

FILED

STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE
COUNTY OF RUTHERFORD SUPERIOR COURT DIVISION

FILE NO. 15 CRS 156

STATE OF NORTH CAROLINA)

)

)

V/S)

MOTION TO CONTINUE ALL MOTIONS

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)

ADAM CHRISTOPHER BARTLEY)

NOW COMES DEFENDANT, Adam Christopher Bartley, and moves the Court to continue all motions until all parties are represented by counsel, all discovery has been completed, and otherwise to a time when the interests of justice can be better served, and shows unto the Court as follows:

1. The undersigned represents only one of the Defendants, Adam Christopher Bartley, in a case involving multiple defendants in file numbers 15 CRS 153, 154, 155, and 164 (simple assault and second degree kidnapping). Defense counsel cannot speak as to those defendants, and their previous lawyers have been disqualified.

2. Upon information and belief, the other Defendants have appealed rulings to the N.C. Court of Appeals the same of which are still pending.

3. That this is not a very complicated case, involves no scientific evidence to which counsel is aware and is otherwise factually simple.

4. That the undersigned's involvement in the case has been brief, but since said time, there have been two lawyers disqualified and those defendants have no counsel other than appellate counsel which, upon information and belief, intends to withdraw from representing any remaining defendants.

5. That upon information and belief, the State of North Carolina is vigorously attempting to prosecute these defendants for reasons other than the facts associated with the case and, upon further information and belief, due to these defendant's association with a church in Rutherford County which has been controversial, to some people, in the exercise of its religious freedoms under the United States Constitution.

6. That since involvement began in this case, the undersigned has seen a pattern develop of motions to disqualify counsel for the other Defendants, who ironically are members of the Church referenced, bond revocation motions which were withdrawn, noticing of prior Defense counsel motions which were then withdrawn, and otherwise a pattern of discrimination against these Defendants which, upon information and belief, leads the undersigned to believe that there is a factual basis for a civil action to be filed against the District Attorney's Office in Rutherford County in the United States District Court for violation of these individuals civil rights per the United States Code and potential state Court claims for abuse of process, malicious prosecution, intentional and negligent infliction of emotional distress, among other torts. Defense counsel believes the only honorable thing for the District Attorney's Office to do is turn this case over to the N.C. Attorney General's Office for a more reasonable, fair, balanced, unquestioned view of the District Attorney's motives. The same would also cause the undersigned to believe the District Attorney's motives are honorable and pure in nature. Upon information and belief, that is unlikely to happen voluntarily and defense counsel intends to file a motion seeking the same, including recusal of the District Attorney's Office from this case in total.

7. Defense counsel has been told by the District Attorney's Office that "discovery is ongoing" and just this past week finally received a fax that the discovery was ready to be picked up in the District Attorney's Office. That upon information and belief, the District Attorney's Office has no problem filing motions and then withdrawing them, but cannot put discovery in an envelope and mail it to the undersigned who is 45 miles away for the approximate cost of a few dollars.

8. That a motion exists to have a Judge assigned to this case for no apparent reason other than the fact that, upon information and belief, the State of North Carolina believes this Judge will give favorable rulings to their motions. That this is a case which is otherwise not complex at all to even the most junior of lawyers but for the fact that there are other reasons associated with this prosecution, upon information and belief.

9. That the District Attorney's Office will stop at nothing to prosecute these individuals for, among other things their religious practices, and upon information and belief, has no care for the fact that a special assignment of one Judge to a case which is not very complex, does nothing but cost the State of North Carolina even more money than has been spent on this case, begs the question of "why" such a motion or order is necessary, places this Honorable Court in a position where the citizenry in Rutherford County as well as at least this Defendant, thinks that the Judge requested favors one party over the other. That the undersigned believes this Judge will not place himself in that position and should not be asked to do the same by the District Attorney's Office. Upon information and belief, in the alternative, absent consent, this Judge should not rule on this type of motion any more than he should rule a motion to be recused from the case.

10. In the event the District Attorney's Office were interested in the "interests of justice" and being a "minister of justice" per their obligations, then the undersigned respectfully asks that this Honorable District Attorney's Office, turn the case over voluntarily to the State Attorney General for whatever actions are necessary to pursue the interests of justice on behalf of all the citizens of Rutherford County, and let that office take these cases out of the realm of suspicion, conjecture, tomfoolery, and the otherwise appearance of a prosecution against members of a certain church. In the absence of this happening, then the undersigned requests the Court grant a motion to continue all issues to a time when all the defendants have attorneys, all the "on going" discovery is completed, the defendants have all been afforded the opportunity to have their cases reviewed in total by whoever their lawyers are going to be, the North Carolina Court of Appeals has had an opportunity to act one way or the other, the undersigned has had an opportunity to file his own like motions, and to a time when all the Defendants will be afforded the same opportunities to be heard.

WHEREFORE, the undersigned respectfully requests the Court continue all motions to a time when the "interests of justice" and fundamental fairness can be accomplished in a more objective reasonable manner.

This the 14th day of September, 2015.

BYRD, BYRD, MCMAHON & DENTON, P.A.

BY:


Robert K. Denton

PO Box 1269

Morganton, N.C. 28680

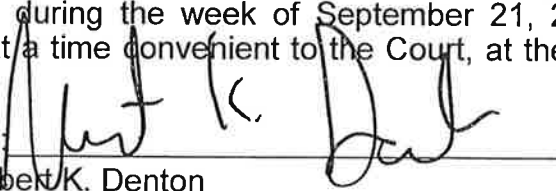
828-437-4220

828-438-4517 (fax)

NOTICE OF HEARING

YOU WILL PLEASE TAKE NOTICE that the Defendant will bring on for hearing the Motion to Continue All Motions during the week of September 21, 2015, in the Rutherford County Superior Court, at a time convenient to the Court, at the Rutherford County Courthouse.

BY:


Robert K. Denton

PO Box 1269

Morganton, N.C. 28680

828-437-4220

828-438-4517 (fax)

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that the undersigned has this day served the foregoing Motion in the above-captioned case upon all other parties to this cause by fax (to DA Office only) and by depositing a copy of the same in a postpaid, properly addressed wrapper in a post office or official depository under the exclusive care and custody of the United States Post Office Department, addressed as follows:

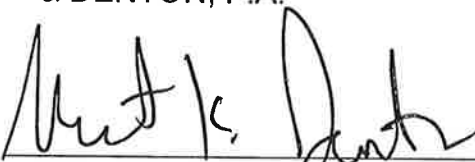
**STATE OF NORTH CAROLINA
ATTENTION: GARLAND F. BYERS, JR.
PO BOX 70
RUTHERFORDTON, NC 28139
Fax: 828-288-6111**

**MATTHEW D. CABE
P.O. DRAWER 2247
MORGANTON, NC 28680**

**ANGELA S. BEEKER
422 NORTH CHURCH STREET
HENDERSONVILLE, NC 28792**

THIS the 14th day of September, 2015.

BYRD, BYRD, MCMAHON,
& DENTON, P.A.

By: 

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