile delinquency attorneys, Anika Bailey, Ben Klein, and Whitten Stone**, convinced their judges and prosecutors to not enter disposition (no probation) on at least 20 cases. PD John Neiman relates that “[t]his is something never seen before this year in Guilford, and now it is occurring often – they spread the word to the court appointed attorneys, too. Now they are also using it for Raise the Age kids, especially the ones that are 18. They’re saying ‘Okay, we know you can prove your case on this, but this kid is 18, he doesn’t need services or to be under DJJ supervision’ and getting plea agreements to adjudicate and immediately terminate.”

Ben won an acquittal in a misdemeanor DWI appeal in superior court in front of a jury, which included a contentious cross of a noncooperative officer by Ben.

Carteret APD **Drew Jones** obtained a not guilty verdict in a rape trial.

Guilford APD **Miranda Reavis** successfully convinced a judge that the State hadn't made a good showing for why probation cases hadn't been heard resulting in more than 20 defendants' (not all hers) having their cases dismissed.

First District APDs **Christan Routten** and **Natalie Evans**, along with Investigator **Ben Walton**, were able to secure a plea in a sexual assault case where their client, who was already a convicted sex offender, allegedly grabbed someone he did not know off of her bike at 5:00 a.m. He then allegedly held her against her will with a knife and made her perform oral sex on him. The client had been insistent on a trial the whole time he was in pre-trial detention, where he faced up to 63 years with all of his charges, but Christan and Natalie were able to convince him to take a plea in the bottom of the presumptive range to serve less than ¼ of his potential exposure. Comments First District PD Tommy Routten, "Juries in Dare County would not have hesitated in convicting him, and any judge we typically have would have maxed him out and ordered consecutive sentences for trying a case with these facts."

Mecklenburg APD **Jason St. Aubin** took the first jury trial to verdict in Mecklenburg County in over a year in March, and his client received a not guilty verdict on a malicious conduct by prisoner case. Even though the client was on body worn camera spitting on the officer seven different times and shouting various expletives, threats, and insults at the officers during the encounter, the jury agreed with Jason that the officers involved should have determined whether she needed medical attention before they escalated the situation by arresting her.

Per Guilford PD John Nieman, Guilford APD "**Richard Wells** was – as usual – the most prepared lawyer in the room and won an acquittal in a difficult sex offense trial last month [March 2021]."

District 3B APD **Mary Whitford** achieved a not guilty verdict in a trial in November 2020. Mary put a picture of the courtroom set up into the record in case she had an appeal and made an offer of proof about the setup and who was (or wasn't) wearing masks.

While at Guilford APD **Juan Zuluaga**'s client's girlfriend's house, the client and the girlfriend got into a verbal altercation arising from an ongoing custody dispute. They have one child in common and she has two additional children, all minors. At some point the girlfriend left the house to go across the street to a convenience store, leaving Juan's client in the house with the children. While the girlfriend was gone, the client left the house, taking his child with him and leaving the other two children in the house. Later the client spoke with the girlfriend and told her "You better watch your back." At trial on a count of communicating threats and two counts of child neglect, Juan cited *State v. Taylor*, which held that evidence supporting a communicating threat charge must have some other indicia of a threat beyond the words and that there must be a true threat that is imminent. The communicating threats charge was dismissed at the close of the state's case; and Juan's client was found not guilty on the child neglect charges.

Appellate victories

On a banner day for **OAD**, office attorneys won six out of six arguments at the Supreme Court on December 18, 2020. The cases ranged from a new trial in a felony murder case, to a person

who tried to commit suicide during trial, to a juvenile delinquency sex offense case. AAD **Amanda Zimmer** won the murder case and the juvenile case.

One of the cases was featured in the press:

<https://www.charlotteobserver.com/news/local/crime/article248035350.html>

The Supreme Court was persuaded by AAD **Emily Davis** that the trial court erred by not giving an entrapment instruction in a solicitation of a minor case where a law enforcement officer posed as a teenager online in [State v. Keller](#).

AAD **Andy DeSimone** won a *Batson* remand in [State v. Hewitt](#) at the Court of Appeals. Appellate Defender Glenn Gerding points out that Judge Murphy's concurrence is of particular interest.

In [State v. Hollars](#), AAD **Anne Gomez** won a remand from the Supreme Court for her client to have a competency hearing where no hearing had ever been conducted before trial.

AAD **Wyatt Orsbon** convinced the Supreme Court to order a new trial based on the trial court's failure to conduct a competency hearing in [State v. Sides](#).

Wyatt also walked his client out of prison after the Court of Appeals agreed with him that retrying his client after a mistrial violated double jeopardy in [State v. Grays](#).

Thanks to AAD **Kathy Vandenberg's** "brilliant" (per Appellate Defender Glenn Gerding) argument in [State v. Kelliher](#), the Court of Appeals held that two consecutive juvenile life with parole sentences was unconstitutional as being a *de facto* life sentence.

In [State v. McCain](#), AAD **Candace Washington** won a resentencing hearing based on prejudice for trial counsel's failure to object to lack of notice of aggravating factors.

