

Monroe A. Miller, Jr.  
19 Big Spruce Lane  
Waynesville, NC 28786  
October 2, 2014

Susannah B. Cox, Deputy Counsel  
The Grievance Committee  
**The North Carolina State Bar**  
217 East Edenton Street (27601)  
PO Box 25908  
Raleigh, NC 27611  
(919) 834-8156  
(919) 828-4620

**Subject:** Complaint against Jim Moore.

I, the undersigned hereby complain against

ID 13622  
James H. Moore Jr.  
176 Southfork Road  
Waynesville, NC 28785  
(828) 454-6510

I agree to cooperate by furnishing to the representatives of the North Carolina State Bar all pertinent information and records in my possession concerning the alleged misconduct of said attorney. I further agree that if a hearing or inquiry is ordered concerning the alleged misconduct of said attorney, then I will furnish evidence concerning the facts by submitting to deposition or personal attendance at the hearing or inquiry. I hereby indicate that this information is provided and transmitted by me to the North Carolina State Bar for the purpose of investigating the alleged misconduct of the above named attorney. I understand that I may also need to reveal this information to a privately-retained attorney to pursue private remedies on my behalf. I further understand that the immunity granted by North Carolina General Statute 84-28.2 applies only to those statements made without malice and intended for transmittal only to the North Carolina State Bar.

I also understand that the North Carolina State Bar may reveal this information to the accused attorney for his response to a formal inquiry and to others pursuant only to the Rules and Regulations of the North Carolina State Bar.

I am filing this grievance as an **amicus curiae**.

Jim Moore and Ashley Welsh are two Assistant DA's that are running for the position of DA here in Western North Carolina. Both were in a public debate at the Colonial Theater in Canton, NC last Sunday on September 28, 2014. The debate lasted one hour and each candidate had a chance to make closing statements.

Prior to the debate, my friend, Terry Ramey [re: Grievance filed with the NC Bar Association against George Hyler, No: G13G1053] told me about an instance with Jim Moore that he had kept some documents in his car for a couple of months and got into trouble with some judge.

So during Ashley Welch's closing statement, when she said something of the nature of "... that every judge in this area would happily have her in their courtroom, ...", I knew what that meant!

I sent an e-mail to Jonathan Key, owner of our local newspaper here in sleepy little Haywood County, that evening to see if their news editor, Vicki Hyatt, would pick up on this.

See the first attachment [ATTACHMENT 1] entitled:

Subject: Vile wacko's in the Comment Section  
Date: Sun, 28 Sep 2014 20:38:22 -0400  
From: Monroe Miller  
To: Jonathan Key <[jkey@themountaineer.com](mailto:jkey@themountaineer.com)>

Your attention is directed to the post script -

p.s. Vicki Hyatt was present at the Welch/Moore debate today in Canton. Ashley Welch smoked Jim Moore with her closing statement when she said that every judge in this area would happily have her in their courtroom, the implication being that there is at least one judge that will not have Jim Moore in his courtroom. Will Vicki bother to investigate this comment and find out what documents Jim Moore had allegedly tucked away in his car for several weeks and which judge he allegedly pissed off?

The Mountaineer did pick up on this, and in an article appearing in the on-line version, described the dirty deed. See the second attachment (in it's entirety, word-for-word) [ATTACHMENT 2]. We see that Jim Moore had pissed of Superior Court Judge Brad Letts by keeping a more than 2 month old Governor's warrant from Tennessee, that was most likely expired and had been riding around in Moore's vehicle.

When speaking with Becky Johnson, a reporter from our other local newspaper here in sleepy little Haywood County, she said that she already knew about that incident from an article posted in the Asheville-Citizen Times a month ago. Sure enough, I found it, and it is attached as ATTACHMENT 3. It contains a picture of Jim Moore.

Reference is made to a court transcript, which I am sure that you will have no difficulty obtaining from the Clerk of Superior Court in Graham County.

### **Complaint.**

Jim Moore violated the North Carolina Bar Association Rules of Professional Conduct, -

**RULE 1.1: COMPETENCE**

**RULE 1.3: DILIGENCE**

**RULE 1.4: COMMUNICATION**

**RULE 1.7: CONFLICT OF INTEREST: CURRENT CLIENTS**

**RULE 1.15: SAFEKEEPING PROPERTY**

**RULE 3.2: EXPEDITING LITIGATION**

**RULE 3.3: CANDOR TOWARD THE TRIBUNAL**

**RULE 3.4: FAIRNESS TO OPPOSING PARTY AND COUNSEL**

**RULE 3.8: SPECIAL RESPONSIBILITIES OF A PROSECUTOR**

**RULE 4.1: TRUTHFULNESS IN STATEMENTS TO OTHERS**

**RULE 5.7: RESPONSIBILITIES REGARDING LAW RELATED SERVICES**

**RULE 8.4: MISCONDUCT**

There may have been a few that I might have missed, but you should initially consider these rules. In other words, you should throw the book (Rules of Professional Conduct) at him. This is clearly an abuse of power.

