

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

GENERAL COURT OF JUSTICE
SUPERIOR COURT

STATE OF NORTH CAROLINA,

No. _____,

Ex rel. Carla Cunningham,
 Marcia Crenshaw Hill,
 Kevin Carty,
 Juan Delgado,
 Bryan Adams,

Petitioners,

v.

GARRY MCFADDEN,

Respondent.

VERIFIED PETITION FOR REMOVAL FROM OFFICE

1. This is a petition under N.C.G.S. § 128-16 *et seq.* by qualified electors seeking to remove Mecklenburg County Sheriff Garry McFadden from office for attempted extortion and corruption, willful misconduct and maladministration in office, and willful and habitual refusal to perform the duties of his office.

2. Since assuming the office of Sheriff in December 2018, McFadden has committed a wide range of misconduct in office that warrants his removal. This petition concerns the following general categories of misconduct:

- a. misconduct relating to conditions at the Mecklenburg County Detention Center and jail administration;
- b. retaliation against crime victims and good faith whistleblowers;
- c. misuse of official resources, including violations of the Hatch Act;
- d. misconduct relating to staffing and promotion practices;
- e. weaponizing the machinery of the Mecklenburg County Sheriff's Office internal affairs unit against perceived enemies, while squelching internal investigations into perceived allies; and
- f. threats against a state legislator, which amount to attempted extortion and bribery.

McFadden's Misconduct Relating to Jail Conditions and Administration

3. As sheriff, McFadden is charged with oversight of the Mecklenburg County Detention Center and with custody of the inmates there. N.C.G.S. §§ 162-22, 162-24. (For ease of reference, this petition will use the term “inmates” to refer to all persons held in custody at Mecklenburg County Detention Center.)

4. McFadden has cultivated a reputation for ruthlessness and retaliation against any subordinate who raised concerns about his management of the Mecklenburg County Sheriff's Office (MSCO), Mecklenburg County Detention Center, his ethics, or about the safety of correctional staff, detention officers, and inmates there.

5. McFadden appears to view inmates – including certain violent criminals with whom he has a personal connection – and their families and friends as his most important constituents. McFadden prides himself on his personal connections with inmates, including some of the most violent felons in Mecklenburg County.

6. In an unusual move for a sheriff, McFadden gives out his personal cell phone number to inmates and their families. That's not misconduct per se. Maintaining personal connections with (for example) witnesses in high-crime areas was undoubtedly an effective source of information when McFadden was a homicide detective, before becoming sheriff, and obtaining such information was part of his job.

7. Rather, McFadden's practice of giving inmates and their families personal access to him is emblematic of the culture that McFadden has created, in which demonstrations of personal loyalty to McFadden lead him to intervene in favor of supplicants, directing subordinates to ignore otherwise-applicable rules and policies.

8. McFadden's policy of providing personal, direct access to him sidesteps the usual chain of command, encouraging inmates to take their complaints about jail discipline or conditions to him directly. But inmates generally don't complain when rules aren't enforced, only the opposite.

9. When inmates or their families complain about the enforcement of rules at Mecklenburg County Detention Center, McFadden usually gives them what they want, in a reactive and ad hoc manner. He doesn't change MCSO or Mecklenburg County Detention Center policies as a result of these complaints; he simply makes ad hoc exceptions or orders non-enforcement of the rules.

10. In so doing, McFadden undermines the authority of his detention officers and staff who work at Mecklenburg County Detention Center. McFadden is frequently heard to say that there is "no chain of command" and disparaging the concept of a chain of command; his stated desire is that line employees and inmates with complaints should come directly to him. But by undermining his employees and managers, and by creating ad hoc exceptions to policies rather than changing them, he ultimately creates unsafe conditions at Mecklenburg County Detention Center.

11. McFadden has removed and/or intentionally underenforced jail policies and safety measures that existed to minimize the flow of contraband into Mecklenburg County Detention Center, ensure that correctional staff could maintain physical control, segregate the most violent inmates from other portions of the jail population, and limit the most violent inmates' access to certain portions of the facility. These rules existed to promote inmate and staff safety.

12. On information and belief, McFadden knows that his decisions have increased the prevalence of assaults and contraband within Mecklenburg County Detention Center.

13. Mecklenburg County Detention Center is dramatically understaffed and requires correctional employees to work mandatory overtime. It takes 81 deputies to staff a shift at Mecklenburg County Detention Center, but during the last few years, shifts are frequently assigned 30 to 40 officers or less. And some assigned officers are on medical leave at any given time, so shifts are staffed even more leanly in practice. When McFadden took office, the MCSO employed 1300 people; within 3 years, that figure dropped to circa 800 and is currently circa 770. Many officers left because of the intolerable work environment created by McFadden – and many of those who left did not retire or change careers, but instead went to work for other law enforcement agencies in the area.

14. Understaffing leads to unsafe conditions at Mecklenburg County Detention Center. For example, Mecklenburg County policy and state policy require

4-5 officers per hallway to safely carry out an evacuation if one is needed. This is also required for American Correctional Association accreditation. But Mecklenburg County Detention Center has recently been staffing 1-2 officers per hallway, or sometimes no hallway personnel at all. Understaffing also makes officers more vulnerable to assault.

15. Understaffing is the predictable result of McFadden's decision to create a culture that intentionally undermines the authority of MCSO detention officers by encouraging inmates to complain to the sheriff when jail rules are enforced.

16. In short, the relaxation and lax enforcement of jail rules at McFadden's direction in conjunction with a culture that intentionally undermines the authority of MCSO officers, has predictably led to a greater prevalence of weapons, drugs, and other contraband in Mecklenburg County Detention Center than was the case prior to McFadden's tenure. It also predictably leads to unsafe conditions for inmates and detention officers.

McFadden's Threats and Retaliation Against Whistleblowers, Crime Victims, and Others.

