

To: Local Media Outlets

From: Susan I. Doyle, District Attorney
Johnston, Harnett & Lee Counties

Re: SBI Investigation of Fraudulent DWI Dismissals

Date: March 30, 2009

Susan I. Doyle, District Attorney for Johnston, Harnett and Lee Counties requested the State Bureau of Investigation in April 2008 to investigate suspicious filings of dismissals in Driving While Impaired cases in Johnston County. Today the Johnston County Grand Jury returned several indictments against a former Assistant District Attorney, a Deputy Clerk and several Johnston County criminal defense attorneys charging them with crimes related to this investigation.

Doyle was elected on November 7, 2006, as the first female District Attorney in Johnston, Harnett & Lee Counties. Upon taking office on January 1, 2007, Doyle made it a top priority to increase the conviction rate for Driving While Impaired cases throughout the district. In order to accomplish this goal, Doyle applied for and received a grant from the Governor's Highway Safety Program which resulted in the hiring of a specialized legal assistant for Driving While Impaired cases as of October 1, 2007. The employment of the legal assistant enabled the Office of the District Attorney to develop and implement a new filing system that tracked all Driving While Impaired cases through the court system in a way that had never before been done.

In the spring of 2008 it became evident through the use of the new tracking system that certain Driving While Impaired cases that were scheduled for trial in District Court no longer appeared on the trial calendars. Upon inquiry with the Office of the Clerk of Superior Court, many of the cases in question were showing as having been dismissed in September of 2007 by a former Assistant District Attorney. Further inquiry revealed that the former Assistant District Attorney dismissed an alarming number of Driving While Impaired cases by utilizing an inappropriate dismissal form and by not stating the reasons for the dismissal orally in open court as required by law.

The former Assistant District Attorney was originally hired on October 13, 2003, by the previous District Attorney Thomas H. Lock. She continued serving as an Assistant District Attorney in Johnston County once Doyle took office in January 2007, and then resigned that position on September 30, 2007.

Immediately upon learning that the former Assistant District Attorney may have been involved in a concerted and sustained effort to violate the law applicable to Driving While Impaired dismissals, and primarily on behalf of certain local defense attorneys, Doyle requested an investigation by the State Bureau of Investigation and the Special Prosecution Division of the Attorney General's Office through a letter dated April 21, 2008. The purpose of this investigation was to determine the nature and extent of any

wrongdoing by the former Assistant District Attorney, and whether it involved collusion with any members of the local defense bar.

Doyle is firmly committed to serving the citizens of the Johnston, Harnett & Lee Counties by vigorously enforcing the criminal laws of the State of North Carolina. In 2008 she implemented a no dismissal policy for all Driving While Impaired cases. Doyle also requested further grant assistance through the Governor's Highway Safety Program. As a result, Doyle started a Driving While Impaired Court in Johnston County on October 1, 2008. Since beginning this specialized court, the conviction rate for Driving While Impaired cases in that court has risen to 88% with over 200 defendants convicted. A specialized Driving While Impaired Court began in Harnett County on February 1, 2009, with a current conviction rate of 81%. A specialized Driving While Impaired Court has been operating in Lee County since January 1, 2008. Finally, Doyle was instrumental in the creation of a new court folder solely for Driving While Impaired cases. This folder was adopted by the Administrative Office of the Courts for statewide use, which allows for better tracking of Driving While Impaired cases throughout the court system.

Doyle must recuse herself from the prosecution of all defendants since the charges involve a former Assistant District Attorney, making the District Attorney's Office one of the victims of these alleged crimes. The Special Prosecution Division of the Attorney General's Office will be prosecuting all cases. Doyle has and will continue to fully cooperate with the Attorney General's Office in its prosecution of these cases.