October 27, 2022

Attorney General Merrick B. Garland
Deputy Attorney General Lisa Monaco
Associate Attorney General Vanita Gupta
Assistant Attorney General Kristen Clarke
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Attorney General Garland, Deputy Attorney General Monaco, Associate Attorney General Gupta, and Assistant Attorney General Clarke:

On behalf of the Columbus County Branch of the NAACP and the North Carolina State Conference of the NAACP, we write to update our October 15th letter and to renew our request to the U.S. Department of Justice to redress willful misconduct and maladministration in office by the Sheriff of Columbus County, North Carolina and to erect safeguards against the associated increased risk of voting rights violations in Columbus County during the 2022 election that is currently underway.

We ask that the Department of Justice take the following actions:

1. **Expedite and ensure the full independence of a Federal civil rights investigation into the statements made and discriminatory actions taken by Sheriff Jody Greene;**

2. **Deploy DOJ election monitors to Columbus County during the upcoming November 2022 General Election, including early voting proceeding election day, which began on October 20;**

3. **Meet with community leaders expeditiously to discuss the next steps in addressing voter intimidation in Columbus County; and**

4. **Hold a listening session with community members in Columbus County to determine other civil rights violations and community needs that the Department of Justice has the authority to provide a path to redress.**

I. Factual Background

After Jody Greene was temporarily suspended from the Sheriff's Department by Superior Court Judge Douglas Sasser on October 4, 2022,[1] the District Attorney revealed several additional instances of "willful misconduct or maladministration in office" by Mr. Greene.[2] On October 21, 2022, District Attorney Jon David filed an Amended Petition for Removal,[3] which stated that, pursuant to *Giglio v. United States*, Mr. Greene can no longer be called as a witness in court due to his racial bias. The petition also states that Mr. Greene "has demonstrated on numerous occasions that he is willing to misuse the power and authority inherent to the office for personal and political gain," including the following incidents:

- In November 2019, Mr. Greene made an "irate" phone call to Whiteville City Manager Darren Currie and threatened to have Mr. Jason Soles arrested after hearing that Mr. Soles had been hired by the Whiteville City Police Department. Mr. Soles is a former deputy in Mr. Greene's office who made the initial recordings public, and is also Mr. Greene's current opponent in the race for Columbus County Sheriff.
- On March 2, 2020, following a meeting of the Columbus County Commissioners, Mr. Greene arrested Mr. Jesse Lee Crom (the stepfather of Mr. Soles) after Mr. Crom voiced frustration with Mr. Greene and told him to "grow up." Mr. Crom was charged with Disorderly Conduct in a Public Building, but a judge ultimately quashed this warrant.
- In the summer of 2020, Mr. Greene was recorded yelling at County Commissioner Paisley Edwin Russ about the county commissioner's vote against providing pay increases and riot gear to the Columbus County Sheriff's Office. In this call, Mr. Greene was heard threatening to remove sheriff's office equipment from a court facility during the COVID-19 pandemic, and to arrest one of the commissioners for possession of stolen property. Ultimately, Mr. Greene did pursue criminal charges against County Commissioner Giles "Buddy" Byrd, but these charges were ultimately dropped due to "insufficient evidence."
- Mr. Greene engaged in a sexual relationship with one of his subordinates in the Sheriff's Office, Detective Samantha Hickman. According to the DA, this "relationship spanned several months and interfered with the necessary and proper administration of the Sheriff's Office."

The new filing by DA Jon David also details how Mr. Greene failed to properly supervise his employees, particularly with regard to deputies who were working in jails. The petition states that these deputies failed to follow state procedures, and that ultimately, an incarcerated individual was left with a brain injury after four other individuals beat him; deputies took over 20 minutes to respond to the altercation.

On October 24, 2022 at 10am, Judge Sasser held a hearing to determine if Mr. Greene should be permanently removed from office. Before the District Attorney had the chance to present the evidence against Mr. Greene, his attorney Michael Mills announced that Mr. Greene would be voluntarily resigning from office.

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[1] https://www.wect.com/2022/10/04/columbus-county-sheriff-suspended-office-after-district-attorney-files-petition-removal/

[2] court-document-details-new-allegations-intimidation-corruption-against-suspended-sheriff

[3] https://www.scribd.com/document/602054684/An-amendment-to-the-petition-for-removal-of-Columbus-County-Sheriff-Jody-Greene#from_embed

At the hearing, District Attorney Jon David stated that there is an active SBI investigation into Mr. Greene, which has already resulted in an over 900 page report.[4] Following the hearing, Mr. Greene formally submitted his resignation to the County Board of Commissioners.

