Lawyer lies to the Judge in Court on Hearing on Motion to Dismiss!!! Lots of Lies and deceptions going around in Cleveland County!! Report, allegations, gossip, analysis and conclusions by Robert A. Williams

Folks, the shenanigans by the Rogue School Board Chairman Robert “Luke” Queen, The Rogue Republicans Wes “Taliban Dan” Westmoreland, Dennis “Beetle Bailey, Kevin Whisnant, David Allen and various cohorts have taught me a lesson. Previously I have endeavored to find out what is going on in and around Cleveland County and write articles that offered solutions prior to bad acts being carried out by governmental officials and other elected officials. My results were few. The bad actors carried out their bad acts. No matter what anybody says. They just do their bad things and offer no excuses or explanations. Sooner or later us voters seem to forget about it and go on about our own ways.

NOW, I have changed my M, O, Since the Bad Actors have gotten by for so long and us citizens have not taken the matters into our own hands in an effective manner, I am taking my complaints to the top officials of the land to start with. Immediately, if not sooner. I am going to “step up my game.” Be more persistent and proactive too. I will inform the middleman (the local do-nothing Commissioners, BoTs, School Board, etc. and go over their heads with formal complaints to

the Attorney General, The SBI, The State Bar and whoever had higher oversight. Starting NOW and not letting up wherever I can.

My first full-fledged actions are coming as a result of a "Court Watch" down at the Cleveland county Courthouse on July 14, 2021. The very day after the illegal July 13, 2021 Cleveland Community College Board of Trustees Meeting that I have written so extensively about in recent days. The Robert "Luke" Queen affair that has negatively touched on the Commissioners, the School Board, the CCC Board of Trustees, Senator Ted "Lap Dog" Alexander, Speaker of the House Tim "Maserati Tim" Moore, Rep. Kelly Hastings, Wes "Taliban Dan" Westmoreland, Dennis "Beetle" Bailey and a few others are still front and center in my exposure of corruption in Cleveland County. But I am now an equal opportunity exposer of corruption and will report in where I find it.

What I personally witnessed at the Courthouse on July 14th 2021 was a Court Hearing on a Motion to Dismiss a lawsuit against Stacey Heavner for Defamation brought by Mr. Willie Green. In this hearing Stacey Heavner never said a word to the Judge. Lawyer Daniel Talbert did all the lying to the Judge for Heavner. Apparently in keeping with the old saying that Lawyers have a "License to Lie" in Court. We are about to find out about that when a formal Complaint to the North Carolina State Bar gets drafted up and sent in. Probably the first of many. Please note that I have followed and witnessed most of these legal actions brought by Mr. Green, so I have first hand on what has previously been said and done.

Newly elected in 2020, Judge Jamie Hodges from Lincoln County was the Presiding judge in this particular matter. Judge Hodges has not heard any of previous matters involving Mr. Willie Green's being discriminated against in his previous efforts to build a new Sports Complex on Earl Road or high-end townhomes at the intersection of Main Street and East Dixon Blvd in Shelby, NC. Previous actions by Mr. Green against the

City of Shelby's City Council, Mayor and City Manager have been unjustly dismissed because the City Council, et. al. are government officials and have immunity from prosecution. I say unjustly because the City of Shelby has successfully dodged liability because their high dollar lawyers (paid for by Shelby Taxpayers) have confused all the local judges with local "home-cooking" and tall tales. In other words, "Immunity" for governmental officials is legally lost when they have been proven to have become engaged in illegal acts or acts outside their authority. Justice has been kept at bay because the local and "insurance" lawyers have "convinced" judges to not allow Mr. Green to have his day in court and produce witnesses, testimony and evidence.

Stacey Heavner, however is NOT a governmental agent so he has NO immunity whatsoever. Heavner, for his part, has admitted that several Shelby City Council members recruited him to come to the Shelby City Council Meeting when Mr. Green's Zoning adjustment hearing was to be heard and say things that were not true. Making Heavner's testimony critical to uncovering the truth about the discrimination against Mr. Willie Green. The emphasis of all the City Council, Mayor and City Manager have centered on every one of THEM totally avoiding having to testify under oath and being charged with felony perjury if they are caught in a lie. And all Shelby City Government officials are afraid that Heavner will break down and tell the truth. Then, as the old saying goes, "their gooses will be cooked."

Judge Hodges election campaign's biggest point in his race for District Court Judge in 2020 was that he believed in the "Three C's": Common-Sense, Consistent and Conservative. I actually attended the Women Republicans of Cleveland County (WeRCC) meeting in 2020 (as an associate member) and heard Jamie Hodges speak. I also had the opportunity to tell the future Judge that if he stuck to the "Three C's" as a Judge, you will be a Hero!!!

The July 14th Court Hearing of Stacey Heavner's Motion to Dismiss Mr. Green's defamation lawsuit under North Carolina General Statute 12(b)(6) was my first Court-Watching opportunity to see Judge Hodges in action.

The basis for Heavner's Motion to Dismiss, NCGS 12(b)(6) states: **"Failure to state a claim upon which relief can be granted,"** Basically asserting that Mr. Green's lawsuit does not allege a crime or a "Tort" that actually exists in the laws of North Carolina as something that can be sued over.

