

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

STATE OF NORTH CAROLINA)
)
V.)
)
BRANDON CADY)

CASE # 09-CRS-50579
MOTION FOR APPROPRIATE RELIEF

NOW COMES THE MOVANT, BRANDON CADY, and moves this Court to grant him appropriate relief from his conviction of first degree murder, pursuant to N.C.G.S. § 15A-1411.

INTRODUCTION

1. Undersigned counsel hereby gives notice to the State that he is asserting substantial violations of his rights under the United States Constitution, including but not limited to those guaranteed under the Fourth, Fifth, Sixth, Eighth and Fourteenth Amendments to the United States Constitution; and that he is asserting substantial violations of his rights under The North Carolina Constitution, including but not limited to the provisions contained in Article I, Sections 19, 23, 24, 27 and 36; and that Cady is further asserting substantial violations of his rights under the criminal statutes of the State of North Carolina, including but not limited to those contained in Chapters 7A, 14, 15, and 15A of the North Carolina General Statutes, and that Cady is asserting other violations of Federal and State statutory and common law, all of which will be cited in greater particularity prior to the Court’s consideration of the Motion for Appropriate Relief at a hearing.

2. In support thereof, Movant attaches the following documents and respectfully states as follows:

Exhibit A – Medical Reports from United States Army

PROCEDURAL HISTORY

3. On May 18, 2009, an Indictment was filed charging Brandon Cady with Statutory Rape and Indecent Liberties With a Minor in violation of North Carolina General Statutes §§ 14-27.7A and 14-202.1 for the incident involving a fourteen (14) year old girl, A.Y., that occurred on December 13, 2008.

4. Initially, Cady entered a plea of not guilty to the above referenced charges and proceeded to go to trial. Cady retained attorney James MacRae, Esq. (hereinafter “trial counsel”), to represent him at trial, however, he failed to develop a defense strategy.

5. The case proceeded to trial on March 26, 2014 before a jury. After cross-examining A.Y., trial counsel did not feel confident that the jury would find Cady not guilty. He advised Cady to take a plea offer from the State because he would be found guilty if they continued on with the trial.

6. On March 26, 2014, based on trial counsel’s lack of confidence or strategy and his statement that Cady would be found guilty if he continued on with the trial, Cady reluctantly entered into a plea agreement with the State and changed his plea to guilty at the direction of trial counsel. He was sentenced that same day to a term of one hundred twenty (120) to one hundred fifty-three (153) months imprisonment.

STATEMENT OF RELEVANT FACTS¹

¹ The following facts are set forth upon information and belief, the source of which are conversations with the Defendant, review of court records and medical records, and conversations with others.

7. Cady initially met A.Y. and her friend V.M. after he responded to an ad on Craigslist posted by V.M. who was seeking a singing partner for a band. After texting back and forth with V.M., Cady eventually met up with her so that the two of them could sing together. Cady was not pleased with her performance after hearing her sing on multiple occasions and the two went their separate ways.

8. V.M. then got a new phone and did not recognize Cady's phone number so she called Cady using A.Y.'s phone to find out who he was. The three of them began socializing and hung out on multiple occasions. A.Y. would frequently contact Cady throughout the day either through text messages or phone calls. When V.M.'s parents were not home, V.M. and A.Y. would tell Cady to come to V.M.'s house.

9. A.Y. and Cady became very close over the course of a few weeks and began publically displaying affection for one another. According to A.Y., she thought Cady was twenty-five (25) or twenty-six (26) years of age.

10. On December 13, 2008, Cady was contacted by V.M. who told her to come over to her house and that A.Y. was also present. When Cady arrived, A.Y. embraced her with a kiss and led her to V.M.'s bedroom. Inside V.M.'s bedroom, A.Y. expressed her desire to have sexual intercourse with Cady and took off her clothes. According to her, the two then engaged in sexual intercourse in V.M.'s bed while V.M. was in the other room. Cady made no threats or demands to A.Y. to coerce her to engage in sexual activity.

11. The next day, Cady received text messages from A.Y. discussing what happened between them. A.Y. initially expressed no regrets to Cady and even bragged to her friends at

school about their relationship. A.Y. and her friends then looked Cady up on the internet and discovered he was actually thirty-six (36) years of age.

