



FILED

AUG 4 2011

**BEFORE THE
JUDICIAL STANDARDS COMMISSION**

**JUDICIAL STANDARDS
COMMISSION**

INQUIRY NO. 11-020

PUBLIC REPRIMAND

**JAMES F. AMMONS, Jr.
SUPERIOR COURT JUDGE
JUDICIAL DISTRICT 12**

Upon receipt of a written complaint alleging misconduct in the performance of judicial duties by Judge James F. Ammons, Jr., the Judicial Standards Commission ordered a formal investigation of the allegations contained therein and gave notice to Judge Ammons as required by Rule 9(d) of the Rules of the Judicial Standards Commission. The investigation was conducted by the Commission's investigator, who rendered an investigative report to the Commission. The Commission has completed its review of the investigative report, including information provided by Judge Ammons, and has caused this Public Reprimand to be personally served upon Judge Ammons pursuant to Rule 11(b). In accordance with such Rule, the judge must, within 20 days of the date of service, either accept the Public Reprimand or reject it and demand, in writing, that disciplinary proceedings be instituted in accordance with Rule 12 of the Rules of the Judicial Standards Commission.

Findings of Fact

1. James F. Ammons, Jr. was at all times referred to herein a judge of the General Court of Justice, Superior Court Division, Judicial District Twelve and, as such, was subject to the Canons of the North Carolina Code of Judicial Conduct, the laws of the State of North Carolina, and the provisions of the oath of office for a superior court judge as set forth in the North Carolina General Statutes, Chapter 11.

2. This matter came to the attention of the Judicial Standards Commission by receipt of a written complaint filed with the Commission by the Honorable Gregory A. Weeks, Senior Resident Superior Court Judge for Judicial District Twelve.

3. On January 1, 2011, while in the Cumberland County Courthouse for the swearing-in ceremony for newly elected District Attorney William A. West, Jr., Judge Ammons was approached by attorney Michael L. Williford of the law firm of Williford, Hollers, Crenshaw, Boliek & Frangakis, who presented Judge Ammons with five motions for appropriate relief and corresponding orders. Mr. Williford represented to Judge Ammons that the outgoing District Attorney, Edward W. Grannis, Jr., had consented to the orders being entered by the Court in the following cases:
 - a. Cumberland County File Number 93 CRS 028649, State of North Carolina v. Ricardo Delrisco. The Motion for Appropriate Relief was dated December 31, 2010 and signed by attorney Jeffrey C. Hollers, Jr. The motion prayed that the Court strike the conviction and re-calendar the case for trial on January 12, 2011. The Order for Appropriate Relief was dated December 31, 2010, bore the signatures of Judge Ammons and Mr. Grannis. The motion and order were filed with the Office of the Clerk of Superior Court on January 3, 2011.

 - b. Cumberland County File Number 94 CRS 20968, State of North Carolina v. Billy Ray Bedsole. The Motion for Appropriate Relief was dated December 31, 2010 and signed by attorney David L. Boliek, Jr. The motion prayed that the Court strike the conviction and re-calendar the case at the discretion of the District Attorney. The Order for Appropriate Relief was dated December 31, with the year omitted, and bore the signatures of Judge Ammons and Mr. Grannis. The motion and order were filed with the Office of the Clerk of Superior Court on January 3, 2011.

 - c. Cumberland County File Numbers 95 CRS 15967 and 95 CRS 15968, State of North Carolina v. Thomas D. Horne. The Motion for Appropriate Relief was dated December 31, 2010 and signed by Mr. Williford. The motion prayed that the Court strike the conviction and re-calendar the case for trial. The Order for Appropriate Relief was dated December 31, 2010, and bore the signatures of Judge Ammons and Mr. Grannis. The motion and order were filed with the Office of the Clerk of Superior Court on January 3, 2011.

- d. Cumberland County File Number 95 CRS 042545, State of North Carolina v. Thomas D. Horne. The Motion for Appropriate Relief was dated December 31, 2010 and signed by Mr. Williford. The motion prayed that the Court strike the conviction and re-calendar the case for trial at the convenience of the District Attorney. The Order for Appropriate Relief was dated December 31, 2010, and bore the signatures of Judge Ammons and Mr. Grannis. The motion and order were filed with the Office of the Clerk of Superior Court on January 3, 2011.
 - e. Cumberland County File Number 95 CRS 042546, State of North Carolina v. Thomas D. Horne. The Motion for Appropriate Relief was dated December 31, 2010 and signed by Mr. Williford. The motion prayed that the Court strike the conviction and re-calendar the case for trial. The Order for Appropriate Relief was dated December 31, 2010, and bore the signatures of Judge Ammons and Mr. Grannis. The motion and order were filed with the Office of the Clerk of Superior Court on January 3, 2011.
4. The motions in these cases did not comply with the following provisions of N.C.G.S. §15A-1420:
- a. The motions were not certified;
 - b. No notice was given to the attorney who originally represented the respective defendants;
 - c. The motions were not timely filed;
 - d. The motions were not filed with the office of the Clerk of Superior Court prior to review by the judge;
 - e. The motions were not supported by affidavits or documentary evidence.
5. Upon notice of the existence of these orders and the circumstances surrounding the manner in which they were requested and signed, Mr. West filed motions in each case for the Court to reconsider its previous Orders granting the Motions for Appropriate Relief. The grounds submitted by the District Attorney were that the orders were void *ab initio*

because the Defendants did not follow the required procedure set forth in N.C.G.S. §15A-1420.

7. On February 18, 2011, Judge Ammons signed Orders vacating the Court's previous Orders granting the Defendants' Motions for Appropriate Relief and in each case the Defendant's judgment and conviction were restored.
8. Judge Ammons acknowledged that the motions submitted to him by Mr. Williford on January 1, 2011, did not comply with the procedural requirements set out in N.C.G.S. §15A-1420. Judge Ammons further acknowledged that he did not carefully review the motions presented to him nor the respective case files, but rather assumed counsel had complied with the requisite statutory procedures and that the relief sought was justified.
9. Judge Ammons cooperated fully with the investigation.

Conclusions

Judge Ammons' actions described above are in violation of several provisions of the North Carolina Code of Judicial Conduct including Canon 1 (failure to personally observe appropriate standards of conduct to ensure that the integrity and independence of the judiciary shall be preserved), Canon 2A (failure to respect and comply with the law and to act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary, and Canon 3A(1) (a judge should be faithful to the law and maintain professional competence in it). Judge Ammons' actions constitute conduct prejudicial to the administration of justice that brings the judicial office into disrepute (N.C. Const. art IV, § 17 and N.C.G.S. § 7A-376(a)).

Corrective Action and Acceptance of Terms

Judge Ammons agrees that he will not repeat such conduct in the future, mindful of the potential threat any repetition of his conduct poses to public confidence in the integrity and impartiality of the judiciary and to the administration of justice.

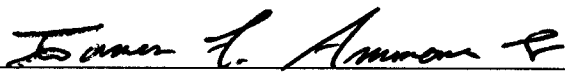
Judge Ammons agrees he will promptly read and familiarize himself with the Code of Judicial Conduct and N.C.G.S. §15A-1420.

Judge Ammons further agrees that he will not retaliate against any person known or

suspected to have cooperated with the Commission, or otherwise associated with this matter.

Judge Ammons affirms he has consulted with, or had the opportunity to consult with, counsel prior to acceptance of this Public Reprimand.

I, James F. Ammons, Jr., hereby accept the terms contained in this Public Reprimand this the 1st day of August, 2011.

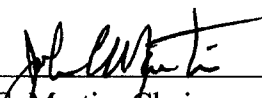


James F. Ammons, Jr.

ORDER OF PUBLIC REPRIMAND

Now therefore, pursuant to the Constitution of North Carolina, Article IV, Section 17, the procedures prescribed by the North Carolina General Assembly in the North Carolina General Statutes, Chapter 7A, Article 30, and Rule 11(b) of the Rules of the Judicial Standards Commission, the North Carolina Judicial Standards Commission hereby orders that James F. Ammons, Jr., be and is hereby PUBLICLY REPRIMANDED for the above set forth violations of the Code of Judicial Conduct. Judge Ammons shall not engage in such conduct in the future and shall fulfill all of the terms of this Public Reprimand as set forth herein.

Dated this the 4th day of August, 2011.



John C. Martin, Chairman
Judicial Standards Commission

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Public Reprimand was personally served on James F. Ammons, Jr. on the 26 day of July, 2011.

This the 26 day of July, 2011.

By: R. Glenn Joyner
R. Glenn Joyner, Investigator
Judicial Standards Commission