Good outcomes

Hoke APD **Ian Bloom** secured a misdemeanor on a caught-on-camera maintain-dwelling-to-sell marijuana case.

In her first jury trial to verdict, Second District APD **Stacie Everette** tried a firearm by felon/habitual felon case and obtained a result for much less time than the client was exposed to.

Hoke Chief APD **Jim Hedgpeth** recently secured a dismissal in a felony child abuse case from 2016. Even though Jim had an expert saying the child's injuries could have been caused by a genetic disorder, there was no movement on the case, and the client had to come back every administrative session. Although the delay did have a negative effect on the client's military career, the client has been able to stay in the Army, and now he can get on with his life thanks to Jim's persistence.

Guilford APD **Rip Fizer** got two clients' charges reduced from Class D first-degree arson to Class G burning other buildings. The clients were sentenced to supervised probation and accepted into

mental health court. One of the clients had set his bed on fire within a boarding house, trying to burn demons out of his bed, which resulted in significant damage to house.

In a first-degree murder case in Hoke County, Cumberland APD **Carl Ivarsson** and co-chair Meleaha Kimrey uncovered their client's mental health issues and got an offer of 20 years. The team spent lots of time with the client and the family and gained the client's trust, and the client ultimately agreed to the plea. As Trial Resource Counsel Terry Alford noted, "This is a story about caring for your client enough to take the time to do the hard work of finding out what his problems are. This is a story of spending time with your client and his family to gain their trust. This is a story of a great team doing a great job."

In a seeming slam-dunk first-degree murder by felony murder case with ample evidence for premeditation and lying in wait, the defense team, led by Buncombe ACD **Vicki Jayne**, found evidence that the client not have formed the intent to kill because of substance use along with depression and abandonment issues. The only offer the DA would make was LWOP, but the team put together a package for the DA outlining the client's problems and explaining how they were going to argue for second degree. The DA accepted their plea offer, and the client received two consecutive second-degree murder convictions.

AJD **Terri Johnson** successfully kept her client, charged with attempted first-degree murder against her father, from being transferred. As Juvenile Defender Eric Zogry describes it, "It was a very difficult and complex case to win in a tough-on-crime jurisdiction."

Going the extra mile/fighting the good fight

AAD Kathy VandenBerg gave a "big shout out" on the appellate listserv to Guilford APDs **Wayne Baucino** and **Gabriel Kussin** for doing "an amazing job at trial of preserving the errors and fighting for" their client in a defense of others case.

Hoke APD **Ian Bloom** conducted a jury trial with the challenges not only of all the COVID protocols but of an absent client. Unfortunately, the client was found guilty on all counts, was picked up a couple of weeks later, and was sentenced the last session of court.

Scotland APD **Phillip Elkins** filed a successful habeas motion in superior court and obtained the client's release quickly

Wake APD **Megan Ellis** was in the office for about a month when she tried her first case. It was assault. The judge found her client guilty, which provoked the client to assault the judge. Not surprisingly, the judge held the client in contempt for 30 days. Megan got the client out after a week through zealous motions practice.

Then-Pitt, now Second District APD **Matt Geoffrion** was asked to represent Marcus assembled a great team who found that his first-degree murder client was mentally ill, suffering from PTSD, schizoaffective disorder, and schizophrenia. Jerry Wiggs discovered other violent conduct by family members and that the victim, the client's brother, was also mentally ill. Matt convinced the DA to accept voluntary manslaughter, and at the sentencing hearing, Matt marshalled all the

team's findings into a great and compelling story about his client and his client's family. The judge found extraordinary mitigation and placed Marcus on probation.

Guilford APD **Johnna Herron** had the first post/during COVID-19 jury trial in Guilford County and navigated the new protocols as she fought for her client in a difficult self-defense case. It included the presiding Judge telling a juror during *voir dire* to remove her mask and yell her answers because she didn't have to worry, there was Plexiglass between her and the court. The jury box was surrounded by Plexiglass, but the jurors were not and were less than four feet apart from one another.

Gaston PD **Stuart Higdon** was quoted in *People* (!) magazine about his client's alleged murder of her live-in boyfriend: "This is a couple who has struggled with their relationship for a while. The resulting shooting was definitely a result of domestic violence perpetrated against her," declared Stuart.

The Carteret team of APD **Drew Jones** and **Josh Winks** empaneled a jury and gave it their best shot during COVID.

First District APDs **Christan Routten** and **Jenny Wells** represented Coatney Williams as local counsel for an Innocence case out of Northampton County. The office was involved because Mr. Williams was being held in Pasquotank Correctional when counsel was appointed. Christan and Jenny met with Mr. Williams numerous times in person and virtually during the pandemic, including a deposition in Raleigh. After the Commission ruled unanimously to refer the case to a three judge panel, Mr. Williams negotiated a plea that secured his release from custody in January 2021.