It was brought to my attention that there is already at least one additional grievance filed against Jim Moore, so to fast-track this a little, please position this grievance in line in parallel with the existing grievance.

---

Monroe A. Miller Jr.  
19 Big Spruce Lane  
Waynesville, NC 28786  
(828) 456-3718

[Notary Stamp Here]

**Jurat**

Signed and sworn before me \_\_\_\_\_, on this day, the \_\_\_\_ day of \_\_\_\_\_, 2014.

Signed: \_\_\_\_\_

Printed: \_\_\_\_\_

My commission expires on \_\_\_\_\_

ATTACHMENT 1

Subject: Vile wacko's in the Comment Section  
Date: Sun, 28 Sep 2014 20:38:22 -0400  
From: Monroe Miller  
To: Jonathan Key <jkey@themountaineer.com>  
CC: Vicki Hyatt <vhyatt@themountaineer.com>, Jessi Stone  
<jstone@themountaineer.com>, Becky Johnson <becky@smokymountainnews.com>,  
Jonnie Cure, Denny King, Robert Inman <rinman@haywoodnc.net>

Mr. Key,

Since I now have an on-line subscription to the Mountaineer, thanks to Vicki Hyatt (see: <http://haywoodtp.net/pubII/140626MountaineerResponse.pdf>), I have been noticing an excessive amount of vile stuff spewed by a couple of incessant left wing [expletive deleted]'s running amok in your Comment Section. These people are:

Charles Zimmerman  
Ron Rookstool  
John C Sanderson

How long will it be before you put a muzzle on these people? It is not making your paper look good.

On the bright side, I see that you clamped down on Vicki Hyatt, as I haven't seen any toxic articles (Character Assassination Hit Pieces) on Republican Candidates by Vicki lately. Hopefully, there will be clear sailing up to the November election. And here I was, all set to blast each one off to Don Wright at the State Board of Elections.

Who says I don't hand out compliments?

Monroe Miller

p.s. Vicki Hyatt was present at the Welch/Moore debate today in Canton. Ashley Welch smoked Jim Moore with her closing statement when she said that every judge in this area would happily have her in their courtroom, the implication being that there is at least one judge that will not have Jim Moore in his courtroom. Will Vicki bother to investigate this comment and find out what documents Jim Moore had allegedly tucked away in his car for several weeks and which judge he allegedly pissed off?

## ATTACHMENT 2

District attorney race heats up  
By by Kevin Fuller | Oct 01, 2014  
[The Mountaineer]

CANTON — They say it's not how you start but how you finish — and that was certainly the case in Sunday's debate between District Attorney candidates Jim Moore and Ashley Welch.

The debate held at Colonial Theatre in Canton squared off Republican Ashley Welch and Democrat Jim Moore, both vying for the 30th Judicial District seat.

It started slow and was mostly cordial until the closing statements.

The 36-year-old Welch, who went last in closing remarks, stating she was the only district attorney candidate who is welcomed in the courtrooms of all judges in the district.

Welch, who along with Moore is a current assistant district attorney, didn't elaborate in her allotted three minute time slot but after the debate said Moore had been reprimanded by Superior Court Judge Bradley Letts during a pretrial hearing in Graham County in April.

According to a court transcript, Moore, 53, gave the judge a more than 2 month old Governor's warrant from Tennessee, that was most likely expired and had been riding around in Moore's vehicle. A Governor's warrant is an extradition warrant for out-of-state charges that's sent to a district attorney's office. The DA's office presents the warrant to the Clerk of Court's office, which delivers it to law enforcement officials to serve.

“It is with great sadness I must also include in the record, I find it exceedingly troubling that this documentation was held by the district attorney in his automobile — excuse me — the assistant district attorney's automobile since February the 10th,” Letts says in the transcript.

“It gave me great concern,” Welch said after the debate.

Letts would not comment on if Moore was banned from his courtroom. Moore also wouldn't comment on the matter because of the ongoing criminal case that the warrant pertains to.

But the next day Moore fired back saying he was surprised Welch brought it up and that he would not keep her on his staff if he was elected district attorney.

“That was completely out of left field,” said Moore. “I would not keep her at this point.”

Welch declined to say if she would keep Moore if elected but said she'd be looking into his handling of the Governor's warrant.

“With Jim, I'm going to really carefully and thoroughly look into the issue in Graham County,” she said.

Despite being an issue of contention, it wasn't the only thing the candidates discussed during the debate.

One of the biggest contrasting points both candidates made was in reference to a question that essentially asked what changes would each candidate make to the district attorney's office.

“Well, not much, to tell you the truth,” said Moore. “As far as staff goes, I wouldn't change anything.”

Moore praised current District Attorney Mike Bonfoey, who is retiring after this term, and said the office is stable and productive.

While Welch also praised Bonfoey, she sharply disagreed and said changes are needed.

“I think there’s a lot to change,” Welch said. “If I didn’t think there needed to be change, I wouldn’t be running.”

Welch said resources needed to be allocated more appropriately and the office needed to take advantage of assistant district attorney’s talents. She also said reaching out to law enforcement was essential, something Moore also pointed out during the debate.