However, Mr. Greene continues to deny any wrongdoing, saying that "The allegations in the State's Petition and Amended Petition are not true. They were politically motivated." Mr. Greene also made very clear that he was planning to continue his campaign for Sheriff, stating on Facebook that "There are two weeks left before the election, early voting is in progress, and there is a move afoot to usurp the votes of law-abiding citizens. I cannot afford to spend the next week fighting in a courtroom while we are in the middle of an election to preserve our freedom."[5] In response, District Attorney David released a statement saying that, if Mr. Greene wins the November election, the District Attorneys' office "would have an ethical obligation to file, and will file, a new Petition to Remove Greene from that term of office based on the allegations alleged in the current Petition."[6]

II. Immediate Voter Intimidation Concerns

We write to you today with extreme concern for the potential increase in voter intimidation issues in Columbus County and across the state. Jody Greene has clearly stated his intent to remain on the ballot and not withdraw himself as a candidate for the 2022 sheriff election, and in fact has continued to hold himself out as the Sheriff even after being temporarily suspended.[7]

For example, at the Columbus County Agricultural Fair, held from October 11-16, 2022, Jody Greene was seen greeting potential voters and campaigning for re-election as sheriff, even though he has been suspended.[8] During the fair's parade, Greene and his wife drove a black Mercedes SUV with "Columbus County Sheriff Jody Greene" magnet decals on its rear doors, at the front of the sheriff's office convoy, blasting the song "Bad boys, bad boys, what you gonna do, what you gonna do when they come for you?" These acts by the suspended official were conspicuous and appeared to be targeted. It appears that Greene played that specific song while parading through the fair for one purpose – to send a message of intimidation to people of color and those who are determined to bring him to justice. While resigning, Mr. Greene has called the allegations against him a mere "political attack" while minimizing the fact that the voice on the recording stating hateful racist slurs was his. Because Mr. Greene has, in effect avoided taking responsibility for his past misconduct, while factually resigning from office and thereby mooting out public removal proceedings against him, the risk for additional escalation of hostility among his supporters is heightened and the community is on high alert.

III. Investigation Needed Into Policy and Practices in Columbus County

An investigation is both warranted and necessary into the Columbus County Sheriff's Office, where our community has raised significant concerns of patterns of misconduct by the office. This is even more true now that numerous additional allegations have come to light against Jody Greene and deputies under his past control,

[4] https://www.newsobserver.com/news/politics-government/article267764877.html
[5] https://www.wect.com/2022/10/25/jody-greene-says-he-will-continue-run-sheriff-columbus-county/
[6] https://www.newsobserver.com/news/politics-government/article267764877.html
[7] https://www.newsobserver.com/news/state/north-carolina/article267617562.html
[8] https://www.newsobserver.com/news/state/north-carolina/article267617562.html

which permeated the office as a whole. As we have previously indicated, the DOJ investigation is necessary in addition to any state investigation by the State Bureau of Investigation that we understand is also underway.

We stand ready to provide further information in support of this request and to facilitate the Department of Justice's independent investigation in the ways most beneficial to your office, the movement for justice, and that will assist in ensuring transparency and accountability for the Columbus County community. Because of the severity of this situation and the impact it may have on not only the Columbus County community, but also rights of North Carolinians to access their fundamental right to vote, we ask that the Department of Justice swiftly schedule a meeting with the undersigned and Columbus County leaders to discuss both letters that have been sent to the Department to determine what preventative measures may be taken to guard against unlawful voter intimidation in Columbus County.

Please direct any communications regarding this matter and next steps to Attorney Ashley Mitchell at AMitchell@forwardjustice.org. We look forward to your response.

Sincerely,

President Deborah Dicks Maxwell, NC NAACP
President Curtis Hill, Columbus County NAACP
Irv Joyner, NC NAACP Legal Redress Chair

Caitlin Swain, Co-Director, Forward Justice
Ashley Mitchell, Staff Attorney, Forward Justice
Kathleen Roblez, Senior Attorney, Forward Justice
Aviance Brown, Staff Attorney Forward Justice