12. A.Y. was extremely upset that Cady was much older than she suspected and expressed this to her friends. One of A.Y.'s friends went home and told her mother about what A.Y. was telling everybody. The friend's mother then contacted A.Y.'s mother and informed her as to her daughter's relationship.

13. On December 16, 2008, A.Y. and her mother reported the incident to the police. A.Y. stated that she engaged in sexual intercourse with Cady and that she was fourteen (14) years old at the time. A.Y. presented for a medical examination where she was tested for sexual transmitted diseases and was given a "morning after pill." However, a rape kit was never performed and A.Y. was not psychologically examined until two months later.

14. Cady was arrested on February 6, 2009 and charged with Statutory Rape and Indecent Liberties With a Minor in violation of North Carolina General Statutes §§ 14-27.7A and 14-202.1. Attorney James MacRae, Esq. was retained to represent Cady at trial.

15. Cady informed trial counsel that he was active duty in the U.S. Army and had two deployments in Iraq and one in Afghanistan. While in the military, Cady developed Post Traumatic Stress Disorder (PTSD) and also suffered from anxiety, depression, and ADHD, and he informed trial counsel that he was prescribed Adderall, Zoloft, Lorazepam, and Zolpidem to treat those conditions.

16. Trial counsel never requested his medical records from Veteran's Affairs which would have supported that Cady suffered from mental disorders that caused him to experience frequent headaches, memory loss or amnesia, anxiety, depression, and trouble sleeping. On

February 12, 2009, Cady was evaluated by a medical doctor whom opined that Cady's psychiatric health was abnormal and he suffered from depression. (Exhibit A).

17. Cady's history of mental illnesses and use of psychotropic medications would have supported that Cady suffered from a diminished mental capacity at the time the offense occurred. Had trial counsel listened to Cady, he would have requested the medical records and had Cady evaluated by an expert to determine whether an insanity defense was viable. Additionally, this information, if properly presented to the District Attorney and the sentencing court, would have constituted significant mitigation to justify leniency at sentencing.

18. Additionally, Cady informed trial counsel that he had a witness in Washington state and provided trial counsel with an affidavit that proffered the witness's testimony. Trial counsel never interviewed or contacted the witness and failed to prepare the witness to testify. Cady also requested that trial counsel obtain phone records to contradict the State's allegations that Cady was contacting V.M. and A.Y. via text messages and phone calls which would have shown multiple incoming phone calls and text message conversations that were initiated by V.M. and A.Y., not Cady.

19. Instead, trial counsel proceeded to trial unprepared and without a viable defense strategy. He never investigated an insanity defense even though he was presented with supporting facts, failed to speak with defense witnesses, and failed to obtain evidence that would refute the State's contention that Cady was initiating the contact with V.M. and A.Y.

20. At trial, trial counsel failed to effectively cross-examine A.Y., and immediately afterwards told Cady that he had no choice but to enter a guilty plea instead of proceeding to verdict. Feeling that he had no choice, especially given that trial counsel did not prepare a

defense or prepare potential defense witnesses to testify, Cady withdrew his plea of not guilty and entered a plea of guilty on March 26, 2014 to Attempted Statutory Rape pursuant to a plea agreement. Cady was sentenced the same day to a term of one hundred twenty (120) to one hundred fifty-three (153) months imprisonment.

21. No prior appeal or motion for post-conviction relief has been made to this Court or any other court of competent jurisdiction. Counsel for the State and prior counsel for the Defendant have received notification that Cady would be filing the instant motion.

POINT I - MOVANT WAS DENIED HIS RIGHT TO EFFECTIVE ASSISTANCE OF COUNSEL WHERE TRIAL COUNSEL FAILED TO INVESTIGATE A POTENTIAL DEFENSE, FAILED TO INTERVIEW EXCULPATORY WITNESSES, AND FAILED TO PRESENT DEFENSE WITNESSES AT TRIAL WHO WERE READY, WILLING AND ABLE TO OFFER EXCULPATORY EVIDENCE WHICH ULTIMATELY RESULTED IN MOVANT ENTERING A GUILTY PLEA RATHER THAN PROCEEDING WITH THE TRIAL

22. The Sixth and Fourteenth Amendments of the United States Constitution and Article I, §§ 19, 23 of the North Carolina Constitution guarantee each defendant in a criminal prosecution the right to the effective assistance of counsel. Strickland v. Washington, 466 U.S. 668 (1984), State v. Braswell, 312 N.C. 553 (1985). The fundamental right to the effective assistance of counsel is recognized not for its own sake, but because of the effect it has on the ability of the accused to receive Due Process of Law in an adversarial system of justice. United States v. Cronin, 466 U.S. 648, 658 (1984).