AAD **Dan Shatz** had five oral arguments in five weeks, four at the NC Supreme Court and one at the Court of Appeals

Guilford APD **Michael Troutman** represented a client charged with multiple sex offense cases who was held on \$5 million bond and had been detained for 22 months. Michael's speedy trial motion was denied, and the ADA set the trial date for September 14, 2020. On Michael's motion, the judge unsecured the client's bond immediately. The ADA held a press conference deriding the results and citing fears that the client would go on a rampage throughout the city, but the client has remained incident-free and within the jurisdiction.

<https://myfox8.com/news/high-point-man-accused-of-rape-released-months-ahead-of-trial/>

Cumberland APD **Nate Warfel** tried the first jury trial in NC during the pandemic, a kidnapping case. Yes, you read that right.

COLLABORATION

The **APD listserv** continued to buzz with assistance across offices.

Beginning March 15, 2020 through all of May, the **High Point APDs** instituted a staggered work schedule that had no more than three lawyers in the workspace at a time. During a person's

“shift,” s/he answered questions irrespective of whose client it may have been and acted as a conduit for information coming from the DA’s office, clerk of court, judges, and outside entities.

Appellate Defender Glenn Gerding reports that **OAD attorneys** have had 28 total oral arguments, 15 of which were before the NC Supreme Court and 13 at the NC Court of Appeals, and Office Manager **Jonathan Nolen** provided office set up and tech support for every one of the arguments because they were all conducted via WebEx.

Guilford Chief Investigator **Evan Smith** instituted an organized system of case management so that attorneys and investigators can better coordinate.

From Special Counsel Dolly Whiteside: “Kudos to the entire **Special Counsel program**, encompassing the four regional offices in Burke, Wake, Granville, and Wayne County, for carrying on and never missing a beat with civil commitment representation during the entire COVID epoch. With an ever-changing array of interview methods, remote, hybrid, or in-person court, and a changing wardrobe of PPE, our clients were well served, and cases were heard and disposed every week.”

Guilford APD **Whitten Stone** had a juvenile client who retained private counsel on very serious misdemeanors. Despite new counsel, Whitten closely followed the case, providing the new attorney with extremely helpful information along the way and continued to support her client to a good outcome in juvenile court.

SERVICE TO THE COMMUNITY

Buncombe APD **Ehsan Akhavi** was instrumental in the making of the documentary “Just Over the Line,” about one of Ehsan’s clients who experienced “justice” in very different ways in two different counties.

<https://www.bpr.org/post/just-over-line-examines-how-justice-varies-county-county>



Click on the image to watch the documentary

Members of the **Cumberland Office** stepped up right away to answer an urgent call for blood donations for their local hospital. Any of them volunteered to donate as soon as possible, and several folks who didn't have court went right away to donate. Former Cumberland APD Michael Becker reached out to the office immediately, and they got the ball rolling and suggested he have the need published to the local bar.

Guilford APD **Lauren Gebhard** has reached out to numerous community groups, including the League of Women Voters, explaining the problems and possible solutions to pretrial detention, drivers' license revocations, and mass incarceration.

Buncombe ACD **Vicki Jayne** wrote an article for the NCAJ *Trial Briefs* entitled "Eat. Sleep. Fight. Repeat," in which she shared her insight and experience in dealing with capital cases.



Click image to read the article

The State Bar Council reappointed Pitt PD **Bert Kemp** to a three-year term on the Board of Continuing Legal Education.

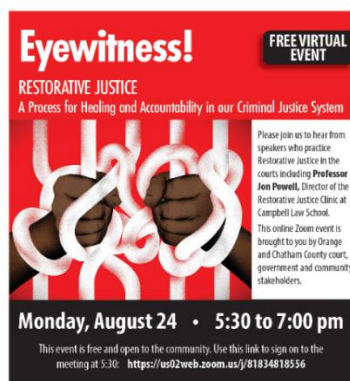
Bert was also appointed to be a State Bar Councilor for District 3A.

Durham ACD **Christine Malumphy** sent out information on how to help protect clients' voting rights through an organization called YouCanVote.

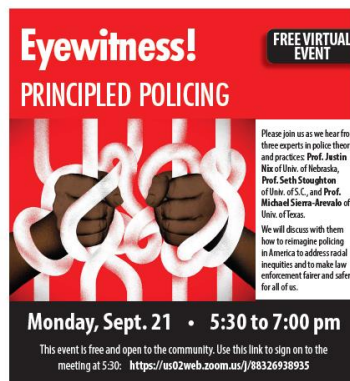
Guilford PD **John Nieman** helpfully explained the castle doctrine and qualified immunity to a news reporter in the context of Breonna Taylor's killing by Louisville, KY police.

<https://www.wfmynews2.com/article/news/local/2-wants-to-know/how-qualified-immunity-and-the-castle-doctrine-impact-you/83-42cc8548-5f07-4eab-81e5-f86c8d035a3e>

The **Orange-Chatham Office** continued its Eyewitness! virtual town hall series with discussions of Restorative Justice and Principled Policing.



