

15:43 1 Q. What are the duties and responsibilities of a
2 district attorney?

3 A. So the district attorney represents the
4 district in criminal matters. And in this district,
5 since there's a county attorney -- since there's a
6 county attorney, the district attorney handles the
7 felony cases. So anything ranging from stolen
8 vehicles, burglary of a habitation, burglary of a
9 vehicle, methamphetamine cases, things of that nature,
10 those are going to be felony level cases, and that's
11 what the district attorney is responsible for.

12 Q. Can you explain to our viewers the process
13 that's involved in a case from the time of an arrest
14 all the way up to, like, a prosecution?

15:44 15 A. Sure. So the law enforcement agencies work
16 the investigation, work the cases. Or maybe it just
17 begins as a traffic stop. So they make the arrest and
18 then work up a report, present the case to the district
19 attorney's office. Then the district attorney usually
20 reviews the case, makes sure there's enough evidence to
21 present it to a grand jury.

22 Some cases are just simply declined because
23 maybe there's no suspect that they can pin down, maybe
24 the facts just don't support it, maybe it just ends up
25 being a misdemeanor level offense.

15:44 1 If there is enough evidence to present it to
2 a grand jury, then the district attorney is responsible
3 to -- responsible for presenting it to the grand jury.

4 The grand jury is a secret proceeding where
5 law enforcement and the district attorney's office will
6 present the case to the grand jurors. They decide
7 whether or not there's enough evidence to indict
8 somebody. And then from the indictment, it carries on
9 where people will show up for court dates, things of
10 that nature. Maybe the defendant will plead guilty,
11 and that's what resolves the case, or the case will go
12 to trial. In either event, the district attorney is
13 representing the State or this district until the case
14 is disposed of.

15:45 15 Q. Can a defendant request their case be
16 presented to a grand jury? Is that a right they have,
17 or is that something that's at the discretion of the
18 district attorney?

19 A. So if the district attorney decides not to
20 present the case to a grand jury, a defendant really
21 isn't going to have a say-so one way or the other about
22 what -- what the district attorney can do with the
23 case.

24 Somebody that is going to be charged with a
25 felony does have a right to have their case presented

15:46 1 to a grand jury. So you can't make them do anything
2 just by simply charging them by information, like what
3 you could do in a misdemeanor case. It has to go
4 through the grand jury process, if the defendant
5 chooses to be charged in that manner.

6 Q. So what happens to those cases that, say, are
7 not presented to the grand jury?

8 A. This is where you're going to have a lot of
9 discretion given to a district attorney. So if the DA
10 decides, well, I just don't think that there's enough
11 evidence here, for whatever reason, or they just don't
12 want to present the case to a grand jury, then that's
13 the end of it, as far as the criminal side.

14 Even the way that it's presented to a grand
15 jury, that has a lot to do with the district attorney.
16 So if he or she goes in there and says, well, I just
17 really don't think that there's enough here, and pushes
18 it that way, that can influence a grand jury also. So
19 there's a lot of discretion in that beginning part of
20 how the case is going to proceed. They don't have to
21 present it to a grand jury if they don't want to. They
22 can simply just decline it.

23 Q. Can these cases that are not presented and
24 maybe set aside, can these cases be reviewed later?
25 And if so, is that something that you would do when you

15:47 1 take office?

2 A. Well, it depends on if the statute of
3 limitations have run. And so the longer a case sits,
4 the more it stinks, is kind of, you know, what people
5 say about criminal cases. But if the statute of
6 limitations have not passed and I do think that there's
7 enough evidence to present a case, then certainly
8 that's something that I can look over.

9 Now, if they've already pled guilty or
10 they've already gone to a jury and have been found not
11 guilty, then the case is done.

