

NO. COA 22-256

THIRTEENTH DISTRICT

NORTH CAROLINA COURT OF APPEALS

| | | |
|--------------------------|---|-----------------------------|
| MAURICE DEVALLE, |) | |
| |) | |
| Petitioner-Appellee |) | |
| |) | <u>From Columbus County</u> |
| v. |) | No. 20 CVS 1273 |
| |) | |
| N.C. SHERIFF’S EDUCATION |) | |
| AND TRAINING STANDARDS |) | |
| COMMISSION, |) | |
| |) | |
| Respondent-Appellant |) | |

**MOTION OF THE NORTH CAROLINA
FRATERNAL ORDER OF POLICE
FOR LEAVE TO FILE AN AMICUS
CURIAE BRIEF IN SUPPORT OF
PETITIONER-APPELLEE MAURICE DEVALLE**

TO THE HONORABLE NORTH CAROLINA COURT OF APPEALS:

Pursuant to Rule 28(i) of the North Carolina Rules of Appellate Procedure,
the North Carolina State Lodge of the Fraternal Order of Police (“NCFOP”)

respectfully moves this Court for leave to file an amicus curiae brief in support of Petitioner-Appellee Maurice Devalle.

STATEMENT OF THE INTERESTS OF NCFOP AS AMICUS CURIAE

The NCFOP is a voluntary non-profit association of thousands of North Carolina law enforcement officers. Since 1915, the national Fraternal Order of Police (“FOP”) organization has served as the voice of the American law enforcement community in a broad spectrum of matters before courts and in other forums throughout the United States. NCFOP appears before appellate courts in cases of special significance to the police community. Nationally, the FOP has more than 365,000 members, including over 6,100 members within North Carolina.

The NCFOP has been active throughout North Carolina since 1953, promoting enhanced public safety and protection of the law enforcement profession. The NCFOP’s advocacy includes but is not limited to research, education, and lobbying. The NCFOP has appeared in other cases as *amicus curiae*, selectively participating in litigation as *amicus curiae* when especially significant police interests are at stake, as in this case.

This case is one of considerable importance to the NCFOP and to law enforcement officers throughout the state, as it presents this Court with an opportunity to reaffirm and more fully define the important principle of

rehabilitation and restoration of good moral character in North Carolina law enforcement officer certification cases.

The NCFOP is vitally concerned with this issue, as the decision made below by the North Carolina Sheriffs' Education and Training Standards Commission ("the Commission") violates these important standards. As such, if the Superior Court's decision is overturned and the Commission's decision allowed to stand, it will directly impact law enforcement personnel, including NCFOP members and their families, and other public employees throughout North Carolina.

Consequently, NCFOP respectfully moves the Court in order to share the concerns of the police community and to aid this Court in the decisional process.

REASONS FOR THIS AMICUS BRIEF

The Court would benefit from an amicus curiae brief from this amici because:

1. This case presents an issue of vital importance to the North Carolina law enforcement community because the Commission disregarded firmly rooted principles of rehabilitation and restoration of good moral character in rendering its Final Agency Decision in this matter.

2. This Court may benefit from hearing the perspective of the law enforcement community on this vital issue as the NCFOP is frequently confronted with arbitrary action undertaken by governmental employers on its members.

QUESTION OF LAW ADDRESSED

The amicus brief will address the following issue of law of significant interest to the law enforcement community and the NCFOP:

1. What effect should be given to a law enforcement officer's evidentiary showing of rehabilitation and restoration of their good moral character?

NCFOP'S POSITION ON QUESTION OF LAW

The brief of the amicus curiae will take the following position with respect to the issue:

1. Where a law enforcement officer has presented evidence that they have rehabilitated and restored their good moral character, the Commission is not at liberty to ignore such evidence, and where such a compelling showing is made of the officer's current good moral character, denial or suspension of the officer's justice officer certification should be lifted.

CONCLUSION

Wherefore, Amicus Curiae North Carolina State Lodge of the Fraternal Order of Police respectfully prays that this Court grant leave to file an amicus curiae brief to address this important issue before the Court.

Respectfully submitted, this 29th day of August, 2022.

/s/Norris A. Adams, II

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing *AMICUS CURIAE* *MOTION* has been served this day *via* electronic mail, addressed as follows:

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This 29th day of August, 2022.

/s/Norris A. Adams, II

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