

Katherine Moore Testimony To: Judicial Accountability Forum, Washington, DC, May 15, 2008  
Stewart Mott House, Capitol Hill, 122 Maryland Avenue, NE

My name is Katherine Moore and I am from Wilmington, North Carolina. I am a former college professor and business woman. I represented the Small Business Administration and the Avon Company in 1990 as a Woman of Enterprise and toured the country speaking on behalf of women's issues. I was fortunate enough to have my business featured on Good Morning America, the Faith Daniels Show, the Sally Jesse Raphael Show, USA Today, Good Housekeeping, and Entrepreneur Magazine. I was living the American dream.

In 1991, I was elected to the Wilmington, North Carolina City Council. I was elected three times in at-large-elections and elected five times by my fellow Council members as the Mayor Pro Tem. But my political career came with very high consequences. I learned soon after joining the Council of the blatant misuse of federal funds by Council members and high level staff. I succeeded in getting HUD to reject several of our plans and threaten the City with repayment of block grant monies. The police department was mired in controversy and accusations of police brutality with six chiefs in eight years. One Chief had been accused very publicly of child molestation. I was very vocal and proactive in attempting to change the direction of the Department. Finally, I challenged the Police Department for not providing the Mother of a child who had been molested by the Executive Director of an after school program with a police report even though she had filed numerous complaints. It took two years to get the Police Department to write a report even though the school system removed their students from the program and the City ceased all public funding of the program.

Retaliation and revenge were swift and relentless. My family and I were harassed and intimidated incessantly. Finally, on November 6, 2002, I was arrested by

Wilmington police officer Paul Levitt and charged with Driving under the Influence. I requested a pre-arrest breathalyzer which is a Constitutional right in North Carolina. The officer replied, “No, pre-arrest breathalyzer, you are going to jail.” I was cuffed with my hands behind my back and tossed into the back seat of the squad car with the instructions to, “Slide your fanny over.” At the police station, I was administrated TWO breathalyzer tests and blew .00 TWICE.. Officer Levitt conferred with Magistrate, Judith Nicholson, and she issued the arrest warrant anyway citing that she had previously found probable cause for others who blew .00. Magistrate Nicholson was not reappointed in New Hanover County but moved on to another North Carolina county and was rehired as a Magistrate.

On November 17, 2002 a seventy-four page Police Department internal investigation concluded that Officer Levitt had “flagrantly” violated five police department policies, including profiling, making a stop prior to reasonable suspicion, and refusing to administer the pre-arrest breathalyzer. Written transcripts of the 911 tape reveal Officer Nevitt dispatching a fellow officer to my vehicle with the instructions, “ You better hustle and stop her before she gets home.” I demanded to know how this false arrest had occurred. Officer Levitt was administered a polygraph on November 14, 2002 that was found to be “inconclusive.” Officer Levitt was fired from the police department. Mr. Nevitt was promptly hired by Sheriff Sid Causey, who according to the City Manager, Sterling Cheatham, was the person who arranged for my false arrest. On November 17,2002, the DA dismissed the charges against me. He paid with is job. Shortly after dismissing my case, the DA resigned half-way through his term and moved to the other side of the State. The attorney, who originally took my case, lost his practice and moved to Arizona. New Hanover County, Sheriff Sid Causey, ran unopposed . That was a “first” in New Hanover County’s two hundred and fifty year history.

Immediately after my false arrest, I requested the US Justice Department investigate my case. DOJ found probable cause to investigate and so notified me via certified mail on December 11, 2002. A copy of this letter was sent to the US District Court in Raleigh ,North Carolina. Subsequently, DOJ “suspended” their investigation pending the outcome of my civil case with the understanding that they would reopen their investigation once my civil case had been adjudicated.

On August 28, 2003, I filed a lawsuit against the City of Wilmington. My complaint included the following, but was not limited to the following Counts: “ This matter is being brought pursuant to Civil Rights Act of 1871, 42 USC,1983,85, and 1986 and the Fourth, Fifth, and Fourteenth Amendments of the United States Constitution for the deprivation of Ms Moore’s civil rights by the defendants. . The final request in the brief was “THE PLAINTIFF DEMANDS A JURY TRIAL on all issues so trial able.

The issue of jurisdiction and venue were addressed thusly, “ This cause of action arose on or about November 6, 2002 within the city of Wilmington, North Carolina, New Hanover County which is specifically within the Southern Division of the United States District Court of the Eastern District of North Carolina.” However ,without explanation and ignoring the opposition of the Plaintiff, the case was reassigned to Judge Louise Flanagan in Raleigh, North Carolina on September 8, 2003. In May of 2005, I received a letter from the DOJ informing me that my case had been closed and that I would need to request a new investigation; and on July 5, 2005, Judge Flanagan granted Summary Judgment to all of the Defendants and dismissed my case without regard for my request for a jury trial, the overwhelming evidence of misconduct by Office Nevitt cited in the Police Internal Investigation, denial of my right to a pre-arrest breathalyzer, an injury sustained during the arrest, and the transcript of the 911 tape that

documents Officer Nevitt's instructions,, " You better hustle and stop her before she gets home." . She ignored my request for a jury trial and dismissed my case with the explanation that a police officer has the right to stop, interrogate, and arrest anyone suspected of having a single drink. She never addressed my denial of the pre-arrest breathalyzer or the fact that the officer insisted on my arrest after I blew .00 TWICE on the breathalyzer.

On August 23, 2005, I filed an appeal with the 4th Circuit Court of Appeals in Richmond, Virginia and on July 24, 2006, the appeals Court upheld Judge Flanagan's decision. On December 2, 2006, I asked the US Supreme Court to hear my case. They declined. . After the Supreme Court declined to hear my case, I requested that the Justice Department resume its investigation. All departments refused to investigate my case, and I went to Washington in an attempt to meet with my original case worker. I was DENIED entrance to the Justice Department by armed guards. I was not allowed to enter this public building. I have sent certified letters to former Attorney General Gonzales and Mr. Mueller of the FBI. I have received no responses.

Justice also eluded me in the state courts of North Carolina... In 1996, I signed a contract with a company known as Triple T. My contract was for the purchase of machine and auto parts. I was required to provide a personal guarantee for 500.00 which was my credit limit. In 2002, I signed a lease agreement with a company known as Idealease to lease a truck for my business. As my business began to falter, I decided to sell it. I returned the truck to Idealease before the end of the lease knowing that the gentleman purchasing my business wanted to purchase the truck. Idealease refused to sell the truck to the new owner, thus not mitigating any potential damages. Instead, Idealease hired Attorney Andy McVey to sue me for \$39,000 when the original lease was capped at \$25,000 and the company used the personal guarantee that I had

signed for 500.00 with Triple T to hold me personally responsible for the truck. When I signed the personal guarantee in 1996, Idealease did not exist. North Carolina Secretary of State records will confirm this. The records also confirm that the 2004 and 2005 annual reports submitted to the Secretary of Corporations by Idealease/ Triple T were rejected because the “two corporations had failed to lawfully merge.” . I responded by asking for a jury trial. Judge Jack Hooks ignored all of the aforementioned evidence and ruled that I was personally liable. Then Judge Jerry Braswell who was to hold the hearing and convene a jury, never convened a jury, dismissed the witnesses who were present in the courtroom, and allowed the opposing counsel to call the man who had offered to purchase my vehicle and tell him not to come to court. A third judge, Judge Allen Cobb, was called in to sign the order for the judgment of 39,000. I countersued in the federal court . Once again, my case was transferred from my local jurisdiction to Raleigh. Judge Deever was assigned my countersuit. The Defendants filed for a dismissal that was denied, but the Judge, in his findings of fact, instructed the Defendants how to position their case so that he could dismiss it. Below is a direct quote from the order issued by Judge Deever.

“Having addressed the defendants’ motion, the court raises another issue for the parties to consider. Specifically, the court mandates briefing on whether plaintiff’s complaint should be dismissed under the Rooker-Feldman doctrine.”

I have written documents and transcripts substantiating all of my allegations in both cases. The question is, does anyone really care that our judicial system is bankrupt. Everyone thinks, “It can’t happen to me.” Surprise, it can happen to anyone. Psychologist Karen Huffer has written a book entitled, “Surviving the Legal Abuse Syndrome.” I briefly moved to Florida with my daughter to escape the retaliation in North Carolina. Little did I know that there was no escape. Within months of my arrival in Florida, five Homeland Security

agents breeched three levels of security and entered our apartment. When I demanded to know how and why they were admitted, I was told that they entered the complex via the marina in their own Homeland Security vessel. Why? I called everyone at Homeland Security and no one could explain why I had received the visit.

My two children are also paying the price for my whistle blowing. Both are law school graduates who have not “Passed” the bar despite numerous attempts. My son was a dean’s list student at the New England School of Law and wrote for the New England Law Journal. By the way, check statistics, New England has one of the highest bar passage rates in the country. The NC Bar refuses to allow him to verify his scores or provide him any evidence of the results of his scores Even the ABA was unaware that the NC Bar required a social security number on each page of the essay questions.. So much for anonymity!

Both of my children sat for the Florida Bar with three thousand other candidates. Anonymity is the “buzz” word for all bar exams, but I have in my possession a letter from the Florida Bar that names in the return address my daughter, Katherine Moore. The salutation, however, is addressed to “ Dear Mr. Braswell”. Braswell is my son... again, so much for anonymity!

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