

The Carolina Indian Voice

Robeson County, N.C.

"Building Communicative Bridges In A Tri-Racial Setting"

Robeson County

NUMBER 8

THURSDAY, FEBRUARY 22, 1990

25¢ PER COPY

Horace Locklear's Case Begins Monday

EDITOR'S NOTE: While many people do not believe Judge Sam Currin will allow anything to come out in the trial of Horace Locklear, attorney charged with obstruction of justice and obtaining property by false pretense, his attorneys have filed the following motion entitled "Defendant's proposed showing supporting request for hearing on motions to dismiss and quash indictments due to selective prosecution, based on outrageous government conduct." This document reveals much of what is going on in the Robeson County Judicial System. We print it here in its entirety because we believe people need to know. Locklear's case is to begin in Lumberton Superior Court on Monday, February 26 at 9:30 a.m.

"Now comes the Defendant, by and through his attorneys, and in support of the request for a hearing on the Motion to Dismiss Indictment Due to Selective Prosecution and Motion to Quash Indictment Based on Outrageous Government Conduct shows to the Court that at the hearing the Defendant's evidence will show as follows:

1. That the Defendant Horace Locklear is an Indian attorney practicing law in Robeson County, North Carolina.

2. That the Defendant is indicted in 2 indictments alleging he attempted to obtain property by false pretense and 1 indictment he attempted to obstruct justice;

3. That the basis for the indictment alleges the Defendant communicated privately (ex parte) with a Superior Court Judge; Hubert Stone, the Sheriff of Robeson County; and Mike Stogner, a Deputy Sheriff concerning matters relating to the sentencing of Leroy Locklear, a convicted drug trafficker, in an alleged attempt to wrongfully obtain a fee for his services;

4. That attorneys who practice law in Robeson County will testify as follows:

a. That at the time the alleged offenses were committed the policy of the District Attorney's Office in Robeson County was to not enter into or accept recorded plea agreements in criminal cases;

b. That in lieu of the foregoing the policy in Robeson County was for the District Attorney's Office to have the defense lawyer consult ("feel out") the judge regarding possible sentencing of criminal defendants who were to plead guilty as charged;

c. That these communications between attorneys and judges often occurred without the presence of a member of the District Attorney's staff, but with the knowledge and assent thereto;

d. That having an indication of the judge's inclination of the sentence the attorney would, unless the proposed sentence was rejected by non-lawyer Martin McCall as Administrative Assistant to the District Attorney's Office and causing the case to be continued until another judge was assigned, relay the information to the client and the client agreed to plead guilty as charged, then in open court the plea transcript was entered into the record indicating there was no plea agreement and the defendant had not been promised anything for his plea;

e. That this was a regular course of conduct in the criminal courts of Robeson County by the District Attorney's Office, defense attorneys and most judges.

f. That the District Attorney's Office communicated privately (ex parte) with judges regarding, but not limited to, motions to continue criminal cases, exclusion of time as to speedy trials all without notice to knowledge by, or the presence of defendant's attorneys;

g. That defense attorneys regularly engage in private communication outside of court with law enforcement officers about their possible testimony in criminal cases;

h. That none of the testifying attorneys, and to their knowledge no attorney in Robeson County, has been criminally indicted for such actions nor have complaints been filed with the State Bar.

5. That the defendant was discriminatorily selected for prosecution and the defendant can show by testimony the following:

a. That in another drug trafficking case prosecuted by this District Attorney's Office the defendant, while indicted for trafficking in more than one (1) kilo of cocaine, was allowed to plead guilty to lesser charges and pay alleged restitution in the amount of \$24,500.00 to the Scotland County Drug Fund;

b. That the defendant consulted with another Robeson County attorney concerning what if any relief was possible for Leroy Locklear and the defendant was advised that "substantial assistance" was the only possible relief from a minimum mandatory sentence; further, the defendant was advised to talk to the judge to determine the meaning of "substantial assistance";

6. That the motive for selecting the defendant for

prosecution was as follows:

a. That the defendant was at one time the lawyer for Eddie Hatcher and Timmy Jacobs, both Indians;

b. That the defendant was a political supporter of Julian Pierce, a candidate for Superior Court Judge, an Indian;

c. That the defendant testified for a defendant in the case of State v. Terry Evans, after which Mike Stogner, Robeson County Deputy Sheriff, was heard by others to say words to the effect that they would "get him for that;"

d. That the defendant was a political supporter for the appointment of Superior Court Judge Dexter Brooks, an Indian;

e. That the defendant as an attorney had represented a defendant in a criminal case and after entry of the plea Martin McCall as Administrative Assistant for the District Attorney's Office expressed anger about the plea and was heard by others to say words to the effect that the defendant "would pay for that;"

7. That the action of singling out the defendant for prosecution for this representation of a client will be shown by court documents and testimony as tantamount to outrageous government conduct in light of the following:

a. That Leroy Locklear, a political supporter of Sheriff Hubert Stone, and his co-defendants, all convicted drug defendants, have not been sentenced since pleading guilty in September, 1988, a period of over 16 months;

b. That Steve Barnhill, step-son of Chad Gasque, a friend and business associate of Martin McCall the Administrator for the District Attorney, was the only co-defendant in the first degree murder of Jerry Richardson who was placed on probation;

c. That while Leroy Locklear was awaiting sentencing on his plea of trafficking in marijuana and consulting with the defendant about his sentencing he delivered a load of oats to Martin McCall who was Administrative Assistant to the District Attorney and discussed his case with McCall without the presence of an attorney, when McCall knew he was represented by counsel;

d. That the District Attorney's Office has engaged in a pattern of rewarding political supporters by awarding favors in criminal matters, as follows:

1. In State v. Stephanie Hatchell the District Attorney did not calendar the case on the Superior Court calendars in a timely fashion at a time when the District Attorney's concubine, Pam Monroe, was being supervised as an employee in the Robeson County Probation Office by Thomas Hatchell, the defendant's father;

2. In State v. Horace Barnes the District Attorney, J. Richard Townsend, dismissed the case of failure to stop at a stop sign outside of court prior to the assigned court date for the defendant who is the brother of Knox Barnes, a political supporter.

3. In State v. Daniel Nance, Jr. the District Attorney, J. Richard Townsend, ordered that the defendant charged with speeding 83 MPH in a 55 MPH zone that he allowed to plea to 64 MPH in a 55 MPH zone;

4. In State v. Andrea Turner Scott wherein the defendant was charged with speeding 80 MPH in a 55 MPH zone the District Attorney for the State sought no greater than 64 MPH in a 55 MPH zone and the defendant is the daughter of E.B. Turner, a political supporter of the District Attorney.

5. In State v. Horace Barnes, 83 CR 6362, wherein the defendant was charged with a traffic violation the case was dismissed by the DA and the defendant is the brother of Knox Barnes, a political supporter;

6. That in numerous cases wherein the defendant Henry Daniel Cooper, Jr. was charged with varying traffic violations and Henry Cooper was charged with a traffic violation the charges were dismissed or reduced because the District Attorney sought a lesser verdict and Henry D. Cooper is a political supporter of the District Attorney and friend of Martin McCall, Administrative Assistant in the Office of District Attorney;

7. That actions like those enumerated above are granted to certain attorneys who receive favored treatment on their cases so long as they work with the "team" and do not take positions critical or complimentary toward the Office of District Attorney.

That based on the foregoing, which can be presented upon hearing, the defendant alleges he has shown the Court others similarly situated generally have not been prosecuted for conduct similar to defendant's and that the government's discriminatory selection was based on impermissible grounds such as race, religion, or the exercise of Constitutional rights.

Respectfully submitted this 1st day of February, 1990.

Bodenheimer, Bowen & Byerly
Attorneys for Defendant

Linda Deese Oxendine Scholarship Continues To Grow



Clayton Maynor (left) presents a \$500 check to Chancellor Joseph B. Oxendine of Pembroke State University for the Linda Deese Oxendine Scholarship Fund at PSU. This check brings up current contributions to the scholarship to \$2,100.

