Part I: Cop-Killer Trial a Public Relations Disaster for DAs Office!!! Telling Lies and Breaking Rules-Then getting Caught!!! That's why they are now crying and apologizing!! Truth Provided by Robert A. Williams

Folks, scroll on back to my first "Day 1" article, published September 5, 2019, about the trial of accused cop-killer Irving Fenner, Jr. for the shooting of Shelby Police Officer Tim Brackeen on September 10, 2016. Fenner and four relatives have been arrested and held in jail for three years without trial. Also, scroll on back to my "Day 15" article, published September 20, 2019. Notice that I raised many serious questions about the validity of this highly touted and long delayed "Death Penalty" Murder Trial. And in both these articles noted that Fenner and his four relatives had been held in jail for three years without a trial.

This article, amongst the many to come, will show the lies and broken rules by the DA's Office and many others regarding history, circumstances of the September 10, 2016 incident, the long time in jail for the five defendants, the lack of evidence that was known from the start, the coverup as well as who offered the life sentence plea bargain for Irvin Fenner, Jr. that the DA wants to tell everyone is the end of it. It ain't.

First, the law and court procedures that the DA violated:

North Carolina Courts are governed by laws that provide rules and procedures for holding court trials and lots of other things. The North Carolina Rules for Criminal Procedure, Chapter 15A of the North Carolina General Statutes provide those rules and procedure that should have been followed, but was not, by the Cleveland County DA's Office.

The following items, in simplified terms, are covered by these Rules as previously noted:

1.6 Speedy Trial: The court may modify the CMS upon a motion for speedy trial by either party.

1.7 Jail Cases: The cases of persons confined to jail or otherwise awaiting trial shall be given priority. The list of inmates provided by the Sheriff to the Clerk shall be reviewed at each session of court by the District Attorney, Public Defender and the Court. The District Attorney and Public Defender should review the list in each county any week there is no Superior Court. These cases shall be added to Administrative Settings or other schedules upon request.

Rule 2: Time Standard Goals

2.1 "Speedy Trial" Policy: Each case should be tried or disposed of promptly. No event should be delayed because the case is not yet "old," the event has not previously been scheduled, or an attorney has failed to timely act.

2.2 Time Standards: The Superior Court cases in each county should be disposed of promptly to meet the following standards:

Felonies and Misdemeanor Appeals
50% within 50 days (first setting)
75% within 80 days (2nd setting or pretrial hearing)
95% within 120 days
98% within 180 days (all but murder and other exceptional cases)

All within 365 days

Rule 6: Plea Offers:

6.1 Offer and Worksheet:

The Responsible Prosecutor [the RP] shall extend a written plea offer and sentencing worksheet to defense counsel no later than 10 days prior to the first Administrative Setting. The offer may include an expiration date.

In summary for this article, the controversy caused by the public being told that that justice has been done to the best of the DA's ability and all rules have been followed by the DA is false. In fact:
1. The DA Disregarded Speedy Trial – time rules. This case should have been tried no later than 365 days after Fenner's arrest as well as the arrest of Fenner's family members.
2. The DA disregarded the "Jail Case" rule by not making Fenner and his family members who were in jail for three years, four family members are still in jail without a trial, top priority cases.
3. The DA violated the time standards as noted above.
4. The DA initiated the Pleas offer as that is clearly the law.

Why the DA violated all these laws, and perhaps many more, can be summed up by these very general statements. Even though DA Mike Miller touted the shooting death of SPD Officer Tim Brackeen as a Capital Murder Case that the DA's office would prosecute and seek the Death Penalty, no matter what. The DA lacked the proof to convict Irving Fenner, Jr. on a Capital Murder charge. And the DA and others knew this from the very start. A "Death Penalty Murder Charge" requires premeditation. Which was obviously lacking in this case. Even under the circumstances as the Shelby Police Department, the City of Shelby and the District Attorney's Office told everybody from the town drunk to the Governor.

Perhaps not even a second-degree murder charge could have been proved either. A jury trial would require the DA to put up evidence in the form of sworn testimony and other verified information before a jury. Information that has been suppressed for three years would have come out under cross-examination or defense testimony, under the penalty of perjury if lies were told. Claiming this and claiming that might be fine to tell a Shelby Star reporter, but telling tall tales in a murder trial could put the liar in jail for a long time. Even Police Officers can be put in jail for perjured testimony. Investigators can also be put in jail for "beating a story" out of a potential witness. Something that Sheriff Dan Crawford did (once that I just became aware of when he threatened to take children from a woman if she didn't testify "properly" in a criminal trial that Crawford had an interest in.) More about this in the Fenner trial in future articles.

Folks, to summarize, in the Fenner case the DA broke many rules and laws. And the DA initiated a plea bargain. It also appears the DA's crying jag was most likely an act. Therefore, we have decided to break the many phases of this controversial case into 1,000 or so word segments until the whole story is told-both sides of the story-until finished.

Stay tuned. Information is available that seems to show Police misconduct before this shooting incident, during the investigation and joined with the DA in a Public Relations attempt that turned into a disaster.

In the meantime, Vote AGAINST the Sales Tax increase on the November 5, 2019 Election Ballot.

Again folks, stay tuned.

For those interested in reading more about the NC Rules of Criminal Procedures;
Click HERE.