For more information contact Orange/Chatham Public Defender Susan Seahorn at 919-289-9693

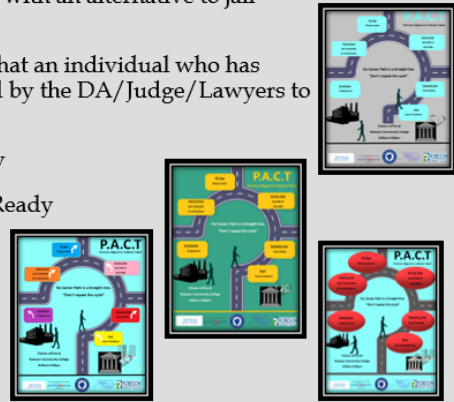


For more information contact Orange/Chatham Public Defender Susan Seahorn at 919-289-9693

The **Robeson Office** helped to start a program called Partners Aligned to Cultivate Talent (P.A.C.T.), to help defendants obtain employment.

Partners Aligned to Cultivate Talent (P.A.C.T.)

- This program is designed to provide individuals with an alternative to jail sentences
- The main goal of the program will be to ensure that an individual who has committed a lesser crime or offense be mandated by the DA/Judge/Lawyers to enroll in the P.A.C.T program
- Reducing the Recidivism rate in Robeson County
- Increasing the number of offenders that are Job Ready
 - Enhanced Job Skills and Soft Skills
 - Work Ethics
 - Interviewing Skills
 - Presentation of Self (In-person and on paper)
 - Credentials and Certificates



As chair of Durham Congregations, Associations, and Neighborhoods (Durham CAN), Durham ACD **Robert Singagliese** pushed for greater transparency about COVID testing in the county jail.

<https://www.newsobserver.com/news/local/counties/durham-county/article245492990.html>

According to PD Deonté Thomas, the **Wake Office** did a “TON of stuff for Christmas,” including a courthouse-wide angel tree and care packages for people suffering through homelessness/

The **Wake Office** also adopted a highway. (Actual cleaning to be forthcoming.)

IMPROVING THE SYSTEM

In an article about jury composition issues arising during the resumption of jury trials during COVID, Durham PD **Dawn Baxton** expressed the concern that “[b]ecause of COVID, the members of the jury that present and are impaneled to serve will not be an equitable representation of the community in which the accused lives.”

<http://www.ncpolicywatch.com/2021/01/28/after-a-pandemic-pause-jury-trials-are-back-the-assurance-of-a-jury-of-peers-however-may-be-missing/>

Forsyth APD **Whit Davis** was elected to be District Court Judge



The Honorable Whit

For COVID-19, the **Forsyth Office** instituted an online appointment of counsel process through their office and processed more than 1,600 appointments. Using this system, the court stakeholders all agreed that a client could skip his or her initial court appearance and any subsequent court dates where nothing was going to be resolved, thereby keeping out of the courthouse many people who would otherwise be needlessly exposed to potential COVID-19 infection.

In cooperation with the DA and clerk offices, the **Forsyth Office** has devised a website where the daily dockets are posted weeks in advance and list proposed continuance dates for those cases where the clients do not need to appear. They have maintained on the same website specific courtroom trial dockets so that all parties can see those cases for which the client is expected to appear to resolve the case. For these trial dockets, they have also been scheduling the cases in small groups by time, such as three cases at 9:30, three at 11:30, three at 2:00, and three at 3:30, thereby limiting how many people are in the courthouse or courtroom. They have also implemented **New Hanover's** Open Table App to allow people to check in at the front of the building and then get a text when they need to come in to their courtroom.

The court system has also developed a direct email list maintained by the **Forsyth Office**, updated in real time by a Google Forms application, for all lawyers who practice criminal law in the county to receive information about any procedural changes or updates via direct email. They distribute the superior court dockets in this manner as well.

The **Forsyth** and **New Hanover Offices** are pilot testing an attorney-client direct testing service through a company called UpTrust. Assuming the pilot works out well, the intent is to expand its usage to other offices.

The **Gaston Office** has been instrumental in getting Adult Recovery Court started. PD **Stuart Higdon** explained, “What we really want to do is find a pathway forward for some of our low level drug offenders to be able to disengage themselves with the criminal justice system. The only way that will occur is if they seriously deal with their substance abuse issue. If they’re doing well with the treatment they get to step forward, they have goals and milestones, if they meet the goals and milestones you can get yourself out of the system in approximately two years.”
<https://www.wbtv.com/2021/03/24/gaston-co-recovery-court-program-offers-low-level-drug-offenders-treatment-instead-incarceration/>

The press quoted Guilford APD **Lauren Gebhard** to say “It’s just another way to criminalize poverty. It just becomes a spiral,” referring to people’s losing their drivers licenses due to failure to pay court fees.
<https://triad-city-beat.com/criminalizing-poverty/>

The **Guilford Office** got their first social work intern from UNC-G, and she spent a lot of time with our incarcerated kids. She sat in on the YDC treatment team conference calls that often the attorneys have to miss because they’re in court. Chief PD John Nieman says that is really helpful because at post-release hearings, the attorneys can highlight all the progress the juveniles have made using real examples from their treatment team meetings. Guilford APD **Whitten Stone** had a 12-year-old who was in custody for a few months awaiting placement and who had been abandoned by both of his parents, and the office’s intern, **Alexis**, visited with him weekly. Whitten saw a huge change in him after Alexis’s visits started.