17. Deputies and other sheriff's office employees are at will employees who serve at the pleasure of the sheriff, *see* N.C.G.S. § 153A-103. They have limited protection against demotion, termination, or other retaliation if they speak up against McFadden's abuses.

18. McFadden frequently reminds his subordinates that they serve at his pleasure, and uses express or implied threats of retaliation to deter employees from speaking up about assaults and unsafe conditions at the jail, or other abuses.

19. Working as a detention officer or unsworn staff in a jail or prison involves some unavoidable risk of assault. In practice, many minor scuffles that might result in assault charges if they happened in the civilian world end up overlooked, or result in internal prison discipline only but no new charges. But assaults resulting in serious injury should be (and in most places are) reported and prosecuted, with the victims of the crime being treated as such, whether those victims are other inmates, detention officers, or unsworn staff.

20. McFadden, however, discourages detention officers from reporting use of force incidents involving inmates and staff within the Mecklenburg County Detention Center, and has admonished staff from documenting such incidents.

21. In fact, on information and belief, McFadden has threatened retaliation against detention officers employed in Mecklenburg County Detention Center who report assaults by inmates.

22. McFadden's threat to retaliate against crime victims and whistleblowers on his staff has been conveyed through the chain of command to supervisors at Mecklenburg County Detention Center, who then convey it to line employees.

23. McFadden has downplayed injuries sustained by deputies who were assaulted at the Mecklenburg County Detention Center.

24. McFadden also inevitably blamed jail deputies who were assaulted, including assaults resulting in serious injury – regardless of the facts.

25. McFadden's threats are not limited to his subordinates. As explained in more detail below, McFadden also threatened Petitioner Carla Cunningham, a North Carolina Representative, that his office could not or would not protect her from violence if she cast a legislative vote in favor of a bill that McFadden opposed. This threat constituted attempted extortion and attempted bribery under North Carolina law.

McFadden's Misconduct Relating to Misuse of Official Resources.

26. On information and belief, in or about September and October 2025, McFadden directed that official resources – specifically, the work time of information technology staff at MCSO – be used to work on his campaign website. The campaign website was not official business.

27. McFadden's misuse of official resources to support his campaign violated the Hatch Act, 5 U.S.C. § 1502(a)(2), which prohibits McFadden¹ from "directly or

¹ The Hatch Act's prohibitions apply to "individual[s] employed by a State or local agency whose principal employment is in connection with an activity which is financed in whole or in part by loans or grants made by the United States or a Federal

indirectly coerc[ing], attempt[ing] to coerce, [or] command[ing] . . . a state or local officer or employee to . . . contribute anything of value” to a political campaign committee. It also violated the Act’s implementing regulations.

28. McFadden also misused official resources in his treatment of reserve deputies.

29. Under North Carolina law, sheriffs are allowed to employ reserve deputies on a volunteer or unpaid basis if they are otherwise qualified. Often, reserve deputies are retired law enforcement officers from other agencies who wish to keep their law enforcement certification and work private duty security engagements. Law enforcement officers typically must complete a certain amount of active-duty time per year to maintain their qualifications, and localities have discretion whether or not to pay them for that time. In practice, reserve officers are frequently volunteers for the number of hours required to maintain their certification.

30. Mecklenburg County policy specifies that reserve officers are unpaid when called into action up to a certain number of hours per month, but should be paid for work above that number of hours.

31. On information and belief, McFadden has repeatedly directed that reserve deputies in Mecklenburg County work security at certain collegiate sporting events and parades of Johnson C. Smith University, which McFadden attended. On information and belief, at times, McFadden was informed that this would put certain reserve deputies over the amount of time where they could be asked to work unpaid. On information and belief, McFadden ordered that these reserve deputies work the JCSU events without pay anyway. He did not similarly direct that reserve deputies work without pay to benefit any other Mecklenburg County institution.

32. In effect, this direction compelled reserve deputies to donate their time to a cause McFadden cared about. And because of McFadden’s reputation for retaliation against those who crossed him or who were not viewed as personally loyal to him, reserve deputies knew they would have to work without the pay they were entitled to or potentially risk losing future hours (and thus, their certification).

agency.” 5 U.S.C. § 1501(4). At the pertinent time, MCSO has been financed in part by federal grants from the U.S. Department of Justice (block grants 15PBJA23GG03613JAGX and 15PBJA24GG05352JAGX) to support employee hiring, training, and retention.

33. McFadden also misused official resources in his management of “dignitary duty.” Dignitary duty refers to the use of on-duty MCSO deputies and other official resources to escort and protect public figures and VIPs.

34. Specifically, on information and belief, McFadden directed deputies on dignitary duty to pick up officials of the National Sheriffs Association who were in town for a conference, and to drive those officials to bars and strip clubs. The deputies did as instructed. They were on duty and used MCSO vehicles while driving the officials to the bars and strip clubs.

35. McFadden also misused official resources in connection with travel.

36. On information and belief, McFadden has used MCSO credit cards to pay for upgrades on hotel rooms and flights, in contravention of policy requiring economy class travel.

37. On information and belief, McFadden has used MCSO vehicles for personal travel, including driving to his wife’s family reunion in South Carolina.

38. McFadden has also misused official resources for the benefit of friends and political supporters. Specifically, on information and belief, McFadden has ordered patrol deputies to check on the businesses of his friends and supporters, even if those deputies would ordinarily be doing something more pressing. Normally these businesses would need to hire off-duty law enforcement to obtain a similar level of service.

McFadden’s Weaponization of the Office of Professional Compliance

39. McFadden has also weaponized the Office of Professional Compliance (OPC), MCSO’s equivalent of an internal affairs division. McFadden directed MCSO OPC to initiate investigations of deputies, detention officers, and civilian staff based on McFadden’s personal animosity towards them, when there was no suspicion of any actual misconduct. At the same time, McFadden has ignored OPC reports of more serious violations or misconduct by officers he personally favored.