12 Q. So as a DA, you need to have a really good
13 working relationship with law enforcement?

14 A. Correct. And so that's -- that's one thing
15 that I've really been kind of trying to make the public
16 aware of, is that the way it sits right now, there's a
17 pretty strained relationship between most law
18 enforcement and the district attorney's office. And I
19 think a lot of that stems from -- obviously, they have
20 to work together. The district attorney cannot do
21 their job without the law enforcement agencies, and
22 vice versa. So I think there's a lot of frustration
23 coming from law enforcement, where they are doing the
24 traffic stops, they're finding drugs, they're getting
25 calls out for a stolen vehicle, stolen property, things

15:48 1 of that nature. They work the case, they talk to
2 witnesses, they write the reports, they do all of the
3 things that they feel that they need to be doing, they
4 present the case to the district attorney's office, and
5 then it just goes nowhere, or they're given a bunch of
6 reasons why it cannot move forward, instead of helping
7 them figure out a way to move it forward. Obviously,
8 that's demoralizing for law enforcement. They're
9 getting tired of it. And then it's becoming, why are
10 we even working this case.

11 And so as a community, that's not what we
12 want, especially victims. You know, your vehicle gets
13 stolen, it's found, we know who did it, and now police
14 are arriving at the scene and they have no interest in
15 working the case because they know down the road
16 nothing is going to happen. So that's -- that's not
17 good for law enforcement, that's not good for the
18 victims of the crime, and also it provides a huge
19 incentive for criminals to continue doing what they've
20 been doing.

15:49 21 Q. So during the -- during the last election
22 that we've just recently had, that included the school
23 bonds and things, the county clerk, Brenda McKanna, had
24 said that she felt like there were some voter
25 harassment intimidation going on, and she actually

15:49 1 referred some of those cases over to the current
2 district attorney, David Green, and there weren't ever
3 any charges brought or anything announced that there
4 was -- you know, anything that kind of came of that.

5 A. Okay.

6 Q. So using that as an example of these cases
7 being set aside or not looked into, or anything --

8 A. Sure.

9 Q. -- accomplished with the case, use that as an
10 example and kind of explain -- you know, what can you
11 explain how that process would work and how those types
12 of situations would need to be looked into, and, you
13 know, what are the possible outcomes in that.

14 A. Okay. All right. So this is a good example
15 of where there's a wide discretion for a district
16 attorney. And in fairness to that office, I -- you and
17 I are not going to know all of the information and who
18 they have talked to --

19 Q. Sure. Correct.

20 A. -- and if there's an investigation pending at
21 all.

22 But let's say that there -- there is some
23 truth to this. So the district attorney's office does
24 have an investigator. The investigator can, you know,
25 maybe guide these victims to the appropriate agency

15:50 1 that they need to talk to, or can just go ahead and
2 start talking to them himself.

3 So let's say that there is some truth to the
4 matter, then the case would need to be worked,
5 investigated, witnesses talked to. And then once the
6 case is kind of put together, then at that point the
7 district attorney can present it to the grand jury.
8 And so long as the statute of limitations, as I've said
9 before, haven't run, then let the grand jury decide
10 whether or not there's -- there's truth to the
11 allegations.

12 I think people get frustrated -- and not
13 specific to this example -- but just frustrated in
14 general where there doesn't seem to be consistency. So
15:51 15 if it seems like, well, these group of people can kind
16 of get away with doing whatever it is that they want to
17 do, but this group of people cannot, there again,
18 there's the large latitude the a DA has, but choosing
19 it wisely and being objective on how you handle cases
20 and how you treat cases should really matter.

21 Unilaterally deciding, maybe, that you're not
22 going to take stolen vehicle cases just because you
23 think they're hard to prove, or arson cases just
24 because you think they're hard to prove, things of that
25 nature, just for an example, doesn't give the public a

15:52 1 lot of faith in that office, faith in the process. And
2 then it becomes the blame game as far as, well, it's
3 law enforcement's office -- you know, law enforcement
4 fault. No, it's the DA's fault, and vice versa.

5 Q. One of the points that you've kind of made in
6 your campaign is running the office efficiently and
7 effectively financially, and just the general operation
8 of the district attorney's office.

9 A. Right.

10 Q. How do you feel like you can run that better
11 and more efficient?

12 A. I think I need to answer that question by
13 outlining the three points that I've -- that I've made
14 during my campaign. Number one, mending the law
15 enforcement relationship, as we've discussed,
16 instilling trust again, that they can call and contact
17 that office and ask questions and seek guidance, and at
18 least have somebody that's going to review the case
19 fairly and objectively and make a decision. So
20 that's -- that's one point.