New Hanover PD **Jennifer Harjo** serves on the Judicial Branch COVID-19 Task Force.

Cumberland APD **Carl Ivarsson** has been a NC State Bar Board Certified Specialist in Criminal Law, and he encouraged a few of his fellow APDs to sit for it. **Shawn McManus** and **Robert Brooks** are now also Board Certified Specialists in Criminal Law.

Governor Cooper appointed former Carteret PD **Debbie Massie** to the district court bench in District 3B and former Robeson APD **Diane Surgeon** to the 16B district court bench (<https://www.wnct.com/local-news/carteret-county-lawyer-appointed-by-gov-cooper-as-judge-to-serve-carteret-craven-pamlico-counties/>) and also appointed former Orange-Chatham APD and SOG Defender Educator **Alyson Grine** to be a District 15B superior court judge.
<https://chapelboro.com/news/state-news/gov-cooper-announces-new-superior-court-judge-for-orange-chatham-county>

District 3B PD **Pete Mack** was quoted in an article highlighting a Craven County bail reform organization, noting that ““Some people just don’t have the ability to hire a bondsman.

Bondsmen charge 10-15 percent of the bond and sometimes it's not worth their time to go down for a \$500 bond. Sometimes the inmates are not only poor—they're homeless."

<https://www.newbernsj.com/story/news/2021/04/23/watford-rosindale-raise-funds-bail-call-end-jail-bonds/7339621002/>

Mecklenburg APD **Anthony Monaghan** was super-busy organizing free CLE webinars entitled "DNA Mixture Interpretation: Conventional and Software-driven Probabilistic Genotyping Methods," "Setting My Client's Case Up for the Possibility of a Successful Appeal," "2020 Ethics Committee Year in Review," "21 Ethics Tips for 2021," "Diving Deeper into Legal Research Potential: Advanced Online Legal Research Concepts with Lexis," "Best Practices in Speaking about Race to Juries," and "The Intersection of Criminal Defense and Guardianship."

Mecklenburg APD **Sunny Panyanouvong-Rubeck** vied against the incumbent, former Mecklenburg APD **Rex Marvel**, for the district court bench, with Rex's ultimately retaining the seat.



Rex

Sunny

Guilford APD **Alex Snow** coordinated a volunteer effort by many of the attorneys to provide a presence at first appearances in Greensboro, resulting in hundreds of defendants over the past year being released on written promises or unsecured bonds due to the advocacy of the attorneys.

Wake Juvenile Chief **Mary Stansell** and IDS Commissioner (and former Durham APD) **Dorothy Hairston-Mitchell** were cited in an article about the effort to raise the minimum age for juvenile prosecution. Said Mary about how the system disproportionately affects young children of color, "When a cop picks up a white boy, he takes him to his parents, but if he is Black, he takes him to the state." (<https://www.newsobserver.com/article249017350.html>) (warning: firewall). New Hanover APD **Lyana Hunter** was likewise quoted in another news story, observing, "A 6-year-old ... we're talking about someone that's in kindergarten, first grade. They don't understand the process, they don't understand what's going on, they probably don't even know their address. The earlier that you introduce a child to the criminal justice system, the higher the chances are that they will remain in the criminal justice system." <https://www.wect.com/2021/03/18/raise-floor-advocates-aim-change-minimum-age-juvenile-court/>. Mecklenburg APD/State Senator **Mujtaba Mohammed** is a co-sponsor of S.B. 207, which would raise the minimum age to 9.

Because out-of-home placement has been so difficult with COVID-19 and kids have had to sit in custody longer than usual awaiting a placement, Guilford APD **Whitten Stone** worked with the

juvenile detention center staff to get them to write letters on behalf of kids who were denied placements because of their ages. The detention center, in two cases, wrote incredible letters that Whitten then gave to the care coordinator, who could send the letters to the placements and ask them to reconsider. In both cases, the kids who had both been denied to 25+ pretrial release treatment facilities did get placements.

Mecklenburg PD **Kevin Tully** noted his desire for caution in an article in the *Charlotte Observer* about resumption of jury trials.

<https://www.charlotteobserver.com/article247693160.html> (warning: firewall)

Mecklenburg APD **Bob Ward** has been trying to get the word out about civil commitments going up precipitously over the past few years. Bob was able to compile the data, and the story was picked up by NC Health News, which published two articles, the first about civil commitments and arrests, and the second about how hard it is to get civil commitment data in this state. The articles spurred the filing of several related NC House bills. (Note: Bob credits Special Counsel **Dolly Whiteside** for her assistance.)