23. The Supreme Court has held that “[t]he benchmark of judging any claim of ineffectiveness must be whether counsel’s conduct so undermined the proper functioning of the adversarial process that the trial [court] cannot be relied on having produced a just result.”

Strickland v. Washington, 466 U.S. 668, 686 (1984). Under the Strickland standard, ineffective assistance of counsel is made out when the defendant shows that (1) trial counsel’s performance was deficient, i.e., that he or she made errors so egregious that they failed to function as the “counsel guaranteed the defendant by the Sixth Amendment,” and (2) the deficient performance prejudiced the defendant enough to deprive him of due process of law. Id. at 687.

24. In United States v. Cronic, Strickland’s companion case, the United States Supreme Court provided a separate framework or standard for the analysis of claims alleging ineffective assistance of counsel: when “counsel entirely fails to subject the prosecution’s case to meaningful adversarial testing, then there has been a denial of Sixth Amendment rights that makes the adversary process itself presumptively unreliable.” United States v. Cronic, at 659. In Cronic, the United States Supreme Court opined that:

[t]he right to the effective assistance of counsel is thus the right of the accused to require the prosecution’s case to survive the crucible of meaningful adversarial testing. When a true adversarial criminal trial has been conducted – the kind of testing envisioned by the Sixth Amendment has occurred. But if the process loses its character as a confrontation between adversaries, the constitutional guarantee is violated. As Judge Wyzanski has written: “While a criminal trial is not a game in which the participants are expected to enter the ring with a near match in skills, neither is it a sacrifice of unarmed prisoners to gladiators.”

United States v. Cronic, at 657 (citing United States ex rel. Williams v. Twomey, 510 F.2d 634, 640 (7th Cir. 1975), cert. denied sub nom., Sielaff v. Williams, 423 U.S. 876 (1975)).

25. A court deciding a claim of ineffective assistance of counsel must judge the reasonableness of counsel's challenged conduct on the facts of the particular case, viewed as of the time of counsel's conduct. “The court must then determine whether, in light of all the

circumstances, the identified acts or omissions were outside the wide range of professionally competent assistance. In making that determination, the court should keep in mind that counsel's function, as elaborated in prevailing professional norms, is to make the adversarial testing process work in the particular case.” Strickland, 466 U.S. at 690.

26. To satisfy that burden, the inquiry focuses on the two-prong test established by the United States Supreme Court in Strickland, *supra*, and adopted by the North Carolina Supreme Court in Braswell, *supra*.

First, the defendant must show that counsel's performance was deficient. This requires showing that counsel made errors so serious that counsel was not functioning as the "counsel" guaranteed by the Sixth Amendment. Second, the defendant must show that the deficient performance prejudiced the defense. This requires showing that counsel's errors were so serious as to deprive the defendant of a fair trial, a trial whose result is reliable.

Strickland, 466 U.S. at 687.

A. Counsel's Performance was Deficient Where Trial Counsel Failed to Investigate a Defense and Interview and Present Defense Witnesses Who Would Have Exonerated the Movant

27. The right to effective assistance of counsel under the United States Constitution requires that trial counsel conduct a reasonable investigation into the facts of the case. See Coles v. Peyton, 389 F.2d 224, 226 (4th Cir. 1968) (holding “the defendant's right to representation does entitle him to have counsel ‘conduct appropriate investigations, both factual and legal, to determine if matters of defense can be developed, and to allow himself enough time for reflection and preparation for trial’”); Scott v. Wainwright, 698 F.2d 427, 429–30 (11th Cir. 1983) (defense counsel's failure to familiarize himself with the facts and relevant law made him so ineffective that the petitioner's guilty plea was involuntarily entered); Washington v. Strickland,