21 The second point is to actually prosecute
22 cases. So not just give a bunch of excuses as to why
23 it can't work, it won't happen, just declining them
24 outright, but actually -- if there's something there,
25 then something needs to be done. You're not going to

15:53 1 win every case, but at least push back, stand up
2 against the crime that's happening. At least be an
3 advocate for this community. So that's been my second
4 point.

5 And that kind of goes in with my third point,
6 which is it needs to be efficiently run. So not only
7 are cases backlogged, sometimes cases are lost, but
8 then there's -- there's an inefficiency with that
9 office. So making sure that cases are maintained and
10 looked at in a timely manner.

11 If you -- one of the discretions that a
12 district attorney has is -- as far as representing the
13 State in bond hearings. So I would say that there's
14 probably three types of criminals that, generally, you
15 are going to deal with. And I learned this on the
16 defense side. One is the person that's in trouble for
17 the first time, and this is going to be it for them,
18 and they're scared, and we can help them and get them
19 back on the right track, and it -- great.

20 The second person is kind of maybe the longer
21 term drug user, somebody that's going down the wrong
22 path, doesn't want to be going down that path, and
23 really does want to seek some help.

24 The third person is this is going to be their
25 life, going to jail, going to prison. It just the cost

15:54 1 of doing business. And no matter how many rehabs you
2 send them to, how long you put them on probation,
3 they're never going to change because they don't want
4 to change.

5 So knowing these first two groups of people,
6 we have -- just in Moore County, the County
7 Commissioners recently, I think, budgeted for about
8 \$190,000 just on out-of-county jail holds, meaning that
9 our jail is full on the people that we're housing here,
10 and so they've had to pay other counties to house some
11 of our defendants.

12 Some people may think, well, what's the
13 problem, you know. They're in jail and they're off the
14 streets. Well, you have to present somebody's case
15 within 90 days to a grand jury. Otherwise, they're
16 released on what's called a PR bond, where they don't
17 have to post any money, and there's no bondsman
18 monitoring them. They'll show back up to court maybe,
19 maybe not, if their case is ever indicted.

20 So if you know that you're not going to be
21 able to indict somebody within 90 days, and those
22 people are methamphetamine, heroine, cocaine,
23 possession charges -- the reason why is because the lab
24 testing those drugs is so back-logged that you're not
25 going to get your lab results back on the drug testing

15:55 1 within the 90 day period. If you know that you're not
2 going to be able to indict those people in time, but
3 those people are either willing to plead guilty or have
4 a family that will take them in, you release them or
5 put them on probation, or do whatever it is that you're
6 going to do with them. Don't house them in the jail at
7 the 90 days, and then release on a PR bond, where
8 nobody is monitoring them. I think that that's a
9 problem, and we're feeding and housing them for three
10 months times however many defendants that you have.

11 Another problem is if your goal is to
12 rehabilitate people, having them in jail for maybe the
13 90 days, or if it's a different kind of offense,
14 they're just sitting there nine months, a year, and
15:56 15 they're not violent, now you've taken them out of the
16 job market, out of the real world for an extended
17 period of time. And then getting them back on track
18 becomes increasingly difficult.

19 So that's, I think, the source of frustration
20 where some of the public is concerned, as far as the
21 people that are monitoring how much money we're
22 spending on housing people in the jail. That's a
23 problem.

24 Violent offenders, sex offenders, you know,
25 things like that, I'm not talking about those kinds of

15:57 1 people. I'm talking about the people that you know
2 you're going to, by law -- a lot of the first time drug
3 users -- you're going to have to put them on probation.
4 Being efficient in that regard.

5 Also, running the office in a manner that
6 makes sense. So being clear on who is responsible for
7 doing what, making sure that cases are maintained, not
8 lost, the proper people are reviewing the cases, making
9 sure that everybody knows what they're supposed to be
10 doing, that's important, instead of having to hire or
11 bring in extra people. And then it doesn't seem to be
12 any benefit to adding more personnel to the office. So
13 I think that that's important, also, as far as
14 efficiently running the office.

15:57 15 But reviewing the cases in a timely manner,
16 either do something with it or don't. As I said
17 before, the longer it sits, the worse off it becomes,
18 in a lot of cases.

19 Q. Right.

20 A. So those kind of things to help move things
21 along and not waste people's -- you know, taxpayer
22 money.

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