<https://www.northcarolinahealthnews.org/2020/12/14/more-nc-psych-patients-are-ending-up-handcuffed-in-a-police-car-why/>

<https://www.northcarolinahealthnews.org/2020/12/21/nc-didnt-track-the-data-on-mental-health-commitments-so-some-advocates-did-it-instead/>

Though unrecognized in the press, Wake APD **Jackie Willingham** figured out that a Raleigh detective was setting up stings with fake drugs, leading to the detective's being placed on leave and investigated (note that to date he is still employed by RPD).

https://abc11.com/omar-abdullah-kimberly-muktarian-raleigh-police-department/6416588/?fbclid=IwAR2jtMPaU695UU1MKoLM3ahWEyG4jtMtpKbTwoCDL3KR4Ky3c_TBbDkLXg

OFFICE SPACE AND OTHER CALAMITY SURVIVAL

Guilford AA **Debbie Maschinot** and her team reorganized the storage of old cases, freeing up three offices for personnel. Meanwhile, Investigator **Orlando Chacon** took over repurposing the library as a training room, providing a much-needed space for the office.

SPECIAL RECOGNITION

Several of our current and former colleagues were spotlighted by the NCAOC during Women's History Month, including Durham PD **Dawn Baxton**, former IDS Commissioner **Rhoda Billings**, New Hanover APD **Leana Hunter**, IDS Executive Director **Mary Pollard**, former Cumberland PD and former IDS Commissioner **Mary Ann Tally**, and New Hanover AA **Kim Whitehouse**.



Womens History Month



Dawn Baxton

Chief Public Defender - Durham County

Dawn is the first woman to be appointed as Chief Public Defender for Durham County. She began her legal career as an assistant public defender in Durham County in 1999. In 2006, Dawn was promoted to the position of senior assistant public defender, a position she held for fourteen years until her appointment as chief public defender.

Dawn also serves as a faculty member at the University of North Carolina at Chapel Hill School of Government Defender Trial School, where she assists in training fellow assistant public defenders and private court appointed attorneys. Dawn is also dedicated to training future lawyers as an adjunct professor / trial advocacy coach at North Carolina Central University School of Law.

#WomensHistoryMonth



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North Carolina Judicial Branch

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As we continue to recognize notable moments and women in the history of the Judicial Branch during #WomensHistoryMonth, we recognize Chief Justice Rhoda Bryan Billings.

Chief Justice Billings served as North Carolina's 22nd chief justice, the second woman to hold that position and the second woman to serve on the Supreme Court.

A native of Wilkesboro, Chief Justice Billings earned her undergrad... [See More](#)

Clara Cottrell, Mark Badgett and 2 others like this.

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Mark Taylor I was extremely fortunate to have Prof. Billings for both Civil Procedure and Evidence. One of the most outstanding people I've ever met.



Women's History Month



Lyana Hunter

Assistant Public Defender - New Hanover County

In 2013, Lyana was the first person to earn the John Rubin Award for training of lawyers in a category other than criminal defense. Recipients are selected based on their outstanding contributions to public defense education which includes developing innovative educational resources, meeting critical or unmet educational needs, longstanding involvement in training, and / or other educational contributions.

Lyana is nationally certified in the field of parent representation and she is a powerful advocate of parental rights. She continues to train lawyers and work tirelessly for her clients, while at the same time being a fabulous mother to her daughter.

#WomensHistoryMonth



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Women's History Month



Mary Pollard

Director - Office of Indigent Defense Services

Mary Pollard is the executive director of the North Carolina Office of Indigent Defense Services and is the first woman to hold this position. Pollard's legal career spans 27 years, most of which she spent working to protect the rights of indigent, incarcerated people.

A Raleigh resident and mother of two, Pollard is a graduate of the Wake Forest University School of Law. From 1993 through 2002, she practiced civil litigation with the firm of Womble Carlyle Sandridge & Rice, working on cases that ranged from simple contract disputes to complex patent litigation and products liability matters.

#WomensHistoryMonth



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Women's History Month



Hon. Mary Ann Tally

Superior Court Judge - Cumberland County

Mary Ann Tally became the first woman to serve as a judge on the superior court bench in Cumberland County when she was elected in 2011.

She began her legal career as an assistant public defender for the Twelfth Judicial District in 1974. She was later appointed to lead the office and became the first woman to serve as a chief public defender in North Carolina, a position she held until 1993.

She is also the first woman elected to serve as president of the North Carolina Academy of Trial Lawyers.

#WomensHistoryMonth



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Women's History Month



Kimberly Whitehouse

Administrative Assistant
New Hanover County Public Defender's Office

Kim Whitehouse played an integral role to establish and set up the New Hanover County Public Defender's Office in 2008. When she identified a need to have a dedicated mitigation expert in the office, she decided she would become that person. Kim has become knowledgeable in all aspects of science, mental health, and technology. She has traveled out of state to find school records, medical records, and witnesses and her work is directly responsible for favorable outcomes for indigent defendants, including cases in which the death penalty was removed as potential punishment.

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Kim in turn gave a special shout-out to **Misty Hibbert, Jamie Karaszewski, Alysha Scheer, Caitlin Quinn, Anna Rogers, Maggie Ogden, and Kim Dummermuth** for being “AMAZING Legal Assistants!”