“We’ve got to strengthen our relationship with law enforcement,” Welch said.

Several law enforcement officials were in the crowd, including Haywood County Sheriff Greg Christopher, Waynesville Police Chief Bill Hollingsed and Canton Police Chief Bryan Whitner.

Moore and Welch both agreed that the district attorney’s office shouldn’t be partisan.

Both did say, however, that taking the fight to a partisan statehouse in Raleigh is something they’d make a priority.

Welch said she would lobby for an exemption that gives the accused the right to see victims that are children. The sixth amendment of the Constitution currently gives the accused the right to face their accusers.

“The way we have it set up now is just cruel,” she said. “I would prefer if we change the law.”

Moore pointed at the healthcare industry and lack of laws overseeing how doctors prescribe drugs.

“I would have doctors check prescriptions that have already been prescribed,” he said. “That would limit some of the prescription abuse we have.”

Moore also said he’s lobby to make it possible for lab technicians who check drug and alcohol results testify via video from Raleigh as opposed to making the drive to do it in person.

“It eliminates time, money and should get quicker convictions,” he said.

Before convincing judges and juries for convictions, both Moore and Welch will be trying to convince voters in the 30th judicial district for their vote. The 30th judicial district includes Haywood, Jackson, Swain, Macon, Cherokee, Graham and Clay counties.

ATTACHMENT 3

**DA candidate forgot warrant for 2 months**

Politics Now

Jon Ostendorff, jostendo@gannett.com 11:19 a.m. EDT August 21, 2014



(Photo: Special to the Citizen-Times)

WAYNESVILLE - An assistant prosecutor running for district attorney in North Carolina's seven western-most counties faced criticism from a judge over his handling of an extradition warrant in a bizarre murder case.

Assistant District Attorney Jim Moore produced the 2-month-old arrest warrant from the governor of Tennessee after Superior Court Judge Bradley Letts lowered the bond of defendant Stevie Lee Franklin in Graham County in April.

Moore, a Democrat, is running for the elected state prosecutor's job in the 30th Judicial District against Republican Ashley Welch, who is also an assistant prosecutor.

Franklin was one of three people charged in the murder of 37-year-old David Shannon Sawyer of Robbinsville. His body was found Feb. 8, 2011, in a barrel in a 25-foot-deep sinkhole in Monroe County, Tenn.

One of the defendants was found not guilty.

Franklin's attorney moved for an unsecured bond after the decision so he could get out of jail.

He had been in jail three years awaiting trial and needed medical attention to help with a partial paralysis, his attorney argued in court.

Also, defense attorney Melissa Jackson noted, it cost the jail \$75,000 to care for Franklin, according to a transcript of the hearing.

Letts ruled in her favor during the April 3 hearing and lowered his bond from \$250,000 to \$50,000 unsecured.

There was some talk between the judge and attorneys about a trial date before Moore remembered a governor's warrant issued for Franklin.

Jackson told the court she had not seen the warrant.

The judge said he had also not seen the warrant.

"I do have it in my car unfortunately," Moore told the court.

Moore got the warrant out of his car and delivered it back to the judge.

Letts said he thought the warrant had to be sent to the clerk of court's office.

Moore told him the warrant was actually sent to Swain County Sheriff Curtis Cochran, because that is where Tennessee authorities thought Franklin was being held. He was actually being held in Clay County.

It is unclear, from the transcript, how Moore ended up with the warrant.

Jackson pointed to the fact that the warrant hadn't been filed.

"I just don't understand why this governor's warrant has been riding around in a vehicle and hasn't been filed," she said.

The judge agreed.

He noted that the warrant was almost two months old and the document said it had to be returned within 30 days. He questioned whether it was still valid.

Moore argued that it was.

But the judge, and Jackson, pointed out that it had not yet been served.

Letts ruled the warrant valid but said he could not take action because it had not been served on Franklin.

"It is with great sadness I must also include in the record, I find it exceedingly troubling that this documentation was held by the district attorney in his automobile - excuse me - the assistant district attorney's automobile since February the 10th," the judge said. "It was only brought to my attention after I had lowered the bond of the defendant."

Letts promised to "take a look into this."

On Tuesday, he declined to comment on the matter.

District Attorney Michael Bonfoey, Moore's boss, also decline to comment or say whether he has taken any action citing North Carolina's employee privacy laws.

Moore said on Tuesday he could not talk about the matter because of the pending murder charges against a third suspect.

But on Thursday, the day after the story broke, he told his supporters on his Facebook page he has performed

his duties "professionally, honestly, and ethically."

"There are those who are trying to derail my campaign by hiding behind anonymous reports to the media about events that have had no effect on the administration of justice," he said. "I will not allow such attempts to distract me from providing the people of our district the best service and protection possible from the Office of the District Attorney. Hold your heads high, my friends. We will not engage in such negative, misleading attacks."

Welch, who is running against Moore for the district attorney's post, said she's never been subject to a public reprimand by a Superior Court judge in her 11 years as a prosecutor.

"The transcript of what occurred in court speaks for itself," she said. "I trust the voters will be able to read the transcript and reach their own conclusions."