

STATE OF NORTH CAROLINA  
COUNTY OF RUTHERFORD

IN THE GENERAL COURT OF JUSTICE  
2015 AUG 24 AM 9: 32 SUPERIOR COURT DIVISION  
FILE NO.: 15-CRS-154-155, 164  
HUNTERDON COUNTY, C.S.C.

STATE OF NORTH CAROLINA.

*Plaintiff,*

vs.

BROOKE MCFADDEN COVINGTON,  
SARAH COVINGTON ANDERSON, *and*  
JUSTIN BROCK COVINGTON,

*Defendants.*

**MOTION TO DISMISS DEFENDANTS’  
MOTION TO RECONSIDER ORDER  
DISQUALIFYING COUNSEL**

NOW COMES the State of North Carolina, by and through the undersigned Assistant District Attorney, and moves the Court to dismiss the above-named defendants' Motion to Reconsider Order Disqualifying Counsel upon the following grounds:

1. The “substantial change of circumstances” that defendants suggest to the Court as a basis for reconsidering the Court’s Order of August 6 are all the result of acts which are in violation of the Court’s lawful Order. There are 33 separate acts of representation which the State alleges to be in violation of the Court’s Order. As to this, the State alleges and incorporates herein by reference the contents of its’ Motion to Strike which is filed simultaneously herewith as if fully set forth herein.
2. The conflicts of interest which exist on the part of disqualified counsel are concurrent nonwaivable conflicts of interest that are actual conflicts and not merely possible conflicts as suggested by disqualified counsel. Consequently, the *Yelton* case that they rely on as their sole basis of appellate precedent is inapplicable.
3. The Court is vested with the authority to do all things that are reasonably necessary for the proper administration of justice. *Beard v. North Carolina State Bar*, 320 N.C. 126, 357 S.E.2d 694 (1987). The proper standard of review for an act of the trial court in the exercise of its inherent authority is abuse of discretion. *Couch v. Private Diagnostic Clinic*, 146 N.C. App. 658,

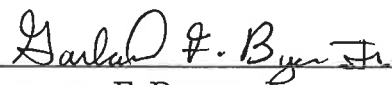
554 S.E.2d 356 (2001). This Honorable Court did not abuse its discretion in disqualifying counsel from representing the defendants in these matters.

4. The waivers signed by the defendants are ineffective and, further, they are contrary to the law of this State and of the United States. This Court should decline to accept them, which renders the defendants' Motion to Reconsider moot.

This the 24<sup>th</sup> day of August, 2015.

Respectfully submitted,

FOR THE STATE:

  
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### CERTIFICATE OF SERVICE

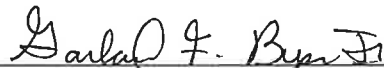
This is to certify that I have this day served Angela S. Beeker, Post Office Box 1666, Hendersonville, NC 28793, counsel for Brooke McFadden Covington, Sarah Covington Anderson & Justin Brock Covington, in the foregoing matter with a copy of the attached document by depositing in the United States Mail a copy of same in a properly addressed envelope with adequate postage thereon in the manner prescribed by Chapter 15A of the North Carolina General Statutes.

This is to certify that I have this day served Joshua Farmer, Mark Morris, and the law firm of TOMBLIN, FARMER & MORRIS, PLLC, in the foregoing matter with a copy of the attached document by hand-delivery.

This the 24<sup>th</sup> day of August, 2015.

Respectfully submitted,

FOR THE STATE:

  
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