693 F.2d 1243, 1257 (5th Cir. 1982) (when counsel fails to conduct a substantial investigation into any of his client's plausible lines of defense, the attorney has failed to render effective assistance of counsel); Young v. Zant, 677 F.2d 792, 798 (11th Cir.1982) (where counsel is so ill prepared that he fails to understand his client's factual claims or the legal significance of those claims, counsel fails to provide service within the expected range of competency); Williams v. Washington, 59 F.3d 673 (7th Cir. 1995)(counsel failed to seek out or interview witnesses other than two clients, did not visit scene of crime, and was insufficiently familiar with documents in case to make sound decisions as to how to proceed); Sanders v. Ratelle, 21 F.3d 1446 (9th Cir. 1994)(counsel's failure to interview, subpoena, or take statement against penal interest from petitioner's brother, notwithstanding reliable indications that brother was actual perpetrator, was "unfathomable" and "evidenced a gargantuan indifference to the interests of his client."); Foster v. Lockhart, 9 F.3d 722 (8th Cir. 1993)(counsel's decision not to investigate potentially viable defense was unreasonable and could not be justified as "tactical decision" to focus exclusively on alternative defense.); Reynoso v. Giurbino, 462 F.3d 1099 (9th Cir. 2006)(counsel was ineffective in failing to conduct investigative interviews of two alleged eyewitnesses and failing to cross-examine-these witnesses); Adams v. Bertrand, 453 F.3d 428 (7th Cir. 2006)(counsel failed to find and present "pivotal witness" because counsel "committed to a predetermined strategy without a reasonable investigation.").

29. “[A]n attorney must engage in a reasonable amount of pretrial investigation and at a minimum, interview potential witnesses and make an independent investigation of the facts and circumstances in the case.” Bryant v. Scott, 28 F.3d 1411, 1415 (5th Cir. 1994) (internal quotation marks and alterations omitted). “[S]trategic choices made after thorough investigation

of law and facts relevant to plausible options are virtually unchallengeable; and strategic choices made after less than complete investigation are reasonable precisely to the extent that reasonable professional judgments support the limitations on investigation.” Strickland v. Washington, 466 U.S. 688, 690-91 (1988); see also Griffin v. Warden, 970 F.2d 1355, 1358 (4th Cir. 1992) (holding that counsel did not make a strategic choice not to call a witness when counsel did not talk to that witness).

30. In Pavel v. Hollins, 261 F.3d 210 (2d Cir. 2001), the Second Circuit refused to accept as a trial strategy, trial counsel's failure to call certain witnesses because [counsel's] decision as to which witnesses to call was to avoid additional labor in preparing a defense that might ultimately prove unsuccessful. The decision not to call any witnesses... was thus “strategic” in the sense that it related to a question of trial strategy of which witnesses to call, and it was “strategic” also in that it was taken by him to advance a particular goal. Id. at 218. However, it was not a plausible trial strategy where the goal was to avoid working instead of providing effective representation to his client. Id. at 218-19.

31. Likewise, the North Carolina Constitutional right to effective assistance of counsel requires a defense lawyer to interview potential defense witnesses, prepare a defense, and secure witnesses’ attendance at trial. State v. McEntire, 71 N.C. App. 720 (N.C. Ct. App. 1984), State v. Moorman, 320 N.C. 387, 402 (1987).

32. A defendant who alleges that ineffective assistance of counsel caused her to enter a guilty plea must show that defense counsel's conduct fell below an objective standard of reasonableness and that but for counsel’s deficient performance, the defendant would not have

pleaded guilty. State v. Goforth, 130 N.C. App. 603, 604, 503 S.E.2d 676, 678 (1998) (citing Braswell, 312 N.C. 553, 561-62, 324 S.E.2d 241, 248).

33. Here, trial counsel proceeded to trial without any reasonable defense strategy. After failed attempts to discredit A.Y., he simply directed Cady to enter a plea of guilty. This strategy is clearly unreasonable in light of the fact that Cady provided trial counsel with information that would support a potential defense of insanity which should have been further investigated by trial counsel.

34. Cady had informed trial counsel that he suffered from PTSD, anxiety, depression, and ADHD, and had been prescribed psychotropic medication for treatment of these mental illnesses. Trial counsel's decision to not pursue an insanity defense cannot be said to have been strategic since trial counsel did not even perform minimal investigation into the defense. Cady's medical records from Veterans Affairs were never obtained or reviewed by trial counsel and trial counsel never had Cady evaluated by a medical expert to determine the viability of an insanity defense.

35. Additionally, trial counsel failed to present this information to either the District Attorney or the sentencing court in an effective fashion in an attempt to ask for leniency at sentencing.