The New Hanover Amazons

On February 15, 2021, Guilford LA **Cora Billups** celebrated her 50th anniversary working with the Guilford County Public Defenders’ Office. Cora joined the High Point office in 1971 after working in the clerk’s office there.

<https://www.nccourts.gov/news/tag/general-news/guilford-county-public-defenders-office-administrative-professional-celebrates-50-year-milestone>

Former (and one of the first) ACD **John Britt** passed away on November 7, 2020.

<https://www.legacy.com/obituaries/fayettevilleobserver/obituary.aspx?n=john-g-britt&pid=197073596&fhid=21504>

Former and first Forsyth PD **Pete Clary** died on January 13th from health complications following a lung transplant.

https://journalnow.com/news/local/forsyths-first-public-defender-dies-pete-clary-was-known-for-his-advocacy-for-people-with/article_a2522f9e-5681-11eb-8854-e7769d2b1a7f.html



Pete

Guilford APD **John Davis** tried an attempted murder case back 2014 and got a guilty verdict for Class E assault. John's client went off to DAC, and after serving his sentence picked up another attempted murder charge, on which he was represented by outside counsel and wound up going back to DAC. In April, the client wrote to John, thanking him effusively for representing him in the prior case and believing in him. The client wanted John not to become discouraged because of the recent conviction and not to become jaded. Essentially, he wanted John to know that his work was much appreciated.

From Cumberland PD Cindy Black: "I'm attaching a photo of a beautiful work of art by APD **Manisha Devasthali**. After I was appointed, I wanted to improve the professionalism of the office, staff and attorneys across the board, and part of that was cleaning up the lobby. It was sad and didn't project an image of competent and professional representation. We've done some things to make it much more welcoming. Manisha had a small canvas of she painted in her office that I've often admired, and I asked Manisha to paint something larger for the lobby. She went above and beyond and created a beautiful canvas. It's an oil painting and I have no idea how many hours she spent on it, but it is beautiful."



Manisha and her impressive artwork

New Hanover PD **Jennifer Harjo** was recognized by the Wilmington *Star-News* as one of “106 Women Who Have Made a Difference in Wilmington” for being the first PD in the county.

<https://www.starnewsonline.com/picture-gallery/lifestyle/2021/03/02/wilmington-women-who-have-made-difference/6870860002/#slide:6887071002>



Jennifer with a client

Gaston PD **Stuart Higdon** was awarded the 2021 Dr. Martin Luther King Jr. Civil Rights and Justice Legacy Award. The award honors those who “epitomize and personify the faith, hope,

strength, courage, tenacity, and spirit of unity and civil rights and justice for all of humanity that encompassed Dr. King’s life and legacy.”

<https://www.gastongazette.com/story/news/2021/01/15/column-gaston-county-public-defenders-office-helps-poor-people/4175041001/>



Vicky Clinton, a community, and civil rights activist, presents the 2021 Dr. Martin Luther King Jr. Civil Rights and Justice Legacy Award to Stuart Higdon. To the left is Gaston APD James Richardson.

AAD **Mandy Hitchcock** left OAD in April. Appellate Defender Glenn Gerding thanked Mandy for her commitment and contributions to her clients, to OAD, and to public defense and added, “We’ll miss you!”

Gaston APD **Cindy Letourney** recently retired.

Gaston AA **Elizabeth Lutz**, LA **Jaclyn Mauney**, and Investigator **Shana Withers** were publicly appreciated for their legal training by a former administrative staffer.

<https://www.gastongazette.com/story/news/2021/03/12/gaston-college-prepares-joie-da-cruz-case-manager-role/4600344001/>

Pete Mack was appointed to the position of PD for District 3B.

Buncombe Chief PD **LeAnn Melton** retired, and former Buncombe APD and ACD **Sam Snead** was appointed to fill the position.



LeAnn and friends

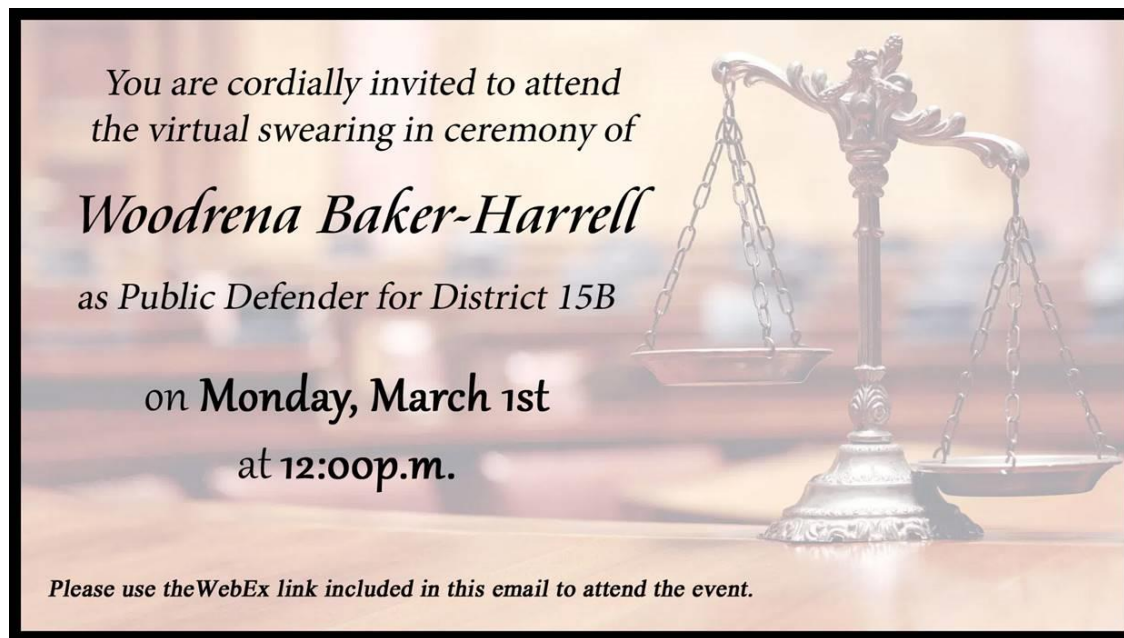
<https://mountainx.com/blogwire/sam-snead-named-buncombes-chief-public-defender/>