40. For example, McFadden intervened in at least two OPC investigations to protect a field training officer and a major who were both in his good graces.

41. In the first incident, OPC found that the field training officer (FTO) at issue had falsified a doctor's note, which would normally be a firing offense. McFadden personally appeared at the OPC hearing and refused to allow the OPC Review Board to recommend the officer's termination, despite the board's finding of falsification. As a result, MCSO became saddled with an officer who became effectively unswearable in court and no longer suitable for field duty – all because McFadden wanted to protect a dishonest employee who was personally loyal to him.

42. In the second incident, a major, also a favorite of McFadden's, was accused of being complicit in allowing a field training officer to falsify time records. OPC found that there was substantial evidence to support her involvement. But McFadden came to her hearing and would not allow the OPC panel to sustain the allegation, nor would he allow them to demote or terminate her. The major was also allowed to ridicule and disrespect her supervisor during the hearing without admonishment. This major then sat on the OPC hearing panel for the FTO who falsified the doctor's note noted above, and she sided with McFadden not to terminate the employee. McFadden later promoted the major to a Chief.

Marcia Crenshaw Hill's Experience

43. Petitioner Marcia Crenshaw Hill is a resident of Mecklenburg County and is qualified to vote as an elector in that county.

44. Crenshaw Hill was an employee of MCSO for 13 years, until her position was eliminated in 2021.

45. At the end of her tenure at MCSO, Crenshaw Hill was a sergeant assigned to the Mecklenburg County Detention Center.

46. Crenshaw-Hill observed the deteriorating conditions in Mecklenburg County Detention Center on McFadden's watch, and suffered injury as a result.

47. Crenshaw Hill observed that when detention officers were assaulted by inmates, the inmates were not charged. If charges were filed, they were dropped for unclear or spurious reasons, often involving allegations of fault on the part of the victim (i.e., the complaining detention officer).

48. Crenshaw Hill observed that the frequency of weapons, drugs, and contraband in Mecklenburg County Detention Center increased significantly after McFadden took office.

49. Crenshaw Hill saw how McFadden's changes in policies, and his non-enforcement of and ad hoc exceptions to existing policies, created unsafe conditions in Mecklenburg County Detention Center.

50. For example, before McFadden, inmates in "single cell confinement" (i.e., prisoners placed alone in a cell, usually for disciplinary or safety reasons) were not allowed pencils or soda bottles and cans. That's a standard correctional policy, because prisoners could (and sometimes did) harm themselves with these items or make them into weapons. McFadden relaxed these policies to appease inmates and their families.

51. Before McFadden, inmates would lose visitation rights if they violated rules. Now, if jail officials restrict visitation in response to inmates' misbehavior, they worry that McFadden will overrule them to appease the inmates and their families. Prisoners increased their hoarding of contraband because they believed McFadden would permit them to have it, despite policies to the contrary. As a result, Crenshaw Hill observed that inmates became more emboldened to hoard contraband and break jail rules.

52. In 2020, Crenshaw Hill was stabbed in the neck by an inmate inside that inmate's cell. The inmate had made a homemade weapon, likely out of shards of his mirror. The wound narrowly missed her artery, which likely would have been fatal.

53. The stabbing occurred as Crenshaw Hill and six other deputies were conducting "shakedown" searches for contraband.

54. Despite an inmate attempting to murder Crenshaw Hill, McFadden was never willing to lay fault with an inmate, always and only with his own employees. In communications with others, McFadden blamed Crenshaw Hill, not the inmate, for this outcome. McFadden contended that Crenshaw Hill "violated a policy" by entering the inmate's cell in the circumstances. In fact, Crenshaw Hill had not violated any such policy by entering the inmate's cell for a contraband search, because she had a supervisor and multiple other deputies with her as MCSO policy required.

55. Crenshaw Hill was out of work on worker's compensation leave for over a year as a result of the violent assault she suffered. At the end of the year, MCSO involuntarily eliminated Crenshaw Hill's position. In the meantime, although Crenshaw Hill later found out she could have qualified for medical retirement, MCSO never informed her of that right, so she lost it when her position was eliminated.

Kevin Canty's Experience

56. Petitioner Kevin Canty is a resident of Mecklenburg County and is qualified to vote as an elector in that county.

57. Canty is a longtime veteran of the State Bureau of Investigation and retired as the Special Agent in Charge of the SBI's Charlotte Field Office.

58. After retiring from the SBI, Canty was employed as the chief deputy Sheriff under McFadden for approximately 9 months, until he resigned in November 2024 due to repeated clashes with McFadden. During that time, Canty supervised every component of MCSO except the Mecklenburg County Detention Center.

59. Canty witnessed McFadden initiate internal investigations into employees who had done nothing wrong, simply because McFadden appeared to dislike them or did not view them as personally loyal to McFadden.

60. McFadden pressured Canty into recommending that MCSO fire Alexis Pearson (then the head of HR) and Angelia Riggsbee (then the director of Business Operations for MCSO), even though Canty believed they had not done anything wrong. McFadden could have terminated them based on their at-will status, but wanted a sock-puppet's report from a subordinate finding that they committed misconduct.

Juan Delgado's Experience

61. Juan Delgado is a resident of Mecklenburg County and is qualified to vote as an elector in that county.

62. Juan Delgado was an officer with the MCSO from 2004 until his retirement circa 2022.

63. For most of Delgado's MCSO career, he moved between training new officers and working at the Mecklenburg County Detention Center. One year into McFadden's first term, circa 2019, Delgado was promoted from sergeant to captain and moved from the jail to being in charge of training and recruiting. Later the next year, Delgado was then moved back to the Mecklenburg County Detention Center, where he was in charge of the Direct Action Response Team, aka the "DART" (similar to a riot police or SWAT team within the jail).