36. Cady also told trial counsel that he had a witness located in Washington state that was ready, willing, and able to testify on his behalf. Trial counsel never contacted or interviewed this potential defense witness and therefore, his decision to not call that witness to testify at trial could not have been strategic. See Griffin v. Warden, 970 F.2d at 1358.

37. Trial counsel's conduct clearly fell below the standard of counsel guaranteed by the Sixth Amendment. He had no defense strategy at all prepared for trial and merely relied on discrediting A.Y., the State's key witness, during cross-examination to exonerate Cady. With other viable defenses and witnesses to investigate, trial counsel's failure to do anything and his overall defense strategy or lack thereof falls below the standards set out in Strickland and Cronic. Cady was ultimately forced to plead guilty as a result.

*B. Defendant was Prejudiced by Trial Counsel's Deficient Performance
Because Had Trial Counsel Adequately Prepared for Trial,
Defendant Would Have Proceeded With the Trial Rather than Plead Guilty*

38. In the context of a guilty plea, "[p]rejudice' occurs if 'there is a reasonable probability that, but for counsel's errors, [the defendant] would not have pleaded guilty and would have insisted on going to trial.'" See Goforth, 130 N.C. App. 603, 605, 503 S.E.2d 676, 678 (1998) (quoting Hill v. Lockhart, 474 U.S. 52, 106 S.Ct. 366, 370, 88 L.Ed.2d 203 (1985)).

39. The inaction by trial counsel was inexcusable and ultimately resulted in Cady having to decide between proceeding with the trial without any defense strategy nor witnesses to testify on his behalf or plead guilty. Regardless of whether trial counsel's representation is analyzed under Strickland or Cronic, Cady was indeed prejudiced by trial counsel's inaction because he was forced to plead guilty rather than proceed with the trial. Had trial counsel properly investigated potential defenses, interviewed witnesses, and adequately prepared to present a defense at trial which would have provided meaningful adversarial testing to the State's case, Cady would have continued on with the trial instead of negotiating a plea offer from the state.

POINT II – MOVANT'S PLEA WAS IN VIOLATION OF THE UNITED STATES CONSTITUTION AND THE NORTH CAROLINA CONSTITUTION WHERE IT WAS ENTERED INVOLUNTARILY

BECAUSE TRIAL COUNSEL REFUSED TO CONTINUE REPRESENTING HIM AT TRIAL

40. "[A] plea of guilty is more than an admission of conduct; it is a conviction. Ignorance, incomprehension, coercion, terror, inducements, subtle or blatant threats might be a perfect cover up of unconstitutionality." Boykin v. Alabama, 395 U.S. 238, 242-243 (1969). The Supreme Court in Boykin went on to hold:

A defendant who enters such a plea simultaneously waives several constitutional rights, including his privilege against compulsory self-incrimination, his right to trial by jury, and his right to confront his accusers. For this waiver to be valid under the Due Process Clause, it must be 'an intentional relinquishment or abandonment of a known right or privilege.' Johnson v. Zerbst, 304 U.S. 458, 464 (1938). Consequently, if a defendant's guilty plea is not equally voluntary and knowing, it has been obtained in violation of due process and is therefore void.

Boykin v. Alabama, supra at 243 (citing McCarthy v. United States, 394 U.S. 459 (1969)).

41. When determining whether a guilty plea is made knowingly, voluntarily and intelligently, a court must consider all the relevant facts and circumstances in the case, including, but not limited to, the nature and terms of the agreement and the age, experience, and background of the accused. Iowa v. Tovar, 541 U.S. 77, 78 (2004). A reviewing court must examine the totality of the relevant circumstances. Brady v. United States, 397 U.S. 742, 749 (1970).

42. In Brady, the United States Supreme Court set forth a Constitutional standard for determining whether a guilty plea was voluntary:

A plea of guilty entered by one fully aware of the direct consequences, including the actual value of any commitments made to him by the court, prosecutor, **or his own counsel**, must stand unless induced by threats (or promises to discontinue

improper harassment), misrepresentation (including unfulfilled or unfulfillable promises), or perhaps by promises that are by their nature improper as having no proper relationship to the prosecutor's business (e.g. bribes).

Brady at 754 (citing Shelton v. United States, 242 F.2d 101, 115 (5th Cir. 1957))

(emphasis added).