But the Court Calendar posted at the Courtroom door stated this case, Case Number 20-CvD-228, was for **Money owed, Defamation and Libel**. Each and every one things that can be sued over. The Motion to Dismiss should have been denied spot. Simple as one, two and three. Ten seconds and the Motion is dismissed and Mr. green gets his day in Court.

But, NOooo! When lawyers get involved, nothing is simple. Especially "shyster" lawyers who try to twist and turn the law to suit their own purposes. Totally different from what the written laws of the matter actually say. And the lawyers are not afraid to lie to the judge in the process. Since I had already seen other hearings regarding this case and other cases, I immediately could spot a lie the instant the lie was told. And did. I heard a lot of lies from Attorney Daniel Talbert. Lies that he should have known were lies. Or deceptions and half-truths. Or all of the above. And all in violation of the North Carolina State Bar's Rules of Professional Conduct for lawyers. That discussion will come a little later in this article.

Let's get to the "nit and gritty" part right now. The actual hearing.

Judge Hodges takes the bench at 9:05 AM. The most-prompt Judge that I have ever seen in a Court Watch episode in Cleveland County. And I have seen plenty of them.

Stacey Heavner's lawyer, Daniel Talbert, starts the "show" as he is the one who filed the Motion to Dismiss for his client-Stacey Heavner.

Attorney Talbert begins this long diatribe that Mr. Green's lawsuit was frivolous and had already been dismissed in the Magistrate's Court. What actually happened in Magistrate Court was the Magistrate Judge, Pam Patterson-NOT a lawyer and trained in the law, stated the case was "too complicated" (in legal complexity) for her-so it needed to be re-filed in a higher court. This case in Magistrate's Court was NOT dismissed because it lacked merit as Attorney Talbert was trying to insinuate, but because Magistrate Judge Patterson did not have the training and certifications to give the case a fair hearing. A clear deception from Talbert, with plenty more coming.

Talbert tells the judge (mostly in my words) that just everybody in the legal system in Cleveland County believed that this lawsuit should be "squelched today"!!! Put to bed now and forever. Mr. Green's attorney never objects. Apparently letting Talbert hang himself with his own deceptions and lies to the Judge. And Judge Hodges himself had a confused look on his face several times while Talbert was telling his "whoppers" that had no bearing on the legal facts of the matter.

Or, was Attorney Talbert just putting on a show for his client's benefit! Figuring that Judge Hodges was most certainly going to Deny the Motion to Dismiss and Talbert might be able to get another $10,000 or so from Heavner by filing an appeal. Anything to delay an actual trial of the facts. Where the witnesses are under Oath-under the penalty of perjury if they lie. Perhaps the Shelby City leaders are secretly funding Heavner's legal defense to keep the "heat" off of them? Who knows about such as this? I am not surprised at anything that corruption in politics will do to support the ultimate goal. Usually Power or Money. Or both? Robert "Luke"

Queen and his cohort accomplices may be a prime example of that, when the truth is finally told.

To continue, Talbert used lots of “Code Words” and phrases that I could only interpret to be a planned scheme to “communicate to the Judge” (from Lincoln County) that the “Plantation Politics” in Cleveland County of the case were that Mr. Green’s lawsuit was embarrassing to the “Good Ole (White) Boys” of Cleveland County. That they did not want the likes of an “Uppity Nigger” (their thoughts) businessman like Mr. Willie Green was being portrayed as, to compete with them for business in Cleveland County. Cleveland County, NC has a long history doing that, but nobody wants to admit it.

Talbert goes on.

Talbert tells Judge Hodges that the “only reason Mr. Green filed this lawsuit against Stacey Heavner was because Mr. Green’s lawsuit against Mayor Stan Anthony was dismissed. The truth of the matter is Mr. Green filed his lawsuit against Stacey Heavner BEFORE he filed a lawsuit against Mayor Anthony. Clearly a lie. And Court Records show that Talbert’s statement was a lie and is a lie. I suppose any lie will do, if you can get by with it. And, Anthony only got off because he is a government official with “Immunity.” Although, such immunity is certainly not in the best interest of justice in this matter.

Probably the most egregious attempt by Attorney Talbert was his half-truth statement that his client, Stacey Heavner, a member of the public, was only exercising his First Amendment rights of Freedom of Speech at the City of Shelby’s Meeting on the topic of Mr. Green’s Zoning request. Of course Stacey Heavner has the right to free speech. However, Stacey Heavner, nor anybody else, does NOT have any Constitutional Rights to Defame or Libel any other person. Talbert conveniently and intentionally left that part out. Talbert also asserts that Mr. Willie Green is a Public Figure and has a different

standard of proof than a non-public figure. Which has nothing to do with the matter at hand. More lies and deceptions. And dodges of the real issues at hand in this Motion Hearing.

Talbert also has a thick file on the Anthony case that he wanted to introduce to Judge Hodges as evidence. Judge Hodges refuses to accept the Anthony file as it has nothing to do with the matter at hand. Which is NC General Statute 12(b)(6) as previously noted as it applies to the case at hand-Stacey Heavner. Talbert is now apparently grasping at straws in hopes to confuse the issues at this point in time. Just more lies and deception as I saw it. I suppose when you have no real evidence, any lie or dodge will do.

Talbert summarizes at end of his diatribe of lies and deceptions. “This is NOT the kind of case that should be in court” in Cleveland County

When it was Mr. Green’s Attorney’s time to speak, Attorney Desmon Andrade out of Charlotte’s wasted no time with lies and deceptions.

Attorney Andrade quickly states that Talbert’s presentation was full of inaccurate statements. Which it was as I can personally vouch for as I have in this article.

Andrade’s next words were that Mayor Stan Anthony’s case has absolutely noting to do with the case at hand-the lawsuit against Stacey Heavner.

Then Attorney Andrade goes straight to the many points of why Mr. Willie Green filed a lawsuit against Stacey Heavner.
According to the Rules of Civil Procedure, during the preliminary aspects of a lawsuit, the law is that Mr. Willie Green’s statements must be held in the most favorable light. And Heavner was just trying to cut off the lawsuit before the case even starts.
This hearing is only to determine if Mr. Greens pleading is to go forward.

That Stacey Heavner knew Mr. Green's proposed apartments were NOT intended for "low income" purchasers.
That "Low-income" has a legal definition established by the US Department of Housing and Development-HUD.
Stacey Heavner's statements to the Shelby City Council against Mr. Green were for a negative purpose.
That 100 or more persons were at the City Council meeting and heard Stacey Heavner's false and defamatory statements about "Low Income" property. And that these statements would be captured in writing in the minutes of the City Council's meeting.
The "4-corners" of the legal process as required by law to move this case forward had been met.
Heavner's false statements were damaging to Mr. Green and Heavner knew his statements were false when Heavner said them.

Attorney Andrade also had other written information, including Heavner's information provided by law to answer Mr. Green's "Discovery" questions that he offered to Judge Hodges as additional evidence. Judge Hodges, correctly refuse to accept this information, as he did Talbert's big thick file on the Anthony case, as both sets of information were not pertinent to the legal issues at hand.

Judge Hodges stated he would issue his ruling as soon as he had gone over the legal precedents regarding the matter.

Definitions:
Home Cooking: A slang expression **indicating the fear held by out-of-state or out-of-town defendants in a lawsuit that they will not receive a fair trial** because of jury prejudice or because judges will not accord out-of-town lawyers the same credibility and leniency granted to local lawyers.

Now folks, what about Attorney Daniel Talbert's telling lies to the Judge Jamie Hodges? What are the rules and what can be done about that? Such impediments to justice have gone on lone enough and must be stopped.

Here are the results of our research:

§ 84-15. Creation of North Carolina State Bar as an agency of the State. There is **hereby created as an agency of the State of North Carolina, for the purposes and with the powers hereinafter set forth, the North Carolina State Bar**.

§ 84-23. Powers of Council (State Bar). (a) **The Council is vested, as an agency of the State, with the authority to regulate the professional conduct of licensed lawyers and State Bar certified paralegals.**

NC State Bar—Rules of Professional Conduct

Rule 1.2(d) A lawyer shall not counsel a client to engage, or assist a client, in conduct that the lawyer knows is criminal or fraudulent, but a lawyer may discuss the legal consequences of any proposed course of conduct with a client and may counsel or assist a client to make a good faith effort to determine the validity, scope, meaning or application of the law.

State Bar Rules of Professional Conduct, Rule 3.3 Candor toward a Tribunal (Court, Judge) says, in applicable part, that:
(a)A lawyer shall not knowingly:

(1) make a false statement of material fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer;
(3) offer evidence that the lawyer knows to be false. If a lawyer, the lawyer's client, or a witness called by the lawyer, has offered material evidence and the lawyer comes to know of its falsity, the lawyer shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal. A lawyer may refuse to offer evidence, other than the testimony of a defendant in a criminal matter, that the lawyer reasonably believes is false.
(d) A lawyer shall not counsel a client to engage, or assist a

client, in conduct that the lawyer knows is criminal or fraudulent, but a lawyer may discuss the legal consequences of any proposed course of conduct with a client and may counsel or assist a client to make a good faith effort to determine the validity, scope, meaning or application of the law.

So folks, the North Carolina State Bar has the power to punish lawyers for actions that are against their own rules. Telling lies and making deceptive statements to a Judge are clearly AGAINST the State Bar's own rules.

But SOMEBODY has to inform the State Bar about what has happened. Somebody has to file a complaint with the State Bar. Since I was there and heard it all perhaps that SOMEBODY should be me.

Therefore, that is exactly what I plan to do. File a State Bar Complaint myself or provide the information, such as this article, to others in order that they might file this complaint. Anybody want to do what is necessary here in Cleveland County and everywhere else in North Carolina? Any reader has my permission to use this article to file a formal complaint to the NC State Bar against the improper actions of Attorney Daniel Talbert. And, use ME as a witness.

I expect this process will be used from now own, when appropriate, to bring justice to the Courtrooms of Cleveland County, North Carolina and elsewhere.