

IN THE SUPREME COURT OF THE UNITED STATES

State of North Carolina,)
 Petitioner)
)
 vs.) Case No. 20-1608
)
Norfolk Junior Best,)
 Respondent)

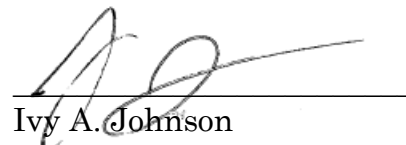
Motion for Leave to Proceed In Forma Pauperis

Comes now the Respondent, Norfolk Junior Best, by and through undersigned counsel, and moves this Court for leave to proceed *in forma pauperis*. In support of this motion, Respondent states the following:

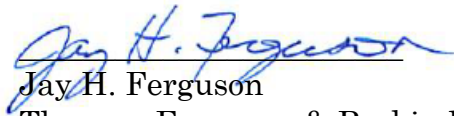
1. That Respondent has been incarcerated since 1991 and has no funds with which to pay the necessary fees and costs of this action.
2. That Respondent was determined to be an indigent in accordance with N.C. Gen. Stat. § 7A-451(c) *et seq.* and entitled to appointed counsel in post-conviction proceedings. Undersigned counsel Jay H. Ferguson and Ivy A. Johnson were appointed by the North Carolina Office of Indigent Defense Services to represent Respondent in all post-conviction proceedings on March 14, 2018 and August 3, 2020, respectively. (See attached orders of appointment). In accordance with North Carolina state law, Respondent is allowed to pursue post-conviction relief in the North Carolina courts without the payment of docketing fees, attorney fees, or any other costs.

WHEREFORE, Respondent prays that his request for leave to proceed *in forma pauperis* be granted.

Respectfully submitted:



Ivy A. Johnson
Center for Death Penalty Litigation
123 West Main Street, Ste 700
Durham, NC 27701
919-956-9545
ijohnson@cdpl.org
Attorney for Respondent

A handwritten signature in blue ink that reads "Jay H. Ferguson". The signature is written in a cursive style and is positioned above the printed name.

Jay H. Ferguson

Thomas, Ferguson & Beskind, LLP

119 East Main Street

Durham, NC 27701

919-682-5648

ferguson@tfblawyers.com

Attorney for Respondent

(TYPE OR PRINT IN BLACK INK)

STATE OF NORTH CAROLINA

Bladen County

File No.

93CrS2622

Additional File Nos.

93CrS2621

In The General Court Of Justice
Superior Court Division

Name of Defendant

Norfolk Junior Best

Social Security No.

244-92-3009

Has No Social Security No.

NOTE: The Office of Indigent Defense Services completes this form.

ASSIGNMENT OF COUNSEL
BY OFFICE OF INDIGENT DEFENSE SERVICES
IN CAPITAL CASES AT THE POST-CONVICTION LEVEL

G.S. 7A-451(c), (d); 7A-452

I. POST-CONVICTION APPOINTMENTS

NOTE: This section is to be used when the defendant has been sentenced to death, and the conviction and sentence have been affirmed on direct appeal by the Supreme Court of North Carolina or the defendant is filing a post-conviction motion pending resolution of his or her direct appeal. The IDS Office will not use this form to appoint counsel for direct appeal of a sentence of death; in such cases, the Court uses AOC-CR-350 to appoint the Office of Appellate Defender. See IDS Rules for Providing Legal Representation in Capital Cases, Part 2B, Rule 2B.2 (2001).

The Court having determined that the defendant is under a sentence of death, is indigent, and has requested counsel, the IDS Director appoints the two attorneys named below to represent the defendant in preparing, filing, and litigating a motion for appropriate relief.

Attorney 1

Name Jay H. Ferguson

Telephone 9196825648

Address Thomas, Ferguson, & Mullins, LLP

Fax 9196887251

119 E. Main St.

Email ferguson@tfmattorneys.com

Durham NC 27701

Attorney 2

Name Erica W. Washington

Telephone 919956954

Address CDPL

Fax 9199569547

123 West Main St., Ste. 700

Email ewashington@cdpl.org

700Durham, North Carolina 27701-3228

II. NOTIFICATION

The Office of Indigent Defense Services has provided a copy of this assignment of counsel order to the Clerk of Superior Court where the defendant's trial took place, the District Attorney, the Attorney General, the appointed attorneys, and the defendant.

Date

03/14/18

Name Of IDS Director

Thomas K. Maher

Signature Of IDS Director

WHITNEY B. FAIRBANKS
INTERIM EXECUTIVE DIRECTOR
WHITNEY.B.FAIRBANKS@NCCOURTS.ORG

TELEPHONE:
(919) 354-7200
FACSIMILE:
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OFFICE OF
INDIGENT DEFENSE SERVICES
STATE OF NORTH CAROLINA

www.ncids.org
123 WEST MAIN STREET
SUITE 400
DURHAM, N.C. 27701

DARRIN JORDAN
CHAIR

DOROTHY HAIRSTON MITCHELL
VICE CHAIR

July 29, 2020

Nicola S. Dennis, Clerk
Bladen County Superior Court
P.O. Box 2619
Elizabethtown, NC 28337

Re: State v. Norfolk J. Best
Bladen County
93 CrS 2621-22

Dear Clerk Dennis,

On May 29, 2020, the Court entered an Order allowing Erica Washington to withdraw from the above-captioned pending capital post-conviction case and appointing the Office of Indigent Defense Services to appoint replacement counsel. I have enclosed a copy of that Order for your convenience.

I have also enclosed a copy of form AOC-CR-625. In that form, the IDS Executive Director has appointed attorney Ivy Johnson to assume representation of this defendant along with current counsel, Jay Ferguson, in these pending state court proceedings.

Thank you for your assistance.

Sincerely,



Whitney B. Fairbanks
Deputy Director/General Counsel

Enclosure

cc: Jay Ferguson (via email)
Ivy Johnson (via email)
Jon David, District Attorney (via USPS)
Danielle Marquis Elder, Special Deputy Attorney General (via email)
Jonathan Babb, Capital Litigation Section Head (via email)
Norfolk J. Best (via USPS)

(TYPE OR PRINT IN BLACK INK)

STATE OF NORTH CAROLINA

BLADEN County

File No.

93 CRS 2621

Additional File Nos.

2622

In The General Court Of Justice
Superior Court Division

Name of Defendant

NORFOLK J. BEST

Social Security No.

Has No Social Security No.

ASSIGNMENT OF COUNSEL
BY OFFICE OF INDIGENT DEFENSE SERVICES
IN CAPITAL CASES AT THE POST-CONVICTION LEVEL

G.S. 7A-451(c), (d); 7A-452

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Attorney 1

Name Jay Ferguson

Telephone 919-682-5648

Address Attorney at Law

Fax 919-688-7251

119 E. Main Street

Email ferguson@tflawyers.com

Durham NC 27701

Attorney 2

Name Ivy Johnson

Telephone 919-956-9545

Address Center for Death Penalty Litigation

Fax 919-956-9547

123 W. Main St., Suite 700

Email ijohnson@cdpl.org

Durham NC 27701

II. NOTIFICATION

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Date

07-29-2020

Name Of IDS Director

Thomas K. Maher

Signature Of IDS Director



STATE OF NORTH CAROLINA

FILED

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

COUNTY OF BLADEN

2020 JUN -8 A 10:35

93 CRS 2621-22

BLADEN CO., C.S.C.

STATE OF NORTH CAROLINA)

dm

v.)

NORFOLK J. BEST)

ORDER ALLOWING WITHDRAWAL AND APPOINTING NEW COUNSEL

This matter coming to be heard before the undersigned Superior Court Judge for good cause shown it is hereby ordered:

- 1) Attorney Erica Washington is allowed to withdraw as counsel for Defendant.
- 2) The Office of Indigent Defense Services shall appoint new counsel in this case.

This the 29 day of May, 2020.



Superior Court Judge Presiding