64. Delgado witnessed McFadden make oral, in-person promises to inmates that were inconsistent with Mecklenburg County Detention Center security policies – without actually changing those policies. Then, when McFadden left the jail after making those promises, Delgado and the line deputies under him would have to explain to now-irate and sometimes violent inmates that MCSO staff were going to follow the written policies until they were changed.

65. Similarly, at times, Delgado witnessed McFadden make oral, in-person promises to deputies that were inconsistent with Mecklenburg County Detention Center policies, without actually changing those policies.

66. Delgado was informed by inmates that McFadden gave out his personal phone number to inmates and their families. When inmates broke prison rules and were disciplined accordingly, they or their families would call the sheriff directly to complain. McFadden then blamed middle managers like Delgado or line employees for enforcing jail policies.

67. McFadden possessed authority to change jail policies he disliked, but didn't do so. He simply reacted to complaints by inmates and family members on an ad hoc basis.

68. Because Delgado insisted on following jail policies as written, without ad hoc exceptions, he attracted McFadden's wrath. Shortly before his retirement, McFadden summoned Delgado into his office and threatened Delgado – McFadden told Delgado, "I am going to get you."

69. Delgado retired from MCSO shortly thereafter.

Bryan Adams's Experience

70. Petitioner Bryan Adams is a resident of Mecklenburg County and is qualified to vote as an elector in that county.

71. Adams retired from MCSO in March 2025 after 30 years of service. Adams retired as a Major.

72. At one point, Adams was in charge of field operations and the training academy. Later, Adams supervised the deputies who supported the courts.

73. Each year MCSO conducts a promotional process for individuals seeking to advance within the ranking structure. Candidates must successfully pass all established phases of the process in order to be considered for promotion. The first phase of the process is a written test that all applicants must score a minimum of 70 percent on in order to advance to the next phase. If they fail the written exam, they should automatically be disqualified. However, McFadden undermines the process and promotes those who are in his favor.

74. While in charge of training, Adams witnessed McFadden routinely circumvent policies he disliked regarding the promotion and training process. Even though McFadden had substantial authority to change policies and regulations regarding hiring and promotions, he did not do so. Rather, he simply ignored policies in an ad hoc fashion in order to hire and promote the candidates he personally preferred.

75. McFadden valued candidates for hiring and promotion based on their perceived loyalty to him personally, not on their qualifications and job performance.

76. McFadden informed deputies that “if you want to eat, you have to provide something” and that if they wanted to advance, they needed to stay on “team sheriff.” What McFadden meant by this was that employees needed to demonstrate personal loyalty to McFadden by going outside the chain of command and reporting to McFadden personally about their co-workers and supervisors to remain in his good graces, and to be considered for promotions and more desirable assignments.

77. Thus, Adams and others watched McFadden develop a culture of internal informants, which predictably rendered much of the MCSO workforce paranoid and afraid to question anything the sheriff said or did, even when misguided

or unethical. McFadden also developed a culture in which personal loyalty to the sheriff was the paramount value, and policies and procedures designed to protect MCSO as an institution (as well as its employees) were routinely ignored based on McFadden's personal whims.

78. For example, Adams became aware secondhand (and thus alleges on information and belief) that McFadden promoted one deputy detention officer to a sergeant within 6 months of her being hired into the Mecklenburg County Detention Center (an unusually rapid promotion). The woman was promoted not based on performance, but because she was on "team sheriff": she acted as a de facto informant, providing information about events in the jail directly to McFadden outside the chain of command. The deputy was not prepared for the demands of being a sergeant, and was later demoted because she was overwhelmed by the work.

79. Similarly, circa 2022, Adams observed McFadden promote an unqualified sergeant to captain simply because she was on "team sheriff." This deputy had failed the captain's exam, and accordingly, Adams's training department removed her from the captain training program. McFadden intervened to insist that she be reinstated and continue in the training program, which had never been done before. The same sergeant later arrived late to a training exercise, which ordinarily would have disqualified her for a second, independent reason. But McFadden again intervened to insist that the training department schedule a make-up session for this sergeant, and for her alone – which, again, had never been done before. Later, when reviewing candidates for promotion to captain, McFadden insisted that this sergeant would be promoted over several other qualified candidates who had passed the written exam and completed the required training without incident. McFadden promoted this candidate over better-qualified competitors because of her perceived personal loyalty to him: she was on "team sheriff" and acted as a de facto informant for McFadden personally, providing information to him outside the chain of command.

80. In or about 2024, Adams observed McFadden interject himself into an Office of Professional Conduct investigation on behalf of a deputy who (Adams and other senior leadership believed) acted as an internal informant for McFadden. This deputy had sent a letter to McFadden criticizing the sheriff himself, Carty, and other senior staff in a manner that was unprofessional and insubordinate. Adams wrote up the deputy for disciplinary action based on insubordination, and OPC set the matter for a hearing. The day of the hearing, McFadden directed OPC not to move

forward with the hearing, without providing any explanation why. This deputy apparently felt free to be insubordinate because he acted as an internal informant for McFadden, and McFadden's intervention validated the insubordination, all because the deputy was circumventing the chain of command to provide information to McFadden.

Carla Cunningham's Experience: Background to McFadden's Threats

81. Petitioner Carla Cunningham is a resident of Mecklenburg County and is qualified to vote as an elector in that county.

82. Cunningham is also an elected state Representative serving what is now the 106th District of the North Carolina House of Representatives. She is currently serving her seventh term in office. Rep. Cunningham is a Democrat.

83. McFadden and Rep. Cunningham had previously taken opposite sides of a public controversy because, at times over the past few years, Rep. Cunningham has publicly supported increased oversight of, and inspections at, Mecklenburg County Detention Center. In fall 2024, she publicly supported a bill that, among other things, appropriated money to fund new full-time jail inspectors. Rep. Cunningham viewed inspections as necessary and helpful because (as of that time) eighteen inmates had died in Mecklenburg County Detention Center on McFadden's watch. But McFadden viewed jail inspections, which inevitably resulted in critique of the operations of Mecklenburg County Detention Center, as "unfair" and retaliatory. And he personally criticized the jail inspectors at N.C. Department of Health and Human Services who performed the inspections. These events first brought McFadden and Rep. Cunningham into conflict, albeit indirectly, on an issue affecting McFadden.

