

# SCOTT BREWER REPORT



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## **BIOGRAPHY**

Name: Scott Thomas Brewer

Birth: July 10, 1958

Residence: 1206 Carolina Dr  
Rockingham, NC 28379

Family: Wife, Karen;  
Two daughters

Education: Bachelor's in Political Science, University of North  
Carolina  
JD, Campbell University

Religion: First Presbyterian Church

Military: None

Professional Experience: Attorney  
Retired Chief District Court Judge

Political Experience: Appointed to North Carolina House of  
Representatives, 2019  
District court judge, 2002-2016

## TIMELINE

July 10, 1958	Born
1980	Graduated from the University of North Carolina
1984	Graduated from Campbell University Wiggins School of Law
1987	Began working as assistant district attorney
2002	Became district court judge
2014	Appointed as chief judge of Judicial District 16A
Nov. 30, 2018	Retired as chief district court judge
May 1, 2019	Appointed to North Carolina State Legislature

## JUDICIAL RATINGS

- **In the North Carolina Bar’s 2014 Judicial Performance Evaluation Report, Scott Brewer ranked 116th out of 120 evaluated justices in overall performance; Scott Brewer’s score on “Integrity and Impartiality” ranked 117th out of 120 evaluated justices**
  - According to the North Carolina Bar’s January 2014 Judicial Performance Evaluation Survey, “The Judicial Performance Evaluation (JPE) Committee of the North Carolina Bar Association is pleased to provide this report summarizing the results of Phase I of its survey of North Carolina Superior and District Court judges elected or appointed to the bench before March 31, 2013, whose terms expire in 2014, as well as Special Superior Court judges. A second survey (Phase II) will be conducted in March 2014 in which attorneys will evaluate Superior and District Court judges appointed after March 31, 2013, whose terms expire in 2014 and lawyers who file for election to the Superior or District Court in 2014.”<sup>1</sup>
  - According to the report, “The survey asked attorneys with an active North Carolina law license to rate each included judge with whom the attorney had sufficient professional contact to be able to evaluate the judge’s performance in the six categories below, using a scale of 5 (excellent), 4 (good), 3 (average), 2 (below average) and 1 (poor):
    - “1. Integrity and Impartiality | Judge is fair to all persons, bases decisions on facts and law and refrains from inappropriate ex parte communications;
    - “2. Legal Ability | Judge demonstrates knowledge of law and rules of procedure and evidence;
    - “3. Professionalism | Judge exercises patience, is courteous to all and attentive to proceedings at hand, fulfills out-of-court duties and responsibilities, and upholds the dignity of the office;
    - “4. Communication | Judge speaks clearly and understandably, prepares coherent decisions and carefully reviews orders before entry;
    - “5. Administrative Skills | Judge is punctual and prepared, controls the courtroom appropriately, uses courtroom time efficiently, enforces deadlines appropriately, makes timely decisions and enters orders promptly; and
    - “6. Overall Performance | Rate the judge’s overall performance.”<sup>2</sup>
  - According to the report, Scott T. Brewer was given an overall performance of 3.29, the fourth lowest score among 120 judges evaluated in the survey. Scott T. Brewer’s

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<sup>1</sup> Judicial Performance Evaluation Survey – Phase I, North Carolina Bar Association, Jan. 2, 2014

<sup>2</sup> Judicial Performance Evaluation Survey – Phase I, North Carolina Bar Association, Jan. 2, 2014

3.20 on Integrity and Impartiality was the third lowest amongst the 120 judges evaluated.<sup>3</sup>

Integrity & Impartiality	Legal Ability	Professionalism	Communication	Administrative	Overall Performance
3.20	3.56	3.19	3.45	3.59	3.29

- **Nearly 40 percent of responding attorneys said that Scott Brewer had “below average” or “poor” integrity and impartiality, and more than a third of respondents said that he had “below average” or “poor” professionalism**

- o According to the North Carolina Bar’s January 2014 Judicial Performance Evaluation Survey, Judge Scott T. Brewer received the following evaluations.<sup>4</sup>

Quality	Number Of Responses	Excellent (5)	Good (4)	Average (3)	Below Average (2)	Poor (1)	Average Rating
Integrity & Impartiality	121	34 (28.1%)	26 (21.5%)	14 (11.6%)	24 (19.8%)	23 (19.0%)	3.20
Legal Ability	120	39 (32.5%)	35 (29.2%)	18 (15.0%)	10 (8.3%)	18 (15.0%)	3.56
Professionalism	122	33 (27.0%)	23 (18.9%)	24 (19.7%)	18 (14.8%)	24 (19.6%)	3.19
Communication	120	35 (29.2%)	28 (23.3%)	29 (24.2%)	12 (10.0%)	16 (13.3%)	3.45
Administrative Skills	110	42 (38.2%)	25 (22.7%)	17 (15.5%)	8 (7.3%)	18 (16.3%)	3.59
Overall Performance	119	34 (28.6%)	28 (23.5%)	17 (14.3%)	18 (15.1%)	22 (18.5%)	3.29

<sup>3</sup> Judicial Performance Evaluation Survey – Phase I, North Carolina Bar Association, Jan. 2, 2014

<sup>4</sup> Judicial Performance Evaluation Survey – Phase I, North Carolina Bar Association, Jan. 2, 2014

## SCOTT BREWER AND KEN HONEYCUTT

➤ **In his campaign for the North Carolina House, Scott Brewer touts his experience as a prosecutor in North Carolina**

