

# **Burn Shelby, Burn?? – Burn Shelby, Burn!!! The Match was lit at the new Courthouse Tuesday Morning Shelby City Manager Claims Immunity from Obvious Wrongdoings!! Report, analysis and arguendo by Robert A. Williams**

Shelby's imperious, hot-headed and remarkably stupid City Manager Rick Howell squirmed for over an hour Tuesday morning, December 10, 2019, in Courtroom Number 4 at the Cleveland County Law Enforcement Center. The occasion was Rick Howell directly and the entire Shelby City Council indirectly ("temporarily" indirectly might be a better term for the City Council and Mayor) in a last-ditch effort to escape judgement (and severe punishment) from a jury of his peers for his alleged malicious lies and corrupt conspiracy with the City Council.

In short, Rick Howell (and the Shelby City Council) are all trying to lie out of a lawsuit filed by Mr. Willie Green stemming from his attempted proposal to provide a "Sports Complex" that the City of Shelby said they needed in their last Ten-Year Master Plan. The Court Hearing Tuesday was in regard to a "Motion to Dismiss" filed by Rich Howell to Superior Court Judge W. Todd Pomeroy to keep the lawsuit filed by Mr. Green from ever going to a jury.

Also, in short, City Manager Rick Howell, individually-although Shelby taxpayers are paying his lawyer bill, is not

denying he didn't do anything wrong, criminal, unethical or underhanded, he is claiming that the law gives him the legal right to knowingly and maliciously do all those bad things and still expect Judge W. Todd Pomeroy to let him off by dismissing the case before it ever goes to trial. Since the Courtroom was NOT empty and myself as well as a number of leaders in the Black Community were all there listening to every misrepresentation and lie Howell's taxpayer paid lawyer was telling Judge Pomeroy, Judge Pomeroy and the entire Justice System in Cleveland County is on trial too.

Besides myself being present as an independent court-watcher, members of the leadership in the Black Community that were present included former NAACP President Pastor Melvin Clark, Pastor Billy Houze, Pastor Ray Lockhart, Pastor Wade Wallace, Pastor Roger Fuller and Emanuel Hunt. It is my understanding that many others in the black community leadership were not able to attend because of short notice and other commitments. But, are all following closely as this is an apparent blatant and high-profile example of white suppression of members of the black community.

For me, this "Motion Hearing" was also a continuing set of blatant examples of legal shenanigans to cover-up the corruption in Cleveland County Governmental Agencies. Let me describe a few:

- The Wanda Leonard Federal Lawsuit against Cleveland Community College.

Wanda Leonard, white, was a Senior Nursing Instructor at CCC who taught advanced classes for emergency and surgical nurses. Wanda was fired from CCC and replaced by a younger person so CCC could pay less for that class instructor. Wanda came to CCC Board of Trustee meetings (that I attended) and made her complaints known to the BoTs. The BoTs ignored Wanda. Others who knew of Wanda's value as an instructor also confirmed everything that Wanda told the BoTs that I heard were 100% true. Wanda was a tough teacher for students who would serve

in life or death circumstances. Even in the Federal Lawsuit CCC had to admit that 100% of Wanda's graduating students passed their State Board Examinations with flying colors. In the end, right before the case was to come before a Jury, the CCC Attorney filed a "Motion to Dismiss" filled with similar phony claims as Rick Howell's Motion to Dismiss. In Wanda's case, CCC said that, although Wanda had a perfect score of 100% graduating students getting a State License, she was also responsible for student retention and some of her students had dropped out and complained because Wanda's classes were hard. From a personal standpoint, who would you want taking care of you during serious surgery, people who had passed hard classes or people who were there because the school passed them just to get their tuition money?

- The Kristina and Tianna Wilson Federal Lawsuit Against Cleveland County Schools.

Kristin Wilson, black, was the mother and guardian of Tianna Wilson, a severely autistic child incorrectly assigned to Kings Mountain High School. Tianna Wilson was severely beaten up at KMHS by a resource officer when everybody ignored Tianna's Individual Educational Plan. This resulted in Kristina filling a Federal Lawsuit against Cleveland County Schools. In this case CCS didn't try to get a Judge to dismiss the case, CCS had DSS remove Tianna from Kristina's custody, put Tianna into a Foster Home and then claimed Kristina did not have the authority to file a lawsuit for Tianna. Never addressing the beating Tianna received at KMHS. Notice the pattern? Official wrongdoing not addressed or fixed because of a "technicality."

- The Ginger Bullock State lawsuit against Cleveland Community College.

Ginger Bullock was an instructor at Cleveland Community College who was assigned to teach high school students college level courses. Ginger came to realize that CCC as well as CCS were sending unqualified high school students, bound to fail,

to the college level courses to make more state money off of increased enrollment. Ginger "blew the whistle" and was fired. This case is still pending with CCC's attorney filing all kinds of delaying tactics. Apparently to run up Ginger's legal costs so she will have to drop the lawsuit.

- The Dante Murphy Federal Lawsuit against Cleveland County DSS.