84. Moreover, on a handful of occasions, Rep. Cunningham has crossed the aisle to vote for Republican-sponsored bills that require greater cooperation between local law enforcement, including sheriffs, and federal immigration authorities.

85. In particular, in the 2023-24 legislative session, HB 10 required sheriffs to notify U.S. Immigration and Customs Enforcement (ICE) if they could not determine a pretrial detainee's immigration status, and required sheriffs to cooperate with ICE detainers against detainees. Rep. Cunningham voted against the original version of HB10, but voted for the final version of the bill after certain amendments

were made that satisfied her concerns. She also voted to override Governor Cooper's veto of the final version of the bill. *See N.C. Session Law 2024-55.*

86. HB 10 also funded the new jail inspectors that Rep. Cunningham wanted to see put in place.

87. In the 2025 legislative session, Rep. Cunningham voted in favor of HB 318, which requires sheriffs and other officials to work with ICE to determine the immigration status of those detained for felonies, Class A-1 misdemeanors, or DUI-related offenses. It also expands how long local officials must hold detainees on ICE detainers.

88. Rep. Cunningham voted both to pass HB 318 itself in June 2025, and to override Governor Stein's veto of the bill in July 2025. *See N.C. Session Law 2025-85.* In both cases she was the only Democratic representative to cross the aisle, and she provided the decisive vote to override the veto.

89. In spring and summer 2025, as HB 318 was making its way through the General Assembly, numerous other elected Democrats reached out to Rep. Cunningham privately to attempt to persuade her to vote against the bill. Such "jawboning" or lobbying by other elected officials is a normal and expected part of the political process. All citizens, even government officials, have a constitutional right to express their views to the people's elected representatives.

90. Once she made the decision to vote for HB 318, Rep. Cunningham publicly announced her intention. She expected to, and did, take political blowback for her votes. The bills were politically contentious, and Rep. Cunningham supplied a vote necessary to override a gubernatorial veto – the only Democrat in the House to do so.

91. During his time in office, McFadden has spoken publicly about his opposition to HB 318, HB 10, and other legislative measures that did not pass, all of which required greater cooperation between local law enforcement and federal immigration authorities.

92. The final version of HB 318 passed the House on June 10, 2025 with Rep. Cunningham's vote. Governor Stein vetoed it on June 20, 2025. On June 23, the

House set a vote to override the veto for the next day, then rescheduled the vote several times, ultimately placing it on the calendar for July 29, 2025.

93. Between the veto and the override vote, Rep. Cunningham was subject to more intense petitioning by constituents, lobbyists, and other elected officials about HB 318, on both sides of the issue. Again, that is normal and expected.

94. What's not normal or lawful is for such efforts to cross the line into threats and extortion, as happened here with McFadden.

McFadden's Threats To Rep. Cunningham

95. In between Governor Stein's veto of HB 318 and the House override vote, McFadden reached out to Rep. Cunningham to schedule a phone call to discuss the reasons for his opposition to HB 318. That was normal, and Rep. Cunningham was willing to speak to him, as she had with other elected officials, constituents, and lobbyists attempting to persuade her on the issue.

96. After exchanging some preliminary text messages about scheduling, Rep. Cunningham and McFadden set up a half-hour call for on or about Thursday, July 26, 2025.

97. McFadden began the call by contending that he had heard, from media, that Rep. Cunningham did not like McFadden. Rep. Cunningham replied that she did not have any personal animosity towards McFadden but simply had a different view than him: that sheriffs ought to be cooperating with ICE, as a general matter, to help ensure that illegal immigrants with criminal records or serious criminal charges were deported.

98. McFadden stated that if Rep. Cunningham continued down the path she was on – that is, supporting HB 318 – the people of Mecklenburg County would “come after” her.

99. Based on McFadden's tone and manner of delivery, Rep. Cunningham understood McFadden to be making a prediction that Rep. Cunningham would become physically unsafe, not that she would (for example) lose the support of her constituents or face highly motivated political opposition.

100. McFadden then pointed out that HB 318 would cost money to house immigration detainees in the Mecklenburg County Detention Center, and that taxpayers would bear the cost for that.

101. Rep. Cunningham replied that none of these concerns swayed her. She had heard them before and believed the costs of HB 318 were outweighed by its benefits to citizens, via facilitating the removal of illegal immigrants with a criminal record from the community.

102. Finally, McFadden told Rep. Cunningham that “I don’t want to see you get hurt; you live in my county.”

103. Rep. Cunningham hung up on McFadden immediately after this statement.

104. Rep. Cunningham reasonably understood “I don’t want to see you get hurt; you live in my county” as a threat by McFadden to either physically harm her, or to withdraw or refuse her any protection from members of the public who would physically harm her.

105. Although on their face McFadden’s statements nominally expressed concern for Rep. Cunningham’s welfare, McFadden’s tone and delivery indicated the opposite meaning – akin to a mafia boss demanding money by saying “nice little store you’ve got there, it would be a shame if anything happened to it.”

106. Rep. Cunningham also understood McFadden’s statements as a threat because he was implicitly admitting that he could not do his job of protecting a citizen of his county who had faced and was facing threats of violence. Yet McFadden never urged Rep. Cunningham to leave Mecklenburg County until the political passions of the moment blew over, nor suggested other steps she could take to keep herself safe.

107. Rep. Cunningham also understood McFadden’s statement as a threat because she was aware of his carefully cultivated reputation for retaliation against his perceived enemies within the sheriff’s office.