The memory of Linda Deese Oxendine of Pembroke, a long time PSU employee who died unexpectedly last May, was recently honored with the presentation of a check

which will be applied toward a PSU scholarship in her name. Clayton Maynor presented a \$500 check to

PSU Chancellor Joseph B. Oxendine on behalf of the Bear Swamp Baptist

Church of Pembroke.

A member of Harpers Ferry Baptist Church, she was a gospel singer within the Burnt Swamp Baptist Association.

This check, added to others given in Mrs. Oxendine's honor, increased the scholarship fund to \$2,100 in donations. To reach endowment status, the total amount must reach \$3,000, the interest from which will be used for an annual PSU scholarship in Mrs. Oxendine's memory.

Oxendine was employed 20 years with PSU, much of it as a secretary in the University's Physical Science Department. She is survived by her husband, Spencer; son, Kale; and three sisters and two brothers.

She is the daughter of Haynes and Virgie Sanderson Deese of Pembroke.

Maynor is chairman of the finance committee at the Bear Swamp Baptist Church and was instrumental in raising the \$500.

Those who would like to contribute toward the Linda Oxendine Scholarship should mail a check to: Linda Oxendine Scholarship Fund, Office of Institutional Advancement, Pembroke State University, Pembroke, NC 28372.

Receives Degree From UNC-G



Marian A. Chavis, daughter of Huey T. and Mary S. Chavis of Route 10, Lumberton, has graduated from the University of North Carolina-Greensboro with an MPA in Public Affairs. She is employed by the Council for Children as a research coordinator in Charlotte.

Chavis is a 1985 graduate of Pembroke Senior High and a 1986 graduate of Pembroke State University with a B.A. in Political Science.

15th Annual Indian Unity Conference March 15-17



Alumni returning to PSU campus on Saturday, Feb. 10 for the annual Alumni Awards Banquet received a mixed welcome. Dark storm clouds hung over early blooming trees near the PSU entrance.

Dr. Joseph B. Oxendine, Chancellor of Pembroke State University, will be the keynote speaker for this year's North Carolina Indian Unity Conference March 15-17, 1990 at the Sheraton Greensboro Hotel, Greensboro, NC.

The United Tribes of North Carolina sponsors this annual event. Some of the top Indian policy makers in the country have spoken in this year's event.

The theme for this year's conference is "A Decade of Indian Unity in North Carolina: Together, We Make A Difference."

The public is invited to attend the conference. Registration for the conference is \$45.00 per person (senior citizens and youth-\$30.00). All pre-registration must be received by March 2, 1990. Late registration for senior citizens and youth is \$35.00. All others is \$50.00.

Dr. Oxendine has been active in Indian causes nationwide. From 1977-1982, he was President of the Indian Rights Association, and shortly after the Indian siege of Wounded Knee, SD, he was asked by the federal government to conduct a workshop to help reduce tensions there.



Dr. Joseph B. Oxendine

Pembroke Kiwanis Club Meets

Program Chairman James Harris presented Mr. Bobby Griffin of the LRDA Economic Development Division. The meeting was held at Linda's Restaurant because of the untimely death of Mr. Hughes Locklear of the Town and Country Restaurant.

The economic development of the Pembroke area depends very much on the joint effort of the County

Commissioners, the Chamber of Commerce and the Town Council, and the LRDA Economic Development Project.

Industries seek assistance in acquiring land, water, transportation labor, sewer utilities. There is land in Robeson County but availability is the big problem. The tobacco industry has been the victim of adverse publicity. But land is more

difficult to acquire in the Pembroke area than in the Lumberton area. People seem to price themselves out of the market. The commissioners have appropriated money to Red Springs to help acquire industry. There are some alternatives to tobacco including turkey raising, soy beans and corn. However, a joint effort is needed to recruit industry. Presiding-Mitchell Lowry; Invocation-Dorsey Lowry; Program-Jim Harris; Reporter-Ken Johnson.