- According to the Scott Brewer for North Carolina campaign website, “Scott Brewer has dedicated his life to serving the people of North Carolina. As a former Prosecutor and District Court Judge, Scott kept our communities safe. Now a small business owner, he’s running for the NC House to restore the promise of North Carolina - the promises of good schools, good paying jobs, and a government we can trust.”<sup>5</sup>

➤ **Scott Brewer was a prosecutor in Judicial District 20, at a time when prosecutors in the district disqualified 87 percent of eligible black jurists, but only 24 percent of whites**

- In a Jan. 7, 2015, article, *Indy Week* reported, “From the start, the case seemed destined to live or die with Edward Tender. In early December, the 62-year-old former volunteer fire chief hobbled to the witness stand. He wore a rumpled suit on his slight frame. His cheeks were hollow and weathered. A large, open collar sagged over his chest, as if suggesting defeat.

“At the defense table sat Derrick McRae, a short 35-year-old with chubby cheeks layered with scruff. Hunched over and doodling on a legal pad, McRae seemed lost to the day’s proceedings. But as Tender placed his hand on the Bible, the defendant’s gaze turned upward, locking onto his star witness.

“Seventeen years ago, McRae, who is black, was convicted and sentenced to life without parole for killing a white man in the small, hardscrabble city of Rockingham, 70 miles east of Charlotte. That might have been the end of it, if not for McRae’s Durham attorneys. At a hearing last month, a judge considered new evidence, unearthed over seven years, that might set him free.”<sup>6</sup>

- According to the same article, “The history of racial prejudice in the Rockingham area is well-documented. In 1991, Jesse Jackson was banned from a memorial service by the mayor and other elected officials in the adjacent town of Hamlet. Confederate flags weren’t uncommon. At the time of Rankin’s killing, prosecutors in Judicial District 20, which ran from the eastern Charlotte suburbs to Rockingham, disqualified 87 percent of eligible black jurists, but only 24 percent of whites. Capital murder trials with all-white juries were typical.

“It was against this racially charged backdrop that McRae’s case was assigned to Assistant District Attorney Scott Brewer. A tenacious lawyer, Brewer was a rising star. Only in his mid-30s at the time, he had one of the best trial records in District

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<sup>5</sup> Scott Brewer for North Carolina website, Accessed March 24, 2020

<sup>6</sup> John Tucker, “Did a prosecutor and police send an innocent teenager to prison for murder?” *Indy Week*, Jan. 7, 2015

20. Hard-charging and self-assured, Brewer was considered intense, fair and ambitious.

“He was tough and prepared,’ recalled a veteran defense attorney. ‘He viewed the world from the other side of where I viewed it, but he was trying to do the right thing for the public.’”<sup>7</sup>

- **Scott Brewer had joined the D.A.’s office under Carroll Lowder, who during his 30-year tenure faced accusations of prosecutorial misconduct and racism; Lowder’s successor, a former judge named Ken Honeycutt with an even greater reputation for ruthlessness, became Scott Brewer’s mentor**

- In a Jan. 7, 2015, article, *Indy Week* reported, “Brewer had joined the D.A.’s office under Carroll Lowder, who during his 30-year tenure faced accusations of prosecutorial misconduct and racism. After the murder conviction of a black man, lawyers discovered in Lowder’s folder a handwritten note with the term ‘nigger.’ (The defendant was executed.) A judge once expressed ‘disgust’ with Lowder’s tactics, accusing him of running the courts like a ‘private fiefdom.’

“Lowder’s successor, a former judge named Ken Honeycutt with an even greater reputation for ruthlessness, became Brewer’s mentor. A one-time president of the N.C. Conference of District Attorneys, he lobbied against a state ban on executing mentally retarded defendants; his computer screensaver read ‘Attack attack always attack!’”<sup>8</sup>

- **Ken Honeycutt would hand out noose lapel pins to assistant prosecutors after they would win death penalty cases, a practice he defended as “a morale booster” for staff**

- In an Aug. 11, 2004, article, the *News & Observer* reported, “Kenneth Honeycutt, one of the state’s most prominent district attorneys, has announced he is resigning effective Oct. 31.

“Honeycutt has served as a judge and prosecutor for 31 years in Union County and neighboring counties. He announced his resignation three weeks after being trounced in his bid for a state House seat -- and as the N.C. State Bar looks into allegations of Honeycutt’s misconduct in a death row case.”<sup>9</sup>

- According to the same article, “He has often worn a golden lapel pin shaped like a hangman’s noose in court and hands out noose lapel pins to assistant prosecutors after they win death penalty cases. During his campaign, Hoffman defended them as ‘a morale booster’ for staff.”<sup>10</sup>

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<sup>7</sup> John Tucker, “Did a prosecutor and police send an innocent teenager to prison for murder?” *Indy Week*, Jan. 7, 2015

<sup>8</sup> John Tucker, “Did a prosecutor and police send an innocent teenager to prison for murder?” *Indy Week*, Jan. 7, 2015

<sup>9</sup> Joseph Neff, “Union Co. prosecutor to resign,” *News & Observer*, Aug. 11, 2004

<sup>10</sup> Joseph Neff, “Union Co. prosecutor to resign,” *News & Observer*, Aug. 11, 2004

## HOFFMAN MURDER CASE

- **In 2005, the North Carolina State Bar charged Scott Brewer with prosecutorial misconduct in a 1996 murder case that ended in a death sentence, alleging that Brewer and then-district attorney Kenneth Honeycutt lied to the trial judge, the jury and the defense lawyers and knowingly used false evidence at the trial**

- In a Sept. 7, 2005, article, the Associated Press reported, “The North Carolina State Bar has charged a former district attorney and his assistant with prosecutorial misconduct in a 1996 murder case that ended in a death sentence.

