From: Ben Scales
To: Cynthia Fox-Clark
Subject: [EXTERNAL] Your vote - your voice - for criminal justice reform in Buncombe County.
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Friend,

This primary election is critical for Buncombe County – an opportunity for real change and real reform. After back-to-back civil rights crises, new leadership

is desperately needed here in the District Attorney's office. Over the past 3 and a half years, things have moved too slowly. There's far too much left that could be done, and too many instances where Mr. Williams failed to take initiative to heal and empower our community in a meaningful way.

These are the most important changes that need to be made to the way the District Attorney's office operates:

1. **Leadership** – The incumbent DA's mishandling of the Johnnie Rush case underscores his failings as a leader. His shifting explanations for his delay in filing charges against Chris Hickman seemed to have settled upon blaming APD for everything. A true leader owns his mistakes.
2. **Transparency –** Currently, no one has any idea what is going on in the DA's office. I will remedy that by implementing an open data portal, documenting each key phase in a case's movement through the system, so the public can see how each case is resolved by my office.
3. **Trust –** I will restore the trust and the relationships between the DA's Office, the courts, law enforcement and the community, all of which have broken down in various ways over the past four years. Mr. Williams has alienated the law enforcement community in his first campaign, and his relationship with the hard-working men and women who protect and serve us has only gotten worse over the past 3½ years. He has publicly feuded with judges in the media and has engaged in ad hominem attacks against members of the defense bar. His Chief Assistant was recently caught lying to the court and suffered no consequence.
4. **Priorities –** I will target the crimes that matter the most and stop prosecuting insignificant cases. Too many resources are being used to prosecute minor property crimes and minor drug offenses, often related to addiction. On the other hand, those who commit violent crimes against any of us must feel the full consequence of their actions.
5. **Environment –** Polluters large and small threaten our communities by illegally dumping waste on our streets and on private property as well as into our waterways, and by poisoning our air. I will protect our environment and our children's health by prosecuting dumpers and other polluters to the full extent of the law.

All over the country, we are seeing progressive DA's – like Larry Krasner in Philadelphia, whose platform mirrors my own – enact swift, truly progressive

criminal justice reform. We can make that happen here, in Buncombe County.

Please read my platform below, take a look at my endorsements as a true reflection of the movement that we're building here, and know that ***your vote is your voice***.

Chief prosecutors hold superior power, but they can only exercise the power that you give them. That starts with winning an election - which means ***the most powerful player in the system is your vote***. And that's you.

Please vote during Early Voting by Saturday, May 5th (open until 1pm), or on Primary Election Day, Tuesday, May 8th.

In solidarity,

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We need a District Attorney who stands up for the needs and values of the communities they serve. I'm proud to be endorsed by a panel of true community servants here of all walks of life: activists, council members, teachers, lawyers, social workers, and move. From the top left and clockwise: Sheneika Smith, Nicole Townsend, Jeremie Konegni, Brian Haynes, Amy Cantrell, & Kim Roney.

MY PROMISE: REAL CHANGE IN THE DISTRICT ATTORNEY'S OFFICE

I will restore the relationships necessary for the efficient administration of justice between the District Attorney's Office, the courts, and law

enforcement, all of which have broken down in various ways over the past four years. I will pursue the real change in the culture and approach to justice of the DA's Office that many people thought they would see from the current DA.

As your DA, I will bring equity and diversity to this office to more accurately reflect the diversity of our community. I will fight fraud and corruption by working with the community and law enforcement to charge and convict those who criminally defraud the public or abuse public office for personal gain.

END MASS INCARCERATION

Recent research indicates that the primary driver of mass incarceration is prosecutorial discretion. Most criminal cases are resolved through plea bargains. Prosecutors use their superior bargaining power to put pressure on defendants to accept plea deals, which contribute to high incarceration rates. **Therefore, any reform intended to make a meaningful reduction in incarceration rates must come through prosecutorial reform.**

END CASH BAIL IN BUNCOMBE COUNTY

Cash bail for nonviolent crimes is one of the elements of the "guilty until proven wealthy" mindset that *will end* in Buncombe County when I'm DA. We need to stop clogging our jail with people with a clean record who are held on non-violent charges while they and await trial simply because they can't afford to pay bail. This unjust system targets our poorest communities. I will work to end cash bail imprisonment for non-violent offenses, automatic imposition of court costs, and other private diversions programs.

In regards to plea offers, my policy will be as follows: Except in homicides, violent crimes, sexual assault, gun law violations, economic crimes of $50K or over, or cases involving attacks on the integrity of judicial process, the following guidelines will be followed: 1. All plea offers will be at or below the bottom end of the mitigated sentencing range for most crimes; 2. If an ADA believes that such an offer would be too low for a specific case, supervisory approval will be required to make a higher offer; 3. Where the applicable range is less than 24 months, ADAs should seek house arrest, electronic monitoring, probationary or other community-based punishments in appropriate cases.

FOCUS ON SERIOUS CRIME

Our justice system has failed too many Buncombe County families though wrongful convictions and unjust sentences. **I promise to review past cases to right these wrongs, which sow the seeds of discord and distrust in our communities.** We owe it to our communities to ensure true justice is served.

I will target the crimes that matter the most and stop prosecuting insufficient and insignificant cases. **I will vindicate the rights of the most vulnerable among us, with a particular focus on crimes against women, children, and the elderly.**

I will not prosecute any adult for personal use cultivation or possession of cannabis, regardless of weight, nor will I prosecute any patient or her/his caregiver for any offense related to the medical use of cannabis by that patient. People shouldn't have a permanent criminal record for a small cannabis offense.

Addiction should be treated as a medical problem, not a crime. I will prosecute those who profit from the opioid epidemic, including the drug companies who sell the pills, the doctors who overprescribe those medications and the pharmacies who fill those prescriptions.

I will reject a return to the failed drug wars of the past. I will seek to divert non-violent drug offenders into treatment and use discretion to avoid unduly harsh sentences, so that we can focus our criminal justice system on keeping us safe from the small number of criminals who commit the vast majority of violent crimes.

STAND UP FOR OUR RIGHTS AND LIBERTIES

I will do everything in my legal and constitutional power to control guns and limit damage from their misuse in Buncombe County. I will aggressively prosecute cases where a gun is possessed by someone prohibited from possessing one, or where a gun is used in the commission of a violent crime. I will support a robust gun buy-back program to reduce the number of guns in our communities.

I will work to bring police and communities together by cracking down on police and prosecutorial corruption. Body and dash cam footage is available for review by the DA, and I plan to review that footage in every case where either a complaint is made or a defendant is charged with an offense against an officer. Simultaneously, it's vital that we restore the trust and the relationships necessary for the efficient administration of justice between the DA's Office, the

courts, law enforcement, and the community, all of which have broken down in various ways over the past four years. We need to prosecute and remove those who do not abide by ADA guidelines and cast a shadow over our hard-working police force.

PROTECT OUR LAND AND PEOPLE

I will work to protect the environment by prosecuting corporate polluters, such as the CTS Corporation in South Asheville, who threaten our communities by illegally dumping waste on our streets and on private property as well as into our waterways, and by poisoning our air. Furthermore, power companies – like Duke Energy – have been "not getting got" because few DAs even consider going after them and wait for the cases the police bring to them. In North Carolina, the local district attorney has sole prosecutorial discretion to prosecute environmental cases in the state court system. I will be proactive in investigating these types of crimes, and if I find criminal liability, I'll prosecute.

I will protect immigrants as part of protecting everybody. Fighting President Trump's anti-immigration agenda and increasing trust between immigrants and police is more important than ever. To that end, I will institute policies and programs to help immigrants move through the criminal justice system without facing disproportionate consequences, like deportation, because of their status. This includes creating an immigration liaison position in the DA's office that will help immigrants move through the system without facing disproportionate consequences, like deportation, because of their status.

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VOLUNTEER

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You are part of this list as a friend and supporter of Real Justice Reform.

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