

NO. 158PA23

FIFTEENTH DISTRICT

SUPREME COURT OF NORTH CAROLINA

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MAURICE DEVALLE,	)	
	)	
Petitioner-Appellee	)	
	)	<u>From Columbus County</u>
v.	)	No. 20 CVS 1273
	)	
N.C. SHERIFF’S EDUCATION	)	<u>From N.C. Court of Appeals</u>
AND TRAINING STANDARDS	)	No. COA 22-256
COMMISSION,	)	
	)	
Respondent-Appellant	)	

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

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**TO THE HONORABLE SUPREME COURT OF NORTH CAROLINA:**

Pursuant to Rule 28.1(a) and (b) 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. The proposed brief is filed contemporaneously with this motion.

**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 377,000 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, clarify, and more fully define the important principles of good moral character and 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 Court of Appeals’ 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 WHY THIS AMICUS BRIEF IS DESIRABLE**

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 good moral character and rehabilitation and restoration of good moral character in North Carolina in rendering its decision denying certification in this matter that not only impacts the petitioner in this matter, but all law enforcement officers in North Carolina.

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

### **QUESTIONS OF LAW ADDRESSED**

The amicus brief will address the following issues 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 good moral character and rehabilitation and restoration of their good moral character in seeking certification before the Commission?
2. Should the North Carolina Supreme Court clarify the standards applicable as to what constitutes good moral character in North Carolina?
3. Should the North Carolina Supreme Court clarify the standards applicable as to what constitutes rehabilitation or restoration of good moral character in North Carolina?

### **NCFOP'S POSITION ON QUESTIONS OF LAW**

The brief of the *amicus curiae* will take the following positions with respect to the issues presented:

1. Where a law enforcement officer has presented substantial and compelling evidence that they presently have good moral character and have rehabilitated and restored their good moral character,

uncontradicted by the Commission, 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 justice officer certification must be lifted.

2. The current legal authority on good moral character is vague, ambiguous, sometimes contradictory, and largely inaccessible to the law enforcement community, thereby warranting clarification of North Carolina's good moral character principles by this Court.
3. The current legal authority on rehabilitation or restoration of good moral character is vague, ambiguous, sometimes contradictory, and largely inaccessible to the law enforcement community, thereby warranting clarification of North Carolina's rehabilitation or restoration of good moral character principles by this Court.

### **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 these important issues before the Court.

Respectfully submitted, this 9th day of December, 2024.

/s/Norris A. Adams, II

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 9th day of December, 2024.

/s/Norris A. Adams, II  
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NORRIS A. ADAMS, II