108. Rep. Cunningham’s understanding of McFadden’s statements was also informed by the events of the summer of 2025, which was a time of heightened political tensions and high-profile political violence. Rep. Cunningham held town

halls in her district at which some activists were physically intimidating – confrontations Sheriff McFadden was likely aware of. She also received threats of violence against her as a result of her publicly announced stance and votes on HB 318. As a result, Rep. Cunningham received temporary security protection from the North Carolina State Capitol Police while she was in Raleigh. But such security did not accompany her to Charlotte. Rep. Cunningham also hired private security for selected events using her campaign funds.

109. Nationally, just a few weeks before McFadden’s extortive threat, Minnesota Speaker of the House Melissa Hortman and her husband were murdered in their home on June 14, 2025 by a politically-motivated assassin. Rep. Cunningham had followed the Hortman case and was deeply affected by it.

McFadden’s Threats Constituted Extortion

110. McFadden’s threat to refuse to protect Rep. Cunningham from physical intimidation and/or violence (that he himself predicted) if she did not change her vote on HB 318 constituted extortion under North Carolina law.

111. N.C.G.S. § 14-118.4, Extortion, provides that “[a]ny person who threatens or communicates a threat or threats to another with the intention thereby wrongfully to obtain anything of value or any acquittance, advantage, or immunity is guilty of extortion and such person shall be punished as a Class F felon.”

112. McFadden’s statements (i) that the citizens of Mecklenburg County would “come after her” if she publicly supported and/or voted for the passage of HB 318, and (ii) that “I don’t want to see you get hurt; you live in my county” were intended by McFadden as, and were understood by Rep. Cunningham as, wrongful threats that McFadden would withdraw the protection of the sheriff’s office from her, making no effort to protect Rep. Cunningham from predictable risk of physical harm, if she did not change her vote on HB 318.

113. McFadden’s threats were made with the intent to wrongfully influence Rep. Cunningham’s vote on HB 318 and obtain her vote to ensure the bill’s ultimate defeat.

114. Cunningham’s vote on HB 318 was a “thing of value” to McFadden for multiple reasons.

115. First, as McFadden argued to Rep. Cunningham, HB 318 will cost money to implement. McFadden could reasonably anticipate that new obligations imposed on his office by HB 318 would reduce the funds otherwise available to his office for other purposes.

116. Second, HB 318 removed discretion that McFadden, like other sheriffs, had previously enjoyed to decide whether to cooperate with ICE on a selective, case-by-case basis in certain scenarios.

117. Thus, all else equal, HB 318's passage effectively reduced the budget and discretion that McFadden enjoyed as a result of holding his office.

118. In addition, McFadden had publicly opposed local law enforcement cooperation with ICE. It was publicly viewed as part of his political platform. Having spoken out against HB 318, the law's enactment was a political defeat for McFadden.

McFadden's Threats Also Constituted Attempted Bribery and Corruption

119. N.C.G.S. § 120-86, “Bribery, Economic Threats Made to Influence Legislation” provides that “[n]o person shall offer or give to a legislator or a member of a legislator's immediate family, or to a business with which the legislator is associated, and no legislator shall solicit or receive, anything of monetary value, including a gift, favor or service or a promise of future employment, based on any understanding that the legislator's vote, official actions or judgment would be influenced thereby, or where it could reasonably be inferred that the thing of value would influence the legislator in the discharge of the legislator's duties.”

120. McFadden violated this provision by “offering . . . anything of monetary value” – that is, law enforcement protection – with the intent to influence Cunningham's vote on HB 318.

121. As alleged above, McFadden's threats to Rep. Cunningham were made with the intent to influence her vote on HB 318, as well as her other official actions and the discharge of her official duties, specifically her publicly announced support of HB 318.

122. McFadden's implied threat that the sheriff's office would not protect (or would not attempt to protect) Rep. Cunningham unless she changed her vote was a threat to provide or withhold a "thing of monetary value." Such physical security has monetary value. For example, Rep. Cunningham hired private security guards at times until the controversy over HB 318 passed.

123. McFadden and members of the public could reasonably infer that a sheriff who threatened a legislator with withdrawal of law enforcement protection unless the legislator voted as the sheriff wished could influence that legislator in the discharge of her official duties. Indeed, the entire purpose of McFadden's call was to influence Cunningham's vote, but McFadden's threat was an unlawful means of doing so.

Jurisdiction, Venue, and Authority

124. All petitioners are residents of Mecklenburg County and are electors duly qualified to vote in that county.

125. Respondent McFadden is a resident of Mecklenburg County.

126. The acts and omissions complained of occurred in Mecklenburg County.

127. North Carolina law makes clear that while five qualified electors may institute removal proceedings under N.C.G.S. § 128-16 and -17, they may not prosecute the case themselves. The statute requires that such petitions be filed "with the written approval of the county attorney or the district attorney," and further provides that the county attorney or district attorney "shall prosecute the same" on behalf of the State. N.C.G.S. § 128-17. The appellate courts have emphasized that these proceedings are not private actions, but matters brought in the name of the State. *State ex rel. Leonard v. Huskey*, 65 N.C. App. 550, 553, 309 S.E.2d 726, 728 (1983) (describing a § 128-16 removal as "a proceeding on behalf of the State" and not a civil suit by individuals); *State v. Felts*, 79 N.C. App. 205, 209, 339 S.E.2d 99, 102 (1986) (holding removal under Chapter 128 is "neither civil nor criminal, but *sui generis*" and prosecuted by the State).

128. Accordingly, once this action is filed, petitioners must hope for recourse from the District Attorney or County Attorney of Mecklenburg County.

Claim One: Removal Under N.C.G.S. §§ 128-16 and -17

129. All allegations above are realleged and incorporated by reference.

130. Petitioners are residents of Mecklenburg County and electors entitled and qualified to bring a proceeding against McFadden pursuant to N.C.G.S. §§ 128-16 and -17.