Rev. Dante Murphy, black, worked at the Cleveland County DSS for many years. Rev. Murphy became active as the President of the Cleveland County NAACP with issues at Cleveland County Schools. Over time Rev. Murphy applied for multiple higher-level positions at DSS and was never promoted, although he was more qualified. Later, Rev. Murphy put in for family medical leave to attend to healthcare of a relative and was told he could NOT Preach while on leave, among other things. The illegal acts and restrictions on Rev. Murphy came from the top levels at DSS and some were recorded. Rev. Murphy complained to the County Commissioners during a Commissioner's Meeting that I attended. Rev. Murphy requested an investigation of DSS wrongdoing and the Commissioners refused. Rev. Murphy resigned DSS because of the intimidation and filed a Federal Lawsuit and DSS under threat of Perjury admitted to many wrongdoings against Rev. Murphy. DSS, caught in their lies in situations they could not lie out of, settled the lawsuit by paying damages to Rev. Murphy. Nobody at DSS was punished for their wrongdoings. Some were promoted. Later Rev. Murphy applied for other positions, including Director. Rev. Murphy was not accepted for any of those positions and a County Commissioner told me that they were not going to hire anyone that had filed a lawsuit against them. Apparently not even if he was right and DSS and the Commissioners were wrong.

- The Sara Willis Federal Lawsuit-Sexual Harassment Against the Commissioners, Health Department and County Manager.

Sam Lockridge was a long time Health Department supervisor with a well-known history of sexual advances toward females

working under him. Above him too in this particular case. Twenty-five years before, a female employee complained about Sam and all that was done was to move Sam to a Landfill office to get him out of sight and under cover. So, Sam with all his cover, keeps on with his sexual advances. And would have continued until he was tape recorded saying things that could not be covered-up. Sam was sent home on the spot, but later was allowed to "retire" with full benefits. Although gossip says Sam was forbidden from ever setting foot again on County owned property. To my knowledge, this lawsuit is still winding around in legal circles. Probably in an attempt to run the Willis's out of money paying lawyer bills.

Now, back to the Willie Green lawsuit against Rick Howell and Howell's dummed up Motion to Dismiss.

Howell's City of Shelby taxpayer dollar paid lawyer threw every conceivable thing at the Judge, except the kitchen sink, to give the judge even the tiniest excuse to dismiss the case. She claimed "Absolute Immunity" for Rick Howell. Like giving Rick Howell license to shot somebody dead as long as he did it on company time. The law says Howell does have immunity, but only if he acts in good faith, without malice and with reasonable judgement. But Howell's attorney keeps on trying to steer the judge away from the "good faith, without malice and with reasonable judgement" part. She twists and turns, almost as much as Rick Howell, telling the judge that "Malice doesn't matter" and other such nonsense. She tells the judge that the lies Howell told in his email defaming Willie Green that he sent to the Mayor and City Council was not "Published" to a "third party." At that slick lie to the judge, I was thinking, "Hey, I read that email around two years ago> It was a public document and I had read it." Yet, I was not called upon to witness to the judge that that document "was published to the world and tis lawyer is lying to you." Obviously, lawyers such as the one Rick Howell has lives up to the saying that "Lawyers have a license to lie" as this one was surely doing.

It was also obvious that this Motion to Dismiss was only a ploy to keep Rick Howell and the Shelby City Council from having to testify to a Jury, knowing they would never be elected to anything ever again. Howell's lawyer made a poor presentation overall, halting and searching for the best way to twist her words around nothing but a tall tale, an upside-down fairy tale so to speak. And so much more that it is a waste to even mention. Unless this article gets turned into a big thick book.

Willie Green's lawyer was exactly the opposite. He quoted the laws exactly like they were written. Debated and untwisted all the "legal presidents" Howell's lawyer had twisted and misrepresented. Presented facts fully and truthfully. Green's attorney went over Howell's attorney's many twists and turns and brought the narrative back to the obvious truth of the matter every time. Green's lawyer did an excellent job with his rebuttals. Easy, in large part, because telling the truth over and over again is easier than telling lies and different stories to match that individual lie to all the other lies and hold a straight face.

Then, there was Superior Court Judge W. Todd Pomeroy. Republican from Lincoln County. As I typically do when I go Court Watching, I try to scan everything that is going on in the courtroom. I watched Judge Pomeroy closely-as this was my first time watching him in action. Only to see Judge Pomeroy looking at me. And from time to time Judge Pomeroy seemed to be paying close attention to the members of the Black Community, who, like me, were paying close attention to every word, every expression, every detail as well as every nuance of what was going on. I am sure the Judge had thoughts about the "civilians" in the audience as these so-called Motion Hearings are usually held in empty courtrooms, far from the prying eyes of the public.

One more thought crossed my mind during this attempt by Rick Howell and his lawyer to hijack justice and grind it to pieces

by the so-called "wheels of Justice." My thought was "in other times and places, such acts as Howell's and his mouthpiece lawyer would result in setting fire to the city. Literally." With chants like "Burn, Shelby Burn!!!" I have to wonder if the Judge was thinking the same thing. What I do know is the members of the Black Community present never said such a thing. Even though some must have thought that after watching one of their own, Mr. Willie Green being treated so badly and for so long.

Judge Pomeroy did not make his ruling Tuesday. But that will come soon. Whether or not Shelby is actually set afire, I figure I will have some converts to my efforts to combat corruption in Cleveland County. Specifically, throw all the elected bums out in the 2020 Elections. Filings for those elections are going on right now. My prediction is every incumbent County Commissioner and every incumbent School Board Member will be replaced as a result of the 2020 Elections and such legal miscalculations from the likes of Shelby City Manager Rick Howell.