

NORTH CAROLINA
CUMBERLAND COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO.: 19 R 354

IN RE:
APPOINTMENT OF ACTING
PUBLIC DEFENDER

)
ADMINISTRATIVE ORDER
Y
CUMBERLAND

7/19 MAR -6

FILE

Pursuant to inherent power, as appointment authority for the Office of the Public Defender of the Twelfth Judicial District pursuant to Article 39B, Chapter 7A, North Carolina General Statutes, and to provide for continuity of performance of the Public Defender duties in the District, and in the exercise of the court's discretion, the following Order is implemented:

1. On November 6, 2013, Bernard Condlin was appointed Public Defender for the Twelfth Judicial District for a term commencing January 1, 2014 and expiring December 31, 2017. *See attached appointment Order.*
2. On October 11, 2017 the Cumberland County Bar held a vote for nominees for the Public Defender for the new term beginning January 1, 2018, and expiring December 31, 2021. The Bar sent the Senior Resident Superior Court Judge James Floyd Ammons, Jr. two nominees, Bernard Condlin and W. David Smith.
3. By letter dated December 6, 2017, Judge Ammons advised Thomas Maher, Executive Director of Indigent Defense Services that there would be a delay in the appointment, and that Mr. Condlin would remain in a holdover position. *See attached letter.*
4. Mr. Condlin has been in a holdover position without appointment from January 1, 2018 until February 28, 2019.
5. On February 5, 2019, Mr. Condlin submitted his letter of resignation to Judge Ammons effective February 28, 2019. *See attached letter.*
6. That as of March 1, 2019, the Office of Public Defender for the Twelfth Judicial District, formerly held by Bernard Condlin is vacant.
7. That this vacancy is detrimental to the operation of the Public Defender's Office and the administration of justice.
8. Due to Mr. Condlin's resignation and the fact that only one nominee remains, the Senior Resident does not have a choice of nominees with which to appoint a successor to Mr. Condlin. As a result there is an immediate need to appoint an Acting Public Defender to insure the continuity of operations.

7. During the last two years, Mr. Condlin selected Cynthia P. Black as the Chief Assistant Public Defender and she is a senior member of the Public Defender's Office having served for eighteen years.
8. Cynthia P. Black is well qualified to serve as Acting Public defender for the Twelfth Judicial District.

Therefore, after careful consideration of these matters, consultations with the President of the Cumberland County Bar Association, other Judicial Officials, and members of the Public Defender's Office, the Court concludes that there is an immediate need to appoint an Acting Public Defender to maintain the integrity and continuity of the Office of the Public Defender.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that Cynthia P. Black be appointed Acting Public Defender, immediately and that her appointment shall continue until such time as her replacement is selected or a new Public Defender is appointed by the Senior Resident Superior Court Judge.

Entered this 6th day of March, 2019.


James Floyd Ammons, Jr.
Senior Resident Superior Court Judge
Twelfth Judicial District

13R 1047
X/Copy

NORTH CAROLINA
CUMBERLAND COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

APPOINTMENT

Reposing special trust and confidence in your integrity and fitness, by virtue of the authority vested in me by G. S. 7A-498.7(b), I do by these presents appoint you, Bernard P. Condlin, **PUBLIC DEFENDER FOR THE TWELFTH JUDICIAL DISTRICT** of the General Court of Justice for a term commencing January 1, 2014, and expiring on the thirty-first day of December, 2017, and do confer upon you, after taking the oath required by law for your qualification, all the rights, privileges and powers useful and necessary to the just and proper discharge of the duties of your office according to law.

IN WITNESS WHEREOF, I have hereunto signed my name as the Senior Resident Superior court Judge of the Twelfth Judicial District of North Carolina, on this the 6th day of November, 2013.


James Floyd Ammons, Jr.
Senior Resident Superior Court Judge

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CUMBERLAND CO., C.S.C.
BY



BERNARD P. CONDLIN
CHIEF PUBLIC DEFENDER

12TH JUDICIAL DISTRICT
CUMBERLAND COUNTY

SUITE 237 CUMBERLAND COUNTY COURTHOUSE
FAYETTEVILLE, NC 28301
P 910-475-3023 FAX 910-475-3024
BERNARD.P.CONDLIN@NCCOURTS.ORG

February 5, 2019

Honorable James F. Ammons, Jr.
Senior Resident Superior Court Judge
117 Dick Street
Fayetteville, NC 28301

Dear Judge Ammons,

I am writing at this time to advise you, that after a very long period of deliberation, it is at this time that I am resigning from my position as Chief Public Defender for the 12th Judicial District effective February 28, 2019.

I will always be thankful for the opportunity that Senior Resident Superior Court Judge James F. Ammons, Jr. and the former Chief District Court Judge A. Elizabeth Keever provided me when they chose me in January 2014 to serve in this position. However, due to my own financial situation and the uncertainty of this position, I believe it is in my family's and my own best interest to return to private practice.

Indigent defense is still and will always be very important to me. I will continue to represent the less fortunate citizens and residents of Cumberland County and the State of North Carolina.

I have completely enjoyed my time as the Chief Public Defender, working with the all Judges, Mr. West and all the members of District Attorney's office, the County Commissioners and the citizens and residents of Cumberland County. Lastly, I would like to thank every attorney, investigator and staff member of my Public Defender's Office. Each and every one of you have made the last 5 years the greatest experience in my legal career and I love each one of you.

Thank you for your time and attention. God Bless the State of North Carolina and the United States of America.

Sincerely,

Bernard P. Condlin
Chief Public Defender 12th Judicial District
Cumberland County, North Carolina



JAMES FLOYD AMMONS, JR.
SENIOR RESIDENT SUPERIOR COURT JUDGE

*State of North Carolina
General Court of Justice
Superior Court District 12*

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CLAIRE V. HILL
RESIDENT SUPERIOR COURT JUDGE

MARY ANN TALLY
RESIDENT SUPERIOR COURT JUDGE

GALE M. ADAMS
RESIDENT SUPERIOR COURT JUDGE

December 6, 2017

Thomas K. Maher
Executive Director
Office of Indigent Defense Services
123 West Main Street, Suite 400
Durham, NC 27701

Dear Mr. Maher:

As you are aware, Bernard Condlin's term as the Public Defender of the Twelfth Judicial District comes to an end on December 31, 2017. The Twelfth Judicial District Bar nominated Bernard P. Condlin and W. David Smith, Jr. for the Office of Public Defender. On November 20, 2017 Superior Court Judges Claire V. Hill, Mary Ann Tally, Gale M. Adams, Chief District Court Judge Robert J. Stiehl, III and I interviewed the candidates. I have a couple areas of concern that I am investigating regarding these candidates.

I just finished our criminal administrative week and have started a two (2) week murder trial having already tried one case this week. I will be unable to appoint a Public Defender for a new term until I complete my investigation. I will not complete my investigation until after December 31, 2017. Pursuant to North Carolina General Statute § 128-7, I expect Bernard Condlin to holdover without an appointment until such time as I am either able to re-appoint him or appoint David Smith as Public Defender.

If you have any questions or concerns, please call me at 910-322-7350.

Sincerely yours,

James Floyd Ammons, Jr.
Senior Resident Superior Court Judge

JFAJR/jb