131. McFadden's direction that line deputies working at Mecklenburg County Detention Center not report assaults or other misconduct by inmates constitutes willful and habitual neglect to perform the duties of his office.

132. McFadden's direction that line deputies working at Mecklenburg County Detention Center not report assaults or other misconduct by inmates constitutes willful misconduct and maladministration in office.

133. McFadden's retaliation and threats of retaliation against line deputies working at Mecklenburg County Detention Center who reported assaults or other misconduct by inmates constitute willful misconduct and maladministration in office.

134. McFadden's persistent nonenforcement of jail policies intended to promote the safety of officers and inmates, his creation of ad hoc exceptions to jail policies, and his retaliation against deputies and supervisors who enforce jail policies as written constitutes willful and habitual neglect to perform the duties of his office.

135. McFadden's persistent non-enforcement of jail policies intended to promote the safety of officers and inmates, his creation of ad hoc exceptions to jail policies, and his retaliation against deputies and supervisors who enforce jail policies as written constitutes willful misconduct and maladministration in office.

136. McFadden's misuse of official resources for work on his reelection campaign constitutes willful misconduct and maladministration in office (including but not limited to violations of the federal Hatch Act).

137. McFadden's misuse of official resources in connection with "dignitary duty" constitutes willful misconduct and maladministration in office.

138. McFadden's misuse of official resources in connection with the deployment of reserve deputies constitutes willful misconduct and maladministration in office.

139. McFadden's interference in MCSO's ordinary hiring and promotion practices to show favoritism to employees who agreed to report to McFadden outside the chain of command, and to show him unquestioning personal loyalty, constitutes willful misconduct and maladministration in office.

140. McFadden's interference in, and weaponization of, MCSO Office of Professional Compliance (internal affairs) investigations to reward his perceived allies and retaliate against perceived opponents constitutes willful misconduct and maladministration in office.

141. McFadden's threat to withdraw or refuse law enforcement protection of Rep. Carla Cunningham if she did not vote to sustain the governor's veto of HB 318, as McFadden desired, constituted attempted extortion.

142. McFadden's threat to withdraw or refuse law enforcement protection of Rep. Carla Cunningham if she did not vote to sustain the governor's veto of HB 318, as McFadden desired, constituted attempted corruption.

143. McFadden's threat to withdraw or refuse law enforcement protection of Rep. Carla Cunningham if she did not vote to sustain the governor's veto of HB 318, as McFadden desired, constituted willful misconduct and maladministration in office.

144. Accordingly, McFadden is subject to removal from office under N.C.G.S. §§ 128-16 through 128-20.

Relief Requested

145. Petitioners pray that the Court:

- a. Suspend McFadden from office pursuant to N.C.G.S. § 128-19 pending the adjudication of this petition; and

b. Enter judgment in favor of them and the state of North Carolina, and against Respondent, and order Respondent Garry McFadden removed from the office of Sheriff of Mecklenburg County pursuant to N.C.G.S. §§ 128-16.

Dated: January 5, 2026

Respectfully submitted,

Chalmers Adams Backer & Kaufman PLLC
By:

/s/ Electronically submitted

Jonathan R. Marx
NC Bar No. 35428
204 N. Person Street
Raleigh, NC 27601
Telephone 919.701.0125
jmarx@chalmersadams.com

Philip R. Thomas
NC Bar. No. 53751
204 N. Person Street
Raleigh, NC 27601
Telephone 919.670.5185
pthomas@chalmersadams.com

Counsel for Petitioners

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

GENERAL COURT OF JUSTICE
SUPERIOR COURT

STATE OF NORTH CAROLINA,

No. _____,

Ex rel. Carla Cunningham,
 Marcia Crenshaw Hill,
 Kevin Carty,
 Juan Delgado,
 Bryan Adams,

Petitioners,

v.

GARRY MCFADDEN,

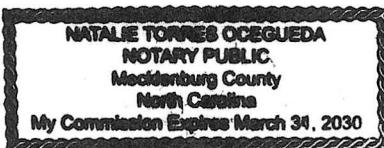
Respondent.

Verification

I, Carla Cunningham, have read the complaint in this matter, including the factual allegations in paragraphs 25 and 81 to 123. I declare based on personal knowledge that the allegations in those paragraphs are true to the best of my knowledge, except for any allegations made on information and belief, which I believe to be true. I adopt those allegations as my affidavit in support of this petition.

I declare under penalties of perjury under the laws of North Carolina that the foregoing is true and correct.

Executed December 13, 2025.



Carla Cunningham
Carla Cunningham

Natalie Torres Ocegueda
12/03/25

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

GENERAL COURT OF JUSTICE
SUPERIOR COURT

STATE OF NORTH CAROLINA,

No. _____,

Ex rel. Carla Cunningham,
 Marcia Crenshaw Hill,
 Kevin Carty,
 Juan Delgado,
 Bryan Adams,

Petitioners,

v.

GARRY MCFADDEN,

Respondent.

Verification

I, Marcia Crenshaw Hill, have read the complaint in this matter, including the factual allegations in paragraphs 43 to 55. I declare based on personal knowledge that the allegations in those paragraphs are true to the best of my knowledge, except for any allegations made on information and belief, which I believe to be true. I adopt those allegations as my affidavit in support of this petition.

I declare under penalties of perjury under the laws of North Carolina that the foregoing is true and correct.

Executed December 5, 2025.



Marcia Crenshaw Hill

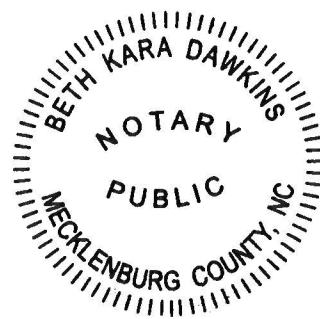
Mecklenburg County, North Carolina

Signed and sworn to before me this day by Marcia Crenshaw Hill.