Sam being sworn in

Wake APD **Molly O'Neil** became the first "Michael G. Howell" winner for zealous advocacy.

After Orange-Chatham PD **Susan Seahorn** retired, Chatham APD **Woodrena Baker-Harrell** was appointed to be the new PD.



Robeson APD **Erin Swinney** was named a 2021 Georgetown Ambassador for Racial Justice. This is a highly selective group of juvenile justice warriors committed to addressing racial injustice in the juvenile systems where they work. Erin is the primary attorney assigned to represent children charged with felonies and misdemeanors in juvenile court in addition to handling misdemeanors, traffic, and non-compliance cases for adults. She believes that while the criminal justice system often focuses on reducing recidivism for adult defendants, there are not enough resources being allocated to prevent children from being introduced to the criminal system at early ages. Says Erin, "I am excited to be an Ambassador for Racial Justice because of the opportunity to bring much-needed resources to not just the court system of Robeson County, but the actual school systems to develop more alternatives to criminal prosecutions and stop the school to prison pipeline."

<https://www.law.georgetown.edu/experiential-learning/clinics/juvenile-justice-clinic/racial-justice/ambassadors-for-racial-justice/#:~:text=The%20Ambassadors%20for%20Racial%20Justice,in%20the%20juvenile%20legal%20system.>



Erin

Wake APD **Deonté Thomas** was selected to lead the office as Chief PD in September.
<https://www.nccourts.gov/news/tag/press-release/wake-county-chief-public-defender-appointed>

Cumberland APD **Nate Warfel** was elected to the Cumberland County Board of Education.

... AND A SPECIAL WORD OF THANKS

Not from me this time. This was an unsolicited email from Second District Investigator **Tim Camp**, and I think it is beautiful and sums up well why you all mean so much:

I know you have probably heard similar stories in the past from employees, but I wanted to sort of follow up on your email regarding Gideon v. Wainwright. Before coming to the Public Defender's Office I was in law enforcement and an overseas security contractor. I have to say that when I first started on "the dark side" (as most of my past colleagues referred to us as) I was so one sided and just knew everyone was guilty of something. Luckily, I landed in an office with people who truly believed in the fight for justice and defending those who could not defend themselves or navigate the judicial system alone. I still respect and appreciate law enforcement and truly believe it is an honorable position to have. Like most professions, there will always be bad apples and we need to do what we can to get them out without persecuting the good ones. I do have to admit that I still think some of the "true believers" are a little naïve to how some people play the system, but honestly it has been interesting to see them grow, learn and become more balanced as well. I still deal with the comments of "how can you defend murderers and rapists" and honestly in the past I would respond with "it is just a job". Now that I have matured and gained more experience by working on both sides of the courtroom, I can proudly say that I enjoy helping people on this side as well. Yes, occasionally I do meet people who appear to have no redeeming qualities, but that is not as common as I once thought. I have learned to be more compassionate and understanding toward our clients. Our clients are all someone's brother, sister, father, mother, etc. and people are going to make mistakes and, in some instances, multiple times. I have learned that unfortunately some people are just products of their environment and only know how to imitate what they have witnessed from an early age. I've come to know and believe that some people are not always in control of their actions and mental health plays a large role in some of our clients' lives and decision/actions. Sadly, I feel there are just not enough resources available for people in that category to receive the help they need to avoid the judicial system. Some clients I deal with are good people who just made a bad judgement call or truly were in the wrong place at the wrong time; these are the most rewarding for me. To be completely honest I never seen myself staying in this position for more than a year. My plan was to get my foot in the door and transfer over to the prosecution side but here I am eight years later enjoying my position as a Public Defender Investigator. Attorneys are usually the ones in the spotlight after a victory while Investigators and other staff seem invisible, but I have learned that although we may seem invisible, we are invaluable to the fight for justice.

I will end my rambling here lol. Just know I am thankful to be in this profession and working for and with my little group in the East.