“The defendant remains in prison awaiting a court-ordered retrial after spending seven years on death row.

“The bar filed the charges of prosecutorial misconduct last week against Kenneth Honeycutt, former district attorney of Union County, and his assistant, Scott Brewer. The regulatory group charged that each committed 23 violations of rules governing lawyers.

“According to the bar, Honeycutt and Brewer lied to the trial judge, the jury and the defense lawyers and knowingly used false evidence at the trial.”<sup>11</sup>

- **The main witness against defendant Jonathan Hoffman received what the bar said was a very favorable plea deal, and Honeycutt and Brewer allegedly concealed it from the judge**

- In a Sept. 7, 2005, article, the Associated Press reported, “The main witness against defendant Jonathan Hoffman received what the bar said was a very favorable plea deal, and Honeycutt and Brewer allegedly concealed it from the judge.

“If they are found guilty in a hearing before the bar, punishment could range from a written reprimand to the loss of their law licenses.

“Honeycutt is a former president of the N.C. Conference of District Attorneys who retired as district attorney in October after an unsuccessful run for the state House of Representatives. Brewer is a District Court judge based in Rockingham.”<sup>12</sup>

- **Key evidence was provided by a cousin who later claimed that he made up testimony in return for immunity on state and federal charges, reward money and a reduced sentence for bank robbery**

- In a Jan. 13, 2006, editorial, the *News & Record* wrote, “The accusations question whether justice has been served. Hoffman was sentenced to death in 1996 for the murder of a Marshville jeweler. Key evidence was provided by a cousin who now

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<sup>11</sup> “N.C. Former Prosecutors Facing Charges,” Associated Press, Sept. 7, 2005

<sup>12</sup> “N.C. Former Prosecutors Facing Charges,” Associated Press, Sept. 7, 2005

claims he made up testimony in return for immunity on state and federal charges, reward money and a reduced sentence for bank robbery.

“Honeycutt and Brewer are accused of hiding the deal from the jury, withholding relevant material from defense lawyers, altering documents and lying to the presiding Superior Court judge.

“State Bar Counsel Carolin Bakewell says these alleged actions constitute obstruction of justice, a felony. A second felony occurred, she maintains, when prosecutors encouraged the witness to commit perjury.”<sup>13</sup>

- o In a Sept. 7, 2005, article, the *News & Observer* reported, “According to the bar’s complaint, Honeycutt agreed to reward Porter for his testimony at trial with immunity from state and federal prosecutions, money and a reduction in his federal sentence.

“Honeycutt delivered on his promise, according to the court papers and the bar’s complaint:

“- Porter’s prison sentences were reduced by at least 15 years.

“- He was not prosecuted for at least a dozen serious crimes in Charlotte.

“- He pocketed several thousand dollars in reward money.

“Honeycutt and Brewer have run into trouble because they hid the deal from the jury, the trial judge and Hoffman’s lawyers. The bar said that Honeycutt removed references to cutting a deal from a document he gave the judge before trial.”<sup>14</sup>

➤ ***Charlotte Observer*: “[The] bar investigation’s finding is unequivocal: The two deliberately failed to tell the court a deal was cut with a key witness in exchange for his testimony. That violates the rules of evidence. The bar’s opinion is also clear: Not telling helped the prosecutors win - and helped put Mr. Hoffman on death row”**

- o In a Sept. 11, 2005, editorial, the *Charlotte Observer* wrote, “Prosecutors like Ken Honeycutt and Scott Brewer do justice no favors when they hold winning in higher regard than pursuing justice. The N.C. State Bar has accused the two ex-prosecutors of misconduct, saying they lied to the court and withheld evidence in a case that put a man on death row for seven years.

“In the past, the state bar has given only wrist slaps to prosecutors who commit such wrongs. This time, it must send a strong message: When those sworn to uphold the law step outside the lines, they face consequences.

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<sup>13</sup> Editorial, “Case must proceed despite technicality,” *News & Record*, Jan. 13, 2006

<sup>14</sup> Joseph Neff, “State Bar accuses 2 of misconduct,” *News & Observer*, Sept. 7, 2005

“Mr. Honeycutt has said he did nothing wrong when, as district attorney for the 20th Judicial District, he prosecuted Jonathan Hoffman for murder in 1996. Mr. Brewer, his assistant and now a District Court judge in Rockingham, has said nothing.

“Yet the bar investigation’s finding is unequivocal: The two deliberately failed to tell the court a deal was cut with a key witness in exchange for his testimony. That violates the rules of evidence.

“The bar’s opinion is also clear: Not telling helped the prosecutors win - and helped put Mr. Hoffman on death row.”<sup>15</sup>

➤ **Scott Brewer filed a motion to dismiss the charges levied by the state bar, saying the charges included factual inaccuracies, and also said the bar filed its complaints too late**

- o In an Oct. 26, 2005, article, the *Charlotte Observer* reported, “A former Union County prosecutor accused by the N.C. Bar Association of lying and hiding evidence in a death penalty murder trial has asked that the complaint be dismissed.

“The bar association filed charges against former Union County-based District Attorney Ken Honeycutt and former assistant prosecutor Scott Brewer on Aug. 30. The bar alleges the attorneys failed to disclose deals to secure reward money and reduce prison time for a star witness who testified in the 1996 case.