Date: December 5, 2025

Official Signature of Notary:

Beth Kara Dawkins, Notary Public



(Official Seal)

Commission Expires 09/23/2030

My commission expires: _____

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

GENERAL COURT OF JUSTICE
SUPERIOR COURT

STATE OF NORTH CAROLINA,

No. _____,

Ex rel. Carla Cunningham,
 Marcia Crenshaw Hill,
 Kevin Canty,
 Juan Delgado,
 Bryan Adams,

Petitioners,

v.

GARRY MCFADDEN,

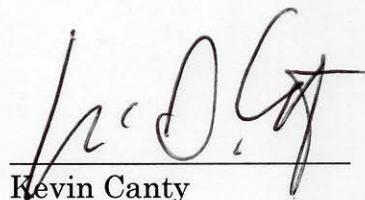
Respondent.

Verification

I, Kevin Canty, have read the complaint in this matter, including the factual allegations in paragraphs 26, 28 to 32, 39 to 40, and 56 to 60. I declare based on personal knowledge that the allegations in those paragraphs are true to the best of my knowledge, except for any allegations made on information and belief, which I believe to be true. I adopt those allegations as my affidavit in support of this petition.

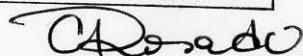
I declare under penalties of perjury under the laws of North Carolina that the foregoing is true and correct.

Executed December 5, 2025.



Kevin Canty

CARMEN B ROSADO
NOTARY PUBLIC
New Hanover County
North Carolina
My Commission Expires 08/01/2026



STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

GENERAL COURT OF JUSTICE
SUPERIOR COURT

STATE OF NORTH CAROLINA,

No. _____,

Ex rel. Carla Cunningham,
Marcia Crenshaw Hill,
Kevin Carty,
Juan Delgado,
Bryan Adams,

Petitioners,

v.

GARRY MCFADDEN,

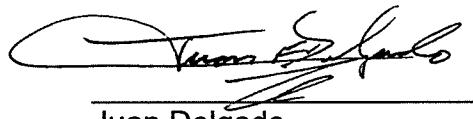
Respondent.

Verification

I, Juan Delgado, have read the complaint in this matter, including the factual allegations in paragraphs 61 to 69. I declare based on personal knowledge that the allegations in those paragraphs are true to the best of my knowledge, except for any allegations made on information and belief, which I believe to be true. I adopt those allegations as my affidavit in support of this petition.

I declare under penalties of perjury under the laws of North Carolina that the foregoing is true and correct.

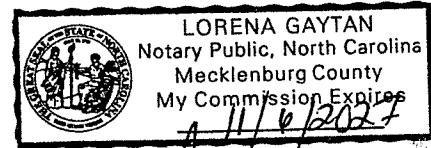
Executed December 4, 2025.

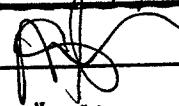


Juan Delgado

Sworn to and subscribed before me
this day by Juan Delgado.

Date: 12/4/2025




Official Signature of Notary

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

GENERAL COURT OF JUSTICE
SUPERIOR COURT

STATE OF NORTH CAROLINA,

No. _____,

Ex rel. Carla Cunningham,
 Marcia Crenshaw Hill,
 Kevin Carty,
 Juan Delgado,
 Bryan Adams,

Petitioners,

v.

GARRY MCFADDEN,

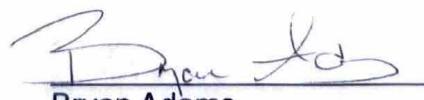
Respondent.

Verification

I, Bryan Adams, have read the complaint in this matter, including the factual allegations in paragraphs 33 to 34 and 70 to 80. I declare based on personal knowledge that the allegations in those paragraphs are true to the best of my knowledge, except for any allegations made on information and belief, which I believe to be true. I adopt those allegations as my affidavit in support of this petition.

I declare under penalties of perjury under the laws of North Carolina that the foregoing is true and correct.

Executed December 12, 2025.



Bryan Adams

Mecklenburg County, North Carolina

Signed and sworn to before me this day by Bryan Adams.

Date: 12/12/05

Official Signature of Notary:

, Notary Public

(Official Seal)

My commission expires: 11/6/2027



STATE OF NORTH CAROLINA
OF JUSTICE
COUNTY OF MECKLENBURG
COURT

GENERAL COURT
SUPERIOR

STATE OF NORTH CAROLINA, No.

Carboerus,

Ex rel. Carla Cunningham,
 Marcia Crenshaw Hill,
 Kevin Canty,
 Juan Delgado,
 Bryan Adams,

Petitioners,

v.

GARRY MCFADDEN,
Respondent.

Affidavit

I, Karen Jones, have read the complaint in this matter. I am not a resident of Mecklenburg County and not eligible to be a plaintiff in this action, but offer this affidavit as a witness, to verify certain allegations in the complaint of which I have knowledge.

I declare based on personal knowledge that the allegations in paragraphs 3 to 5, 6 (the first sentence only), 7 to 24, 35 to 42, and 73 are true, to the best of my knowledge, except for any allegations made on information and belief, which I believe to be true. I adopt those allegations as my affidavit.

I declare under penalties of perjury under the laws of North Carolina that the foregoing is true and correct.

Executed December 5, 2025.


Karen Jones



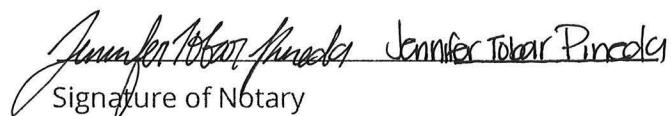
Notary Acknowledgment

State of North Carolina

County of Cabarrus

I certify that the following person(s) Karen Jones personally appeared before me this day, acknowledging to me that he or she signed the attached document: Affidavit.

Date: 12/05/25



Jennifer Tobar Pineda Jennifer Tobar Pineda
Signature of Notary

Commission Expires: 05-22-2030

