

NORTH CAROLINA  
CUMBERLAND COUNTY

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
FILE NO.: 08 CRS 63535-46

STATE OF NORTH CAROLINA )

v. )

JONATHAN BRUNSON, )  
Defendant. )

O R D E R

RECEIVED

FEB - 5 2020

OFFICE OF THE CLERK  
SUPREME COURT

19 SEP 24 2019

TILED

This cause coming on to be heard and being heard before the undersigned upon the above-named Defendant's Motion for Appropriate Relief dated the 3<sup>rd</sup> day of June, 2019 and filed with the Clerk of Superior Court on the 6<sup>th</sup> day of June, 2019 and Defendant's Motion for Recusal of Senior Resident Superior Court Judge James F. Ammons, Jr. for Racial Prejudice and Bias Against Defendant's Constitutional Right to In-Camera Access to Confidential Social Services Records Guaranteed Under the Fourteenth Amendment Due Process Clause Underlying Pennsylvania v. Ritchie, 480 U.S. 39, 58 (1987) and the Court having considered the Motions enters the following findings of fact, conclusions of law, and orders;

#### FINDINGS OF FACT

The Defendant was indicted in 08 CRS 63535 for Attempted Statutory Rape of Thirteen, Fourteen, or Fifteen Year Old, Sexual Assault by Substitute Parent and Taking Indecent Liberties with Children; in 08 CRS 63536 for Assault by Strangulation; in 08 CRS 63537 for Sexual Activity by Substitute Parent, Taking Liberties with Children; in 08 CRS 63539 for Statutory Offense of Thirteen, Fourteen, or Fifteen Year Old, Sexual Activity by Substitute Parent, Taking Indecent Liberties with Children, Crime Against Nature; in 08 CRS 63540 for Statutory Sexual Offense of Thirteen, Fourteen, or Fifteen Year Old, Sexual Activity by Substitute Parent, Taking Indecent Liberties with Children, and Crime Against Nature; in 08 CRS 63541 for Taking Indecent Liberties with Children, Statutory Sexual Offense of Thirteen, Fourteen, or Fifteen Year old, in 08 CRS 63542 for Statutory Sexual Offense of Thirteen, Fourteen, or Fifteen Year old, Sexual Activity by Substitute Parent, Taking Indecent Liberties with Children, and Crime Against Nature; in 08 CRS 63543 for Statutory Sexual Offense of Thirteen, Fourteen, or Fifteen

That on May 15, 2019 Defendant filed a "Motion for Recusal of Senior Resident Superior Court Judge, James F. Ammons, Jr. for Racial Prejudice and Bias Against Defendant's Constitutional Right to In-Camera Access to Confidential Social Services Records Guaranteed Under the Fourteenth Amendment Due Process Clause Pennsylvania v Ritchie, 480 U.S. 39, 58 (1987)".

That on June 6, 2019 Defendant filed a Motion for Appropriate Relief for Ineffective Assistance of Counsel.

That there is no evidence in the file maintained by the office of the Clerk of Superior Court that the North Carolina Court of Appeals has ruled on Defendant's appeal to that court.

#### **CONCLUSIONS OF LAW**

Defendant's Motion alleges racial prejudice and bias against black men and further alleges that Judge Ammons has developed an unfair dislike for black males.

That Defendant's allegation of racism toward Defendant is without merit and thus denied.

That the allegation of not bearing the in-camera review of DSS records is without merit as Defendant has already been found guilty by a jury and therefore this is no longer a pending case.

That Defendant's Motion for Appropriate Relief filed on Ineffective Assistance of Counsel and notes that a BAR was previously placed against the Defendant, most recently being January 31, 2019.

That the ground(s) or issue(s) underlying the motion was previously determined on the merits upon a previous motion or proceeding in the Courts of this State.

That the Defendant has not shown good cause why the Court should not impose the procedural bar ordered pursuant to the provisions of N.C. Gen. Stat § 15A-1419.

This Defendant has continued to assert claims for almost eight (8) years. Not one of his claims has ever been found to have merit and all of the claims asserted in his latest filing have either been previously addressed or could have been addressed in some earlier proceeding. Recognizing that there must be a balance of "concepts of basic fairness with the desire for finality in criminal cases, "this Court concludes that it is now time for there to be some finality to this case.

For the foregoing reasons, it is incumbent upon this Court to deny Defendant's Motion for Appropriate Relief.

### ORDERS

It is therefore Ordered that the Defendant's Motion for Appropriate Relief is without merit and therefore denied.

That Defendant's Motion for Recusal of Senior Resident Superior Court James F. Ammons, Jr. for Racial Prejudice and Bias Against Defendants Constitutional Right to In-Camera Access to Confidential Social Services Records Guaranteed Under the Fourteenth Amendment Due Process Clause Underlying Pennsylvania v. Ritchie, 480 U.S. 39, 58 (1987) is denied.

That a copy of this order be forwarded to the following by the Clerk of Superior Court:

a. Defendant at his present place of confinement:

Jonathan E. Brunson  
4600 Swamp Fox Hwy West  
Tabor City, NC 28463

b. District Attorney for the Twelfth Judicial District:

William R. West  
District Attorney  
117 Dick Street, Suite 427  
Fayetteville, NC 28301

c. North Carolina Department of Public Safety  
Combined Records

P.O. Box 29540  
Raleigh, NC 27626-0540

The Defendant is hereby given notice that this Court intends to enforce the procedural bar which is being imposed upon him herein and which has been imposed upon him on numerous prior occasions in orders entered by different judges. Should the Court deem that any future motions for appropriate relief filed by the Defendant are frivolous, the Defendant will be so notified and any such motions will be placed in the court file maintained by the Clerk of Superior Court without further action on the part of this Court.

The Defendant's failure to assert any other grounds in this motion shall be subject to being treated in the future as a BAR to any other claims, assertions, petitions or motions that he might hereafter file in this case, pursuant to N.C. Gen. Stat. § 15A-1419.

This the 20<sup>th</sup> day of September 2019.

  
James Floyd Ammons, Jr.  
Senior Resident Superior Court Judge