

**CUMBERLAND COUNTY**

**FILE NO.: 08 CRS 63535-46**

2022 DEC 19 P 4: 11

COBBERLAND CO., C.S.C.

**V.**

**JONATHAN BRUNSON,**  
**Defendant.**

BY ORDER

This cause coming on to be heard and being heard before the undersigned upon the above-named Defendant's Motion for Appropriate Relief for Structural Error by Denial of the Right to an Impartial Judge and the Defendant's Addendum to Motion for Appropriate Relief for Structural Error by Denial of the Right to an Impartial Judge 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 Year and Crime Against

James Floyd Ammons, Jr. denied on the 10<sup>th</sup> day of May 2016.

That Defendant filed another Motion for Appropriate Relief dated on September 5, 2018 which the Court summarily denied and placed another BAR against the Defendant on the 6<sup>th</sup> day of September 2018.

That on the 12<sup>th</sup> day of July 2018 Defendant filed another Motion for Appropriate Relief and Post-Conviction Discovery of Confidential filed, that the Court again found to be without merit and dismissed same on the 14<sup>th</sup> day of August 2018.

That Defendant filed a Motion for Appropriate Relief dated October 8, 2018 requesting the Court to conduct a mandatory in-camera Ritchey Disclosure of DSS confidential files that the Court denied on the 17<sup>th</sup> day of January 2019 and filed a BAR against future filings.

The Defendant filed a Motion for Reconsideration dated the 28<sup>th</sup> day of January 2019 and the Court after reviewing said Motion denied same on the 31<sup>st</sup> day of January 2019.

The Defendant filed another Motion for Appropriate Relief dated April 15, 2019, that the Court sent a memorandum to Defendant that a BAR had been placed against the Defendant and that the Court found said motion to be frivolous and would be placing said Motion into the Court file in the Clerk of Superior Court's Office.

That on May 28, 2019 Defendant filed a petition for writ of mandamus seeking an order of his Motion filed for Appropriate Relief dated 15 April 2019 which the North Carolina Court of Appeals allowed.

That Defendant's Motion is requesting an in-camera judicial review of social services records. Such a review of records is considered for pending cases and is not appropriate in this case as the charges were pled guilty to on June 17, 2011.

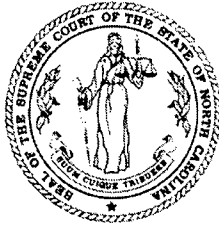
That the Defendant has not shown good cause why the Court should not impose the procedural bar ordered pursuant to the provisions of N.C. Gen. Stat § 15A-1419.

This Defendant has continued to assert claims for almost eleven (11) 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**

1. That the Defendant's Motion for Appropriate Relief is denied.
2. That Defendant's Addendum to Motion for Appropriate Relief for Structural Error by Denial of the Right to an Impartial Judge is denied.
3. 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  
PO Box 506  
Maury, NC 28554
  - b. District Attorney for the Twelfth Judicial District:  
William R. West  
District Attorney  
117 Dick Street, Suite 427  
Fayetteville, NC 28301
4. 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



# Supreme Court of North Carolina

Fax: (919) 831-5720  
Web: <https://www.nccourts.gov>

GRANT E. BUCKNER, Clerk  
Justice Building, 2 E. Morgan Street  
Raleigh, NC 27601  
(919) 831-5700

Mailing Address:  
P. O Box 2170  
Raleigh, NC 27602

From N.C. Court of Appeals  
( P16-399 P18-881 P21-420 )  
From Cumberland  
( 08CRS63535-46 )

7 September 2023

Mr. Jonathan Eugene Brunson  
Pro Se  
Maury Correction Institution  
#0493187  
P.O. Box 506  
Maury, NC 28554

**RE: State v Jonathan E. Brunson - 247P16-9**

Dear Mr. Brunson:

The following order has been entered on the motion filed on the 7th of March 2023 by Defendant for Petition for Discretionary Review:

"Motion Denied by order of the Court in conference, this the 30th of August 2023."

**s/ Allen, J.  
For the Court**

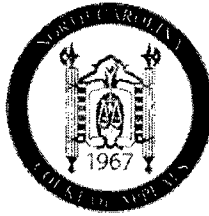
WITNESS my hand and the seal of the Supreme Court of North Carolina, this the 7th day of September 2023.

Grant E. Buckner  
Clerk, Supreme Court of North Carolina

A handwritten signature in black ink, appearing to read "M. C. Hackney", is written over the typed name and title of the Assistant Clerk.

M. C. Hackney  
Assistant Clerk, Supreme Court Of North Carolina

Copy to:  
North Carolina Court of Appeals  
Mr. Jonathan Eugene Brunson, For Brunson, Jonathan Eugene  
Ms. Sherri Horner Lawrence, Special Deputy Attorney General, For State of North Carolina - (By Email)  
West Publishing - (By Email)  
Lexis-Nexis - (By Email)



## North Carolina Court of Appeals

Fax: (919) 831-3615  
Web: <https://www.nccourts.gov>

EUGENE H. SOAR, Clerk  
Court of Appeals Building  
One West Morgan Street  
Raleigh, NC 27601  
(919) 831-3600

Mailing Address:  
P. O. Box 2779  
Raleigh, NC 27602

**No. P21-420**

**JONATHAN E. BRUNSON,  
PETITIONER,**

**V.**

**STATE OF NORTH CAROLINA,  
RESPONDENT.**

From Cumberland  
( 08CRS63535-46 )

### **ORDER**

The following order was entered:

By unanimous vote, the petition for a writ of certiorari filed in this cause by Jonathan E. Brunson on 3 January 2023 is denied.

By order of the Court this the 14th of February 2023.

The above order is therefore certified to the Clerk of the Superior Court, Cumberland County.

WITNESS my hand and the seal of the North Carolina Court of Appeals, this the 14th day of February 2023.

Eugene H. Soar  
Clerk, North Carolina Court of Appeals

Copy to:  
Attorney General, For State of North Carolina  
Mr. Jonathan E. Brunson, For Brunson, Jonathan E.  
Mr. William West, District Attorney  
Hon. James F. Ammons, Jr., Senior Resident Superior Court Judge  
Hon. Lisa Scales, Clerk of Superior Court