

NORTH CAROLINA COURT OF APPEALS

MAURICE DEVALLE,)	
Petitioner-Appellee)	
)	<u>From Columbus</u>
v.)	
)	
NORTH CAROLINA SHERIFFS')	
EDUCATION AND TRAINING)	
STANDARDS COMMISSION,)	
Respondent-Appellant)	

RESPONDENT –APPELLANT’S MOTION TO AMEND THE
MEMORANDUM OF ADDITIONAL AUTHORITY
FILED 31 OCTOBER 2022

NOW COMES the North Carolina Sheriffs’ Education and Training Standards Commission (the Commission), by and through Ameshia Cooper Chester, Special Deputy Attorney General, pursuant to Rule 38 of the North Carolina Rules of Appellate Procedure, and respectfully seeks to amend the Memorandum of Additional Authority filed 31 October 2022, by removing items 1. c. and 2. from the Memorandum.

Respectfully submitted, this 1st day of November, 2022.

JOSHUA H. STEIN
ATTORNEY GENERAL
Electronically submitted
Ameshia Cooper Chester
Special Deputy Attorney General

North Carolina Department of Justice
P.O. Box 626
Raleigh, North Carolina 27602
(919) 716-6590
N.C. State Bar No. 45949
achester@ncdoj.gov

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the forgoing
RESPONDENT-APPELLANT'S MOTION TO AMENDED MEMORANDUM OF
ADDITIONAL AUTHORITY FILED 31 OCTOBER 2022 upon the APPELLEE by
electronic mail, addressed to his ATTORNEY OF RECORD as follows:

J. Michael McGuinness
jmichael@mcguinnesslaw.com

Electronically submitted this the 1st day of November, 2022.

Electronically submitted
Ameshia Cooper Chester
Special Deputy Attorney General

NORTH CAROLINA COURT OF APPEALS

MAURICE DEVALLE,)	
Petitioner-Appellee)	
)	<u>From Columbus</u>
v.)	
)	
NORTH CAROLINA SHERIFFS')	
EDUCATION AND TRAINING)	
STANDARDS COMMISSION,)	
Respondent-Appellant)	

AMENDED MEMORANDUM OF ADDITIONAL AUTHORITY

TO: THE HONORABLE CHIEF JUDGE AND ASSOCIATE JUDGES OF
THE NORTH CAROLINA COURT OF APPEALS

NOW COMES the North Carolina Sheriffs' Education and Training Standards Commission (the Commission), by and through Ameshia Cooper Chester, Special Deputy Attorney General, pursuant to Rule 28(g) of the North Carolina Rules of Appellate Procedure, submits the following additional authority for consideration in this appeal pertaining to Argument I of the Commission's appellant brief and Argument B of Appellee's response brief:

1. State of North Carolina Ex. Rel. Jon David, District Attorney for the 10th Prosecutorial District v. S. Jody Greene, Sheriff of Columbus County, 22 CV 990, Columbus County,
 - a. Verified Petition for Removal Pursuant to N.C.G.S. §128-16, ET. SEQ. and Motion to Immediately Suspend from Office, Filed 4 October 2022.
 - b. Order Pursuant to N.C.G.S. §128-19, Filed 4 October 2022.

Respectfully submitted, this 1st day of November, 2022.

JOSHUA H. STEIN
ATTORNEY GENERAL

Electronically submitted
Ameshia Cooper Chester
Special Deputy Attorney General

North Carolina Department of Justice
P.O. Box 626
Raleigh, North Carolina 27602
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achester@ncdoj.gov

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the forgoing AMENDED
MEMORANDUM OF ADDITIONAL AUTHORITY upon the APPELLEE by
electronic mail, addressed to his ATTORNEY OF RECORD as follows:

J. Michael McGuinness
jmichael@mcguinnesslaw.com

Electronically submitted this the 1st day of November, 2022.

Electronically submitted
Ameshia Cooper Chester
Special Deputy Attorney General

STATE OF NORTH CAROLINA **FILED** IN THE GENERAL COURT OF JUSTICE
COLUMBUS COUNTY SUPERIOR COURT DIVISION
FILE NO.:

2022 OCT -4 A 11:44

STATE OF NORTH CAROLINA, C.S.C.

Ex. Rel. JON DAVID,

DISTRICT ATTORNEY FOR THE 15th

PROSECUTORIAL DISTRICT,

Plaintiff

VS.

S. JODY GREENE, SHERIFF OF

COLUMBUS COUNTY,

Defendant.

**VERIFIED PETITION FOR
REMOVAL PURSUANT
TO NCGS § 128-16, ET.SEQ.
and
MOTION TO IMMEDIATELY
SUSPEND FROM OFFICE**

NOW COMES the State of North Carolina on the relation of Jon David, the duly elected District Attorney of the Fifteenth Prosecutorial District, and upon information and belief, alleges and says that:

1. Defendant S. Jody Greene, at all times alleged herein, is and has been the duly elected Sheriff of Columbus County, North Carolina, having first taken office in 2018, and was subsequently administered the Oath of Office in December of that same year.
2. Defendant should be removed from the office of Columbus County Sheriff pursuant to N.C.G.S. § 128, Article 2.
3. Defendant has committed willful misconduct or maladministration in office in violation of N.C.G.S. § 128-16 (2) as follows:
 - a. The District Attorney's Office recently received an audio recording from the State Bureau of Investigation of a phone conversation in which Defendant made a series of highly inappropriate and racially charged statements. These statements were purportedly made in 2019 during a time in which Defendant was temporarily suspended from office pending the resolution of a State Board of Elections inquiry concerning Defendant's residency status.
 - b. Defendant, convinced there was a leak in his office, sought phone records from Verizon to ascertain whether Lewis Hatcher, Columbus County's first African American Sheriff, or Melvin Campbell, an African American Sergeant, and other African American employees had been undermining Defendant's authority as the Sheriff-Elect.
 - c. Defendant's statements include the following:
 - i. "I'm sick of it. I'm sick of these Black bastards. I'm gonna clean house and be done with it. And we'll start from there."

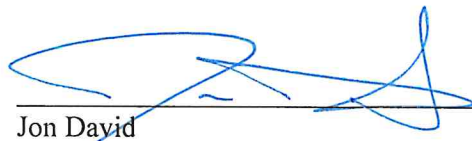
- ii. "They're gone. I'm telling you. That's as fair as I'm gonna be. Just giving you a heads up, that's coming. When me and Boyd and Angie go through it tomorrow, the first numbers we see, they're gone. They ain't gonna make it brother. I'm telling you, they might as well find somewhere else to go. Because if you ain't with me - I ain't referring to you - but if they're not with me, they're against me. And they're gone. And that's just how it's gonna be. Clarity - whatever her name is, I don't trust her. Dawn says she's racist... It's gonna be my way or it's gonna be no way... If I have to fire every mother fucker out there, guess what?"
- iii. "I'm tired of them fucking with me. It ain't happening no more. No goddamn more. So you let them know, if I find their numbers in the next day or two, they ain't gonna like it. They damn sure ain't gonna like it. And that's got to be somebody in the command staff. Clarity. I don't trust her. She's just sitting there staring at me the other day, the whole time. Staring at me the whole fucking time," [apparently referring to former detention officer Augustine Clarida, an African American].
- iv. "Tomorrow's gonna be a new fucking day. I'm still the motherfucking sheriff, and I'll go up and fire every goddamn [inaudible]. Fuck them Black bastards. They think I'm scared? They're stupid. I don't know what else to do with it. So it's just time to clean them out. There's a snitch in there somewhere tellin' what we are doing. And I'm not gonna have it. I'm not gonna have it."
- v. "The only thing I know to do is pull phone records and start checking. I ain't putting trackers on people but phone records tell the deal... So, just give them a heads up, hell is coming I promise. As soon as I find out who it is they ain't gonna like it. You [Interim Sheriff] Jason [Soles] and [Chief Deputy] Aaron [Herring] put your heads together tomorrow and see if y'all can figure out who it is.
- vi. "Melvin Campbell, Lewis Hatcher they're fired. They're gonna be guilty by fucking association".
- vii. "I ain't gonna have it. I'm gonna cut the snake's fucking head off. Period... And Melvin Campbell is as big a snake as Lewis Hatcher ever dared to be. Every Black that I know, you need to fire him to start with, he's a snake! I'm gonna keep my part. Watch what I tell you."
- viii. "But you and Aaron get together in the morning and Bobby see if you can figure out who it is."

- d. Upon information and belief, at least one African American employee of the Columbus County Sheriff's Office was terminated subsequent to the above referenced audio recording.
 - e. Defendant has personally, and through the direction of those under his command, engaged in racial profiling of Columbus County Sheriff's Office employees.
4. The acts committed by Defendant as listed above also constitute corruption while in office in violation of N.C.G.S. § 128-16(3).
 5. The State reserves the right to amend the above referenced charges and attach additional affidavits in support of the above allegations pursuant to N.C.G.S. § 128-18.
 6. The District Attorney's Office has formally requested that the North Carolina State Bureau of Investigation conduct an investigation of Defendant and deputies under his command for the crimes of obstruction of justice and willful failure to discharge a duty of office. This investigation commenced on September 27, 2022.

WHEREFORE, the State of North Carolina prays for the following relief:

1. That the court consider this verified petition, and the allegations made herein as the affidavit of Petitioner pursuant to N.C.G.S. § 128-19; and
2. That the Court immediately suspend Defendant, S. Jody Greene, from the office of Columbus County Sheriff pursuant to N.C.G.S. § 128-19; and
3. That the Court conduct a hearing, after the entry of a scheduling order, during a session of Columbus County Superior Court concerning the permanent removal of Defendant from the office of Sheriff; and
4. For such other and further relief as to the Court may seem just and proper.

This the 4th day of October, 2022.



Jon David
District Attorney, 15th District
111 Washington Street
Whiteville, NC 28472

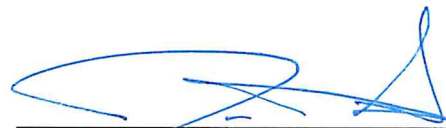
STATE OF NORTH CAROLINA

VERIFICATION

COUNTY OF COLUMBUS

Jon David, District Attorney for Prosecutorial District 15, on the behalf of the State of North Carolina, Petitioner in the above-entitled action, being first duly sworn, deposes and says that he has read the foregoing verified Petition for Removal and Motion to Suspend Sheriff S, Jody Greene; that the same is true of his own knowledge, except as to matters and things therein alleged upon information and belief and, as to such matters and things so alleged, he believes them to be true.

This the 4th day of October, 2022.



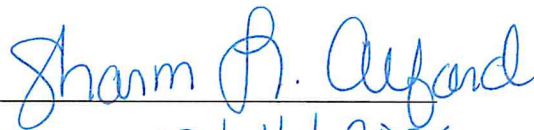
Jon David
District Attorney, 15th District
111 Washington Street
Whiteville, NC 28472

Sworn to (or affirmed) and subscribed before me this

4th day of October, 2022.

(Official Seal)

Notary Public



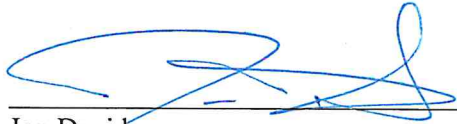
My Commission expires

10/4/2026

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY THAT the undersigned will serve a copy of this Petition for Removal and Motion to Immediately Suspend from Office by having the Defendant, or an employee at the Columbus County Sheriff's Office, hand served by an agent with the North Carolina State Bureau of Investigation

This, the 4th day of October, 2022.



Jon David
District Attorney, 15th District
111 Washington Street
Whiteville, NC 28472

STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE
COLUMBUS COUNTY SUPERIOR COURT DIVISION
FILE NO.: 22cws990

FILED

STATE OF NORTH CAROLINA 2022 OCT -4 P 3:53
Ex. Rel. JON DAVID,
DISTRICT ATTORNEY FOR COLUMBUS CO., C.S.C.
PROSECUTORIAL DISTRICT,
Plaintiff JCH

VS.

ORDER PURSUANT TO
N.C.G.S. § 128-19

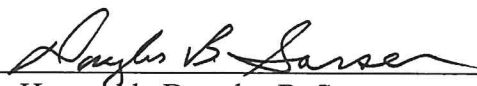
S. JODY GREENE, SHERIFF OF
COLUMBUS COUNTY,
Defendant.

THIS MATTER, having come on before the Honorable Douglas B. Sasser, Senior Resident Superior Court Judge, in chambers, pursuant to Plaintiff's Petition for the Removal of S. Jody Greene from the Office of Sheriff of Columbus County, North Carolina; and it appearing to the Court that said petition was filed pursuant to N.C.G.S. § 128-16, et. seq. on October 4th, 2022, and includes a motion and request for the immediate suspension of S. Jody Greene from the Office of Sheriff of Columbus County pursuant to N.C.G.S. § 128-19; and it further appearing to the Court that said Petition is a verified complaint, which the Court considers to be a sworn Affidavit of Plaintiff under N.C.G.S. § 128-19, setting forth described conduct of said Sheriff; and the Court, upon consideration of the Petition and Verification presented in support of the allegations, finds sufficient cause to immediately suspend S. Jody Greene from the Office of Sheriff of Columbus County.

NOW, THEREFORE, IT IS ORDERED that S. Jody Greene be immediately suspended from the Office of Sheriff of Columbus County, and the vacancy of Columbus County Sheriff be filled forthwith as by law provided, pending the hearing and final determination of the Petition of Removal of said Sheriff, which shall be held in Courtroom C of the Columbus County Courthouse on the 24th day of October, 2022, at 10:00 AM or as soon thereafter as possible; and

IT IS FURTHER ORDERED that the Clerk of Superior Court, pursuant to N.C.G.S. § 162-16, shall serve a copy of this order on all parties, as well as the County Manager of Columbus County.

This ORDER is hereby entered by the Court this the 4th day of October, 2022, at
3:38 o'clock PM.


The Honorable Douglas B. Sasser
Senior Resident Superior Court Judge