43. The North Carolina Court of Appeals has held

A conviction on an involuntary guilty plea involves a violation of rights under the United States Constitution and thus, a defendant is entitled to collaterally attack a judgment entered on his guilty plea, on the grounds that the plea was not voluntarily and knowingly given.

State v. Mercer, 84 N.C. App. 623, 627 (N.C.App. 1987) (citing Blackledge v. Allison, 431 U.S. 63 (1977); State v. Loye, 56 N.C.App. 501 (N.C.App. 1982)).

44. In this case, trial counsel forced Cady to accept a plea offer by the State by threatening to abandon him at trial because he did not have a defense strategy prepared. Trial counsel was unwilling to move forward after he failed to effectively cross-examine A.Y. and immediately told Cady to take a plea deal because he would not continue representing him at trial. Cady, feeling that he was out of options considering he is unknowledgeable in the legal field and unable to represent himself, plead guilty to Attempted Statutory Rape.

45. Had trial counsel been willing to continue representing Cady if he wished to continue on with the trial, Cady would not have pleaded guilty. Instead, trial counsel's ineffectiveness caused him to be unprepared to move forward once he was unable to discredit A.Y. during cross-examination and he was unwilling to continue after his only strategy failed. His threat to abandon Cady resulted in an involuntary plea entered by Cady to avoid having to represent himself

throughout the remainder of the trial. Accordingly, the judgment and sentence entered against Cady should be vacated and set-aside as it is in violation of the United States and North Carolina Constitutions because the guilty plea was entered involuntarily.

CONCLUSION AND RELIEF REQUESTED

46. Movant has set forth factually intensive issues which can and should only be properly presented during an evidentiary hearing. N.C.G.S. § 15A-1420(c)(1) provides that "any party is entitled to a hearing on questions of law or fact arising from the motion and any supporting or opposing information presented unless the court determines that the motion is without merit."

47. In State v. McHone, 348 N.C. 254 (1998) the North Carolina Supreme Court found that the right to a hearing is not automatic, but is to be determined by the trial court from the motion and any supporting or opposing information presented. In McHone, the Court found that the defendant was entitled to a hearing because there was a question of fact that could only be determined by a fact-finding hearing.

48. In State v. Hardison, 126 N.C. App. 52, 483 S.E.2d 459 (1997), the Court of Appeals determined that a hearing was appropriate to determine factually disputed issues such as ineffective assistance of counsel. The defendant in Hardison, argued that there existed a conflict of interest with the counsel representing him during the entry of his guilty plea. The Court determined that the nature of the claim was such that it would not appear on the face of the record but would instead require a hearing.

49. The Movant respectfully submits that the issues presented herein require an evidentiary hearing to be properly presented and fully litigated.

50. Pursuant to N.C.G.S. § 15A-1420(a)(1)(c1), counsel certifies that there is a sound legal basis for the motion and that it is being made in good faith; and that the attorney has notified both the district attorney's office and the attorney who initially represented the Defendant of the motion. However, trial counsel has not reviewed the trial transcripts, although ordered, they have not been received as of the date of this motion. The instant motion is filed at this time to preserve Cady's habeas corpus rights under 28 U.S.C. § 2254. Counsel respectfully requests leave to amend the instant motion after all trial court documents are received and reviewed.

WHEREFORE, Brandon Cady respectfully requests that this Court grant the instant motion, withdraw his plea of guilty, and order a new trial; permit counsel to file any additional memoranda or briefs at least 30 days prior to signing any Order; permit counsel to review any proposed Order submitted by the State before this Court makes a decision on the motion; and grant Brandon Cady such other and further relief as this Court deems just, proper and equitable.

Respectfully Submitted,

Patrick Michael Megaro, Esq.
33 East Robinson Street, Suite 210
Orlando, Florida 32801
(o) 407-255-2165
(f) 855-224-1671
pmegaro@appealslawgroup.com
North Carolina Bar ID # 46770
New Jersey Bar ID # 3634-2002
New York Bar ID # 4094983
Florida Bar ID # 738913
Texas Bar ID # 24091024

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via U.S. First Class Mail this ___ day of March, 2015 to:

Office of the District Attorney
Cumberland County
117 Dick Street, # 427
Fayetteville, NC 28301

Patrick Michael Megaro, Esq.