“Defendant Jonathan Hoffman spent seven years on death row before winning a new trial last year. Brewer’s motion denies that any deals were hidden.

“An attorney for Brewer, who is now a district judge in Rockingham, said in a motion filed Monday that the bar’s charges against Brewer include factual inaccuracies.

“‘Unfortunately, and despite the damage that has been done to Judge Brewer and his family, these allegations are untrue,’ the motion says. It says that if the state bar had ‘taken the time’ to read court transcripts of the case, it would have known the allegations were false.”<sup>16</sup>

- o According to the same article, “Brewer’s motion also says the bar filed its complaints too late. The bar requires grievances be filed within six years of the alleged offense, or within one year of the ‘discovery’ of the offense.”<sup>17</sup>

➤ **In January 2006, a disciplinary panel dismissed the charges against Scott Brewer and Hoffman, saying defense lawyers in the case did not file a complaint in time; The ruling did not address whether Honeycutt and Brewer had committed misconduct**

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<sup>15</sup> Editorial, “Truth or Consequences,” *Charlotte Observer*, Sept. 11, 2005

<sup>16</sup> Emily Achenbaum, “Ex-Prosecutor Challenges Bar Association Charge,” *Charlotte Observer*, Oct. 26, 2005

<sup>17</sup> Emily Achenbaum, “Ex-Prosecutor Challenges Bar Association Charge,” *Charlotte Observer*, Oct. 26, 2005

- o In a Jan. 7, 2006, article, the *News & Observer* reported, “The panel responsible for disciplining North Carolina lawyers dismissed charges of misconduct against two former Union County prosecutors Friday, saying defense lawyers in the case did not file a complaint in time.

“The State Bar had charged Kenneth Honeycutt and Scott Brewer with lying, cheating and withholding evidence in a 1996 murder trial that ended in a death sentence. Honeycutt, the former District Attorney in Union County, has since retired to private practice; Brewer is now a District Court judge in Richmond County.

“Friday’s ruling did not address whether Honeycutt and Brewer had committed misconduct. Instead, it hinged on interpreting the state bar’s rule on deadlines for filing grievances against lawyers.”<sup>18</sup>

➤ **The *News & Observer* called the failure to discipline Scott Brewer and Honeycutt, “an insult to justice”**

- o In a Jan. 13, 2006, editorial, the *News & Observer* wrote, “The failure by an N.C. State Bar commission to discipline two prosecutors even while faced with compelling evidence that they had engaged in misconduct in a death penalty case is an insult to justice.

“A Disciplinary Hearing Commission has been responsible for reviewing charges against the prosecutors that were brought by officials of the State Bar, which oversees the ethical conduct of attorneys in North Carolina. In a tentative decision, the commission interpreted the bar agency’s rules on timeliness in filing grievances against lawyers to mean that legal counsel for Jonathan Hoffman had missed a deadline for lodging a complaint against Kenneth Honeycutt and Scott Brewer of Union County.”<sup>19</sup>

➤ **North Carolina Bar officials challenged their own disciplinary committee, saying Scott Brewer and Ken Honeycutt committed felony obstruction of justice, and the deadline didn’t apply to felonious misconduct**

- o In a Jan. 14, 2006, article, the *Charlotte Observer* reported, “N.C. State Bar officials say two prominent former prosecutors committed felonies during a death-penalty case that put a man on death row for seven years.

“In a challenge to its own disciplinary committee this week, the bar filed a memorandum detailing the allegations against former Union County-based prosecutors Ken Honeycutt and Scott Brewer.

“The memo said the men committed felony obstruction of justice and subornation of perjury (pushing another person to lie under oath) in the 1996 murder case.

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<sup>18</sup> Joseph Neff, “Former state lawyers cleared,” *News & Observer*, Jan. 7, 2006

<sup>19</sup> Editorial, “System error,” *News & Observer*, Jan. 13, 2006

“The bar, a regulatory group that licenses attorneys and investigates grievances, had already filed its own charges against the men. But the disciplinary committee dismissed the complaint last week, ruling the case had missed a filing deadline.

“The bar disputes that, saying the deadline doesn’t apply to felonious misconduct.

“The bar cannot file criminal charges; at most, it could revoke Honeycutt’s and Brewer’s law licenses. A criminal investigation would have to start in Honeycutt’s former Union County District Attorney’s Office, which has jurisdiction.”<sup>20</sup>

➤ **The disciplinary arm of the North Carolina State Bar dropped charges of felonious misconduct against Scott Brewer and Honeycutt because of a 1999 clerical error at the state Supreme Court, marking the second time that Honeycutt and Brewer won on procedural grounds**

- o In a Jan. 21, 2006, article, the *News & Observer* reported, “The disciplinary arm of the N.C. State Bar dropped charges of felonious misconduct against two former Union County prosecutors Friday because of a 1999 clerical error at the state Supreme Court.

“The State Bar had charged Kenneth Honeycutt and Scott Brewer with lying, cheating and withholding evidence in a 1996 death penalty case.

“The ruling Friday marks the second time that Honeycutt and Brewer won on procedural grounds before the bar’s Disciplinary Hearing Commission, which sits as judge and jury in disciplinary cases.

“Earlier this month, the panel dismissed the charges, saying defense lawyers in the murder case had missed the deadline for filing a grievance against Honeycutt and Brewer.”<sup>21</sup>

➤ **Ruth Sheehan column in the *News & Observer*: “What is remarkable is that the clerical error baloney comes on the heels of the committee’s previous ruling that the prosecutors should not be punished because of a missed deadline. Turns out there was essentially a statute of limitations on the prosecutors’ misconduct**

- o In a Jan. 26, 2006, column in the *News & Observer*, Ruth Sheehan wrote, “Last week, the State Bar’s Disciplinary Hearing Commission dismissed charges of felonious misconduct against Kenneth Honeycutt and Scott Brewer -- two former prosecutors accused of lying, cheating and withholding evidence to get a death penalty conviction in 1996.

“Why were the charges dropped? Clerical error.

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<sup>20</sup> Emily Achenbaum, “N.C. Bar Says Ex-Prosecutors Broke the Law,” *Charlotte Observer*, Jan. 14, 2006

<sup>21</sup> Joseph Neff, “Invalid rule spares former prosecutors from discipline,” *News & Observer*, Jan. 21, 2006

“What is remarkable is that the clerical error baloney comes on the heels of the committee’s previous ruling that the prosecutors should not be punished because of a missed deadline. Turns out there was essentially a statute of limitations on the prosecutors’ misconduct. That’s something I’m sure the guys on death row would dispute.”<sup>22</sup>

➤ **In March 2006, the cousin said he made up testimony that helped convict Hoffman in the killing, adding that Scott Brewer and Ken Honeycutt were present when he was promised favors in exchange for his testimony**

- o In a March 29, 2006, article, the *Charlotte Observer* reported, “The key witness in a 1996 murder trial now says he made up testimony that helped convict his cousin of killing a Union County jewelry store owner.

“The witness, Johnell Porter, also told the Observer that former Union prosecutors Ken Honeycutt and Scott Brewer were present when he was promised favors in exchange for his testimony.

“The N.C. State Bar alleges Honeycutt and Brewer knew of those deals but failed to tell the trial judge and Jonathan Gregory Hoffman’s defense team.

“After reviewing the state bar's findings, Union District Attorney Michael Parker is expected to decide in coming weeks whether to charge Honeycutt and Brewer with crimes.”<sup>23</sup>

➤ **In December 2006, a special prosecutor announced that Scott Brewer and Ken Honeycutt would not be charged**

- o In a Dec. 23, 2006, article, the *Charlotte Observer* reported, “Two former Union County prosecutors accused of misconduct in a 1996 death penalty case will not be charged with crimes.

“Retired Superior Court Judge Howard ‘Rick’ Greeson Jr., a special prosecutor appointed to the case, notified Union County District Attorney Michael Parker of his decision in a letter Friday. Parker, who used to work for the former prosecutors, had asked the state to appoint the special prosecutor.

“Former Union District Attorney Ken Honeycutt and former Assistant DA Scott Brewer had been accused of hiding a deal with a star witness in the capital murder case against Jonathan Hoffman, who spent seven years on death row before winning a new trial.”<sup>24</sup>

➤ **The special prosecutor said that he did not press charges against the men in part because he believed a jury wouldn’t have found them guilty, but he did not find**

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<sup>22</sup> Ruth Sheehan column, “Bar is low on lawyer discipline,” *News & Observer*, Jan. 26, 2006

<sup>23</sup> Emily Achenbaum, “Murder Trial’s Key Witness Says He Lied,” *Charlotte Observer*, March 29, 2006

<sup>24</sup> Melissa Manware, “2 Former Prosecutors Won’t Be Charged,” *Charlotte Observer*, Dec. 23, 2006

**Honeycutt and Brewer acted without fault, and said there was “no question” the defense could have used documents it didn’t get**

- o In a June 30, 2007, article, the *Charlotte Observer* reported, “A retired judge appointed to investigate criminal allegations against two former Union County prosecutors in 2006 said he did not press charges against the men in part because he believed a jury wouldn’t have found them guilty, according to the judge’s report.

“The report by Judge Howard Greeson Jr., requested by the Observer last week, may be the final episode in a saga that has stretched over three and a half years.

“Although the judge’s decision not to pursue charges against former Union County District Attorney Ken Honeycutt and former assistant DA Scott Brewer came seven months ago, the recently released report is the first insight into why he decided as he did.”<sup>25</sup>

- o According to the same article, “The judge said several statements made by Honeycutt at the time of the murder case, 1996, seemed to suggest he had no idea the star witness was receiving deals, and therefore those statements seemed to clear him of wrongdoing.

“Greeson did not find Honeycutt and Brewer acted without fault, and said there was ‘no question’ the defense could have used documents it didn’t get.

“However, Greeson wrote, even if the former prosecutors ‘may have been wrong in not disclosing the material,’ Greeson didn’t feel that a jury would find the prosecutors acted with the type of deliberate deceit that would be necessary for a conviction of felony obstruction of justice.”<sup>26</sup>

➤ **In May 2007, a state court of appeals upheld the bar’s dismissal of misconduct charges, which were dismissed because they violated the statute of limitations**

- o In a May 15, 2007, article, the Associated Press reported, “The state Court of Appeals on Tuesday upheld the dismissal of three claims against prosecutors accused by the state bar of withholding evidence in a 1996 murder trial.

“The North Carolina State Bar had accused former Union County prosecutors Scott Brewer and Ken Honeycutt of not telling a trial judge or defense lawyers about a key witness’ testimony deal in the 1996 death penalty trial of John Gregory Hoffman. Evidence about the deals led to the granting of a new trial for Hoffman, which had not yet been scheduled, according to the court clerk’s office in Union County.

“Honeycutt and Brewer, who is now a district judge, have denied the allegations, saying a federal prosecutor failed to inform them of the deals.

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<sup>25</sup> Emily Achenbaum, “Judge: Guilty Verdict ‘Unlikely,’” *Charlotte Observer*, July 30, 2007

<sup>26</sup> Emily Achenbaum, “Judge: Guilty Verdict ‘Unlikely,’” *Charlotte Observer*, July 30, 2007

“The bar’s Disciplinary Hearing Commission had dismissed the claims against Brewer and Honeycutt. Two of the misconduct charges were dismissed because they violated the statute of limitations, and the commission said a third charge ‘did not state a claim upon which relief could be granted.’

“A three-judge panel of the Court of Appeals rejected the state bar’s appeal of the dismissals.”<sup>27</sup>

- **Scott Brewer said that special prosecutor’s final report said the two former prosecutors were treated irresponsibly concerning the charges, but the special prosecutor said, “It has not been within the purview of this report to indicate or intimate that the accusations were true or untrue - only whether they could be proven or not beyond a reasonable doubt”**

- In an Aug. 2, 2007, article, the *Richmond County Daily Journal* reported, “Richmond County District Judge Scott Brewer said the final report of a special prosecutor clearing he and former District Attorney Ken Honeycutt of wrongdoing in the handling of a capital murder case in 1996 says the two former prosecutors were treated irresponsibly concerning the charges.

“In June 2006, retired Superior Court Judge Howard R. ‘Rick’ Greeson Jr. was appointed special prosecutor by Ralph A. Walker, director, Administrative Office of the Courts, North Carolina.”<sup>28</sup>

- According to the same article, “In his conclusion, Greeson mentioned that the allegations against Honeycutt and Brewer were not made until seven years after the incident which sparked the investigation.

“‘It has not been within the purview of this report,’ Greeson said, ‘to indicate or intimate that the accusations were true or untrue - only whether they could be proven or not beyond a reasonable doubt.’”<sup>29</sup>

- **Hoffman won a new trial in 2004 because certain evidence was not disclosed to his defense attorneys**

- In a Dec. 3, 2007, article, the *Charlotte Observer* reported, “A pending retrial in a 12-year-old Union County murder case will be significantly different from the first, as a judge has thrown out the testimony of a key prosecution witness.

“Superior Court Judge Donald Bridges ruled Friday the original 1996 courtroom testimony from a self-proclaimed root doctor can’t be introduced as evidence in a new trial for Jonathan Hoffman. The root doctor, Willie ‘Pops’ Pearson, has died since testifying against Hoffman in 1996.

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<sup>27</sup> “Dismissed charges against prosecutors upheld by Court of Appeals,” Associated Press, May 15, 2007

<sup>28</sup> Tom MacCallum, “Brewer: Allegations against DAs ‘irresponsible,’” *Richmond County Daily Journal*, Aug. 2, 2007

<sup>29</sup> Tom MacCallum, “Brewer: Allegations against DAs ‘irresponsible,’” *Richmond County Daily Journal*, Aug. 2, 2007

“A jury found Hoffman guilty in the murder and robbery of Union County jeweler Danny Cook and sent him to death row. Hoffman won a new trial in 2004 because certain evidence was not disclosed to his defense attorneys.”<sup>30</sup>

➤ **In 2004, Ken Honeycutt admitted in court that critical evidence had been withheld at Hoffman’s 1996 trial; said Hoffman and his trial lawyers should have been informed about a federal immunity deal struck with the cousin**

- In an April 27, 2004, article, the Associated Press reported, “A death row inmate will receive a new trial after the prosecutor who convinced a jury to convict him admitted in court Monday that critical evidence had been withheld at his 1996 trial.

“Jonathan Gregory Hoffman is the sixth North Carolina death row inmate in recent years to win a new trial because prosecutors failed to hand over helpful evidence as required by state law and U.S. Supreme Court rulings.

“During a hearing that lasted less than 15 minutes, Union County District Attorney Kenneth Honeycutt said Hoffman and his trial lawyers should have been informed about a federal immunity deal struck with the state’s star witness. The trial judge had ordered Honeycutt to disclose all favors and deals.

“Honeycutt said neither he nor his assistant, Scott Brewer, knew of the immunity deal the witness struck with a federal prosecutor on the opening day of Hoffman’s trial. Honeycutt said he learned about the immunity deal two years after Hoffman was put on death row.

“I assure this court, upon my oath as an officer of the court, no information of that order was ever given to the state of North Carolina,” Honeycutt said. ‘I think due process, fairness and justice require that Mr. Hoffman be given a new trial.’

“Hoffman’s attorneys had requested the new trial because they said the defense and jury were never told that a star witness, Johnell Porter, received immunity for several federal crimes in exchange for his testimony against Hoffman.

“In the Monday hearing, Honeycutt said he did not know about the deals either, but defense attorneys questioned that.”<sup>31</sup>

➤ **According to a 2004 Associated Press report, by agreeing to a new trial on the basis of the withheld federal immunity deal, Honeycutt and Brewer avoided discussion of more serious allegations**

- In an April 27, 2004, article, the Associated Press reported, “By agreeing to a new trial on the basis of the withheld federal immunity deal, Honeycutt and Brewer, now a District Court judge, avoided discussion of more serious allegations.

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<sup>30</sup> Emily Achenbaum, “Testimony excluded for retrial,” *News & Observer*, Dec. 3, 2007

<sup>31</sup> “Death row inmate to get new trial,” Associated Press, April 27, 2004

“Hoffman’s lawyers have charged in court filings that Honeycutt and Brewer knowingly used false evidence at trial - and altered documents before submitting them to a judge for review.”<sup>32</sup>

- **In December 2007, a Union County prosecutor dropped the murder charges against Jonathan Gregory Hoffman, saying he did not have enough evidence to continue; The judge ruled that the original 1996 courtroom testimony from a root doctor couldn’t be introduced as evidence in a new trial since he had died since testifying against Hoffman in 1996**

- o In a Dec. 12, 2007, article, the *Charlotte Observer* reported, “A Charlotte man who spent more than seven years on death row will soon be free after a Union County prosecutor dropped murder charges against him Tuesday.

“Jonathan Gregory Hoffman was convicted of the 1995 shooting death of Marshville jeweler Danny Cook, touching off a 12-year legal drama that involved everything from alleged prosecutorial misconduct to a root doctor and magic spells.

“Union County District Attorney John Snyder called his decision to drop the case ‘the toughest I’ve made in this job.’ But he said he does not have enough evidence to continue.

“Cook’s mother, Lorraine Helms, said she was too distraught Tuesday to comment. She said she believes Hoffman killed her son. ‘I can’t take it,’ she said when reached by phone.

“David Rudolf, one of Hoffman’s attorneys, called Snyder’s move ‘a courageous decision.’”<sup>33</sup>

- **In 2010, defense attorneys in a separate case cited the Honeycutt and Brewer incident, saying, “The capital prosecution of Jonathan Hoffman further establishes the role of race in capital prosecutions during Mr. Honeycutt’s tenure,” adding, “The prosecutorial misconduct was so outrageous that the North Carolina State Bar initiated disciplinary proceedings against both Honeycutt and Brewer. The substance of the charges in the Bar Complaint was not litigated due to a determination that the statute of limitations had expired”**

- o According to an Aug. 2, 2010, Motion for Appropriate Relief Pursuant to the Racial Justice Act in the State of North Carolina v. Guy Tobias LeGrande, “The capital prosecution of Jonathan Hoffman further establishes the role of race in capital prosecutions during Mr. Honeycutt’s tenure. In November, 1995, Danny Cook, a Marshville jewelry storeowner was shot and killed. Mr. Cook was white. Friends and family of the deceased offered a substantial reward for information leading to the arrest and conviction of the person responsible for the killing. At the capital trial in 1996, Mr. Honeycutt peremptorily excused all qualified black venire members and

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<sup>32</sup> “Death row inmate to get new trial,” Associated Press, April 27, 2004

<sup>33</sup> Emily Achenbaum, “Murder Charges Dropped,” *Charlotte Observer*, Dec. 12, 2007

Mr. Hoffman, a black man, was convicted and sentenced to death by an all-white jury. The prosecution rested on the credibility of a single witness with a long history of criminal involvements. Evidence adduced in post-conviction proceedings established that Mr. Honeycutt and his assistant (Scott Brewer) lied, cheated, falsified testimony and altered documents to secure Mr. Hoffman's conviction and death sentence. Mr. Honeycutt tendered his resignation from office in 2004, after post-conviction proceedings were initiated. On April 28, 2004, Mr. Hoffman was granted a new trial at the conclusion of the MAR proceedings. The prosecutorial misconduct was so outrageous that the North Carolina State Bar initiated disciplinary proceedings against both Honeycutt and Brewer. The substance of the charges in the Bar Complaint was not litigated due to a determination that the statute of limitations had expired.”<sup>34</sup>

- **According to the 2010 case, regarding the Hoffman case, “At the capital trial in 1996, Mr. Honeycutt peremptorily excused all qualified black venire members and Mr. Hoffman, a black man, was convicted and sentenced to death by an all-white jury”**
  - According to an Aug. 2, 2010, Motion for Appropriate Relief Pursuant to the Racial Justice Act in the State of North Carolina v. Guy Tobias LeGrande, “The capital prosecution of Jonathan Hoffman further establishes the role of race in capital prosecutions during Mr. Honeycutt’s tenure. In November, 1995, Danny Cook, a Marshville jewelry storeowner was shot and killed. Mr. Cook was white. Friends and family of the deceased offered a substantial reward for information leading to the arrest and conviction of the person responsible for the killing. At the capital trial in 1996, Mr. Honeycutt peremptorily excused all qualified black venire members and Mr. Hoffman, a black man, was convicted and sentenced to death by an all-white jury. The prosecution rested on the credibility of a single witness with a long history of criminal involvements. Evidence adduced in post-conviction proceedings established that Mr. Honeycutt and his assistant (Scott Brewer) lied, cheated, falsified testimony and altered documents to secure Mr. Hoffman’s conviction and death sentence. Mr. Honeycutt tendered his resignation from office in 2004, after post-conviction proceedings were initiated. On April 28, 2004, Mr. Hoffman was granted a new trial at the conclusion of the MAR proceedings. The prosecutorial misconduct was so outrageous that the North Carolina State Bar initiated disciplinary proceedings against both Honeycutt and Brewer. The substance of the charges in the Bar Complaint was not litigated due to a determination that the statute of limitations had expired.”<sup>35</sup>

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<sup>34</sup> Motion for Appropriate Relief Pursuant to the Racial Justice Act, State of North Carolina v. Guy Tobias LeGrande, Case No. 95-CRS-567, Stanly County Superior Court, Aug. 2, 2010

<sup>35</sup> Motion for Appropriate Relief Pursuant to the Racial Justice Act, State of North Carolina v. Guy Tobias LeGrande, Case No. 95-CRS-567, Stanly County Superior Court, Aug. 2, 2010

## STRICKLAND MURDER CASE

- **In April 2006, Scott Brewer faced allegations of withholding evidence in a second death penalty case; Lawyers representing death row inmate Darrell Eugene Strickland asked the N.C. State Bar to discipline Scott Brewer, claiming he withheld evidence in Strickland's 1995 murder trial**
  - In an April 1, 2006, article, the *Charlotte Observer* reported, “Scott Brewer, a former Union County prosecutor accused of withholding evidence in a high-profile murder trial, now faces similar allegations in a second death penalty case, the Observer has learned.  
  
“In the most recent case, lawyers representing death row inmate Darrell Eugene Strickland asked the N.C. State Bar in January to discipline Brewer, claiming he withheld evidence in Strickland's 1995 murder trial.  
  
“Strickland, now 47, was sentenced to death in the shotgun killing of Henry Nathaniel Brown, an acquaintance, after a night of drinking at Strickland's Marshville home.”<sup>36</sup>
- **In January 2007, a federal judge reviewing the case said the prosecution hid witness statements in Strickland's 1995 Union County murder trial**
  - In a Feb. 2, 2007, article, the *Charlotte Observer* reported, “A federal judge reviewing the case of a man on death row said the prosecution hid witness statements in the man's 1995 Union County murder trial.  
  
“U.S. District Judge Graham Mullen, in documents filed Tuesday, said the prosecution in the case against Darrell Strickland lied to the court, even when doing so was unnecessary to win the conviction or death sentence.  
  
“Former prosecutor Scott Brewer, now a district judge, said he didn't deliberately withhold anything. He said the judge was making decisions based on documents filed by the defense.”<sup>37</sup>
- **The victim's wife gave two or three statements to police, each one with conflicting details. Her statements, however, weren't turned over to the defense, and Scott Brewer told the court no statements by Brown existed, court transcripts state**
  - In a Feb. 2, 2007, article, the *Charlotte Observer* reported, “Strickland, 48, remains on death row in the fatal shooting of Henry Nathaniel Brown. The shooting happened during a night of drinking in Strickland's Marshville home. A request in federal court for his release put the case before Mullen.

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<sup>36</sup> Emily Achenbaum, “Ex-Prosecutor Accused Anew,” *Charlotte Observer*, April 1, 2006

<sup>37</sup> Emily Achenbaum, “Judge: Evidence Withheld at Trial,” *Charlotte Observer*, Feb. 2, 2007

“The statements that weren’t turned over were from Brown’s wife, who witnessed the killing.

“Gail Brown gave two or three statements to police, each one with conflicting details. Brown’s statements, however, weren’t turned over to the defense, and Brewer told the court no statements by Brown existed, court transcripts state. Another assistant district attorney working with Brewer on the case, Donna Stepp, did not say anything, transcripts state.

“Strickland’s attorneys have argued that Brown’s statements suggest that the killing may have happened in sudden anger, not with premeditation and that Strickland might have avoided a death sentence if all evidence had been known.”<sup>38</sup>

➤ **Judge Mullen regarding the prosecution: “In suppressing (witness statements) ... and lying about it to the court, the prosecution lost sight of what the American judicial system strives to guarantee”**

- o In a Feb. 2, 2007, article, the *Charlotte Observer* reported, “‘In suppressing (witness statements) ... and lying about it to the court, the prosecution lost sight of what the American judicial system strives to guarantee,’ Mullen wrote.

“Mullen’s statements this week came in a federal filing in which he denied Strickland’s petition for habeas corpus.”<sup>39</sup>

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<sup>38</sup> Emily Achenbaum, “Judge: Evidence Withheld at Trial,” *Charlotte Observer*, Feb. 2, 2007

<sup>39</sup> Emily Achenbaum, “Judge: Evidence Withheld at Trial,” *Charlotte Observer*, Feb. 2, 2007

## **SCOTT BREWER AND ROY COOPER**

- **Scott Brewer and Roy Cooper were college pals, have known each other for more than 40 years, and Roy Cooper encouraged Scott Brewer to serve as the College Democrats' statewide president while they were at the University of North Carolina**
  - In an April 18, 2016, article, the *Richmond County Daily Journal* reported, “As a University of North Carolina undergrad, Scott Brewer wanted to run for president of the College Democrats student club. A young Roy Cooper told him to think bigger.  
  
“Cooper encouraged him to serve as the organization’s statewide president, Brewer explained. Today, Brewer is Richmond County’s chief resident district court judge, and his college pal is challenging Gov. Pat McCrory for the Executive Mansion following four terms as North Carolina’s attorney general.  
  
“I’ve known Roy 40 years,’ Brewer said. ‘He is as fine a person as you would ever want to meet.’”<sup>40</sup>
- **In May 2019, Roy Cooper appointed Scott Brewer to the North Carolina House of Representatives after the Statehouse Democratic Executive Committee voted for Brewer over three other candidates**
  - In a May 10, 2019, article, the *Stanly News & Press* reported, “Democrat Scott Brewer, former chief district court judge, was recently chosen to serve out the remainder of former Rep. Ken Goodman’s term in the House District 66 seat.  
  
“Brewer was appointed by Gov. Roy Cooper after the Statehouse Democratic Executive Committee voted for him over three other candