



STATE OF NORTH CAROLINA
OFFICE OF THE DISTRICT ATTORNEY
19D PROSECUTORIAL DISTRICT

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April 23, 2018

Sheriff Neal Godfrey
Sergeant Tracy Carter
Moore County Sheriff's Department
302 S. McNeill Street
Carthage NC 28327

Re: Notification of Giglio Impairment

Dear Sheriff Godfrey and Sergeant Carter:

I am writing to notify you of the decision that this District Attorney's Office will no longer be able to use Sergeant Tracy Dean Carter as a witness for the State of North Carolina in any criminal or traffic case.

As you both are aware, pursuant to the Supreme Court's decision in *Giglio v. U.S.*, 405 U.S. 150 (1972) the District Attorney has a constitutional obligation to disclose to criminal defendants information that could be used to impeach the testimony of a prosecution witness, including instances of untruthfulness. This office reviewed the North Carolina State Bureau of Investigation files regarding allegations of Failure to Perform Official Duties and Obstruction of Justice relating to the investigation of impaired driving committed by Moore County Sheriff's Deputy Brent Godfrey on February 29, 2016 while on duty. Unfortunately, the review revealed that Sgt. Carter was untruthful during the investigation concerning his observations and/or interactions with Deputy Brent Godfrey on February 29, 2016.

I am disheartened to inform you that this ethical breach means that Moore County District Attorney's Office will no longer be able to use Sgt. Carter as a witness for the State of North Carolina in any criminal or traffic case. The burden of the State having to disclose this ethical breach each time Sgt. Carter would be called as a State witness and then attempting to rehabilitate Sgt. Carter in front of a judge and/or jury is simply insurmountable.

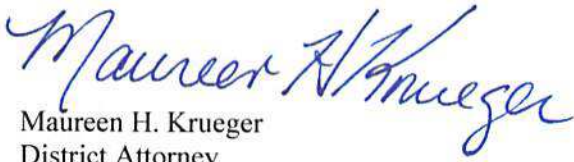
I regret having to take this action, but I believe that the reputation and integrity of the law enforcement community as well as my assistant district attorneys are at stake in this situation. The credibility of the judicial system rests on the foundation that law enforcement officers are

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truthful and possess an integrity that is beyond reproach. Sheriff Godfrey and I have previously discussed this unfortunate situation, and he agreed that a Giglio violation had occurred.

If you should desire to meet with me concerning this decision, please contact Jennifer Copper at (910) 722-5075 to arrange an appointment.

Sincerely,


Maureen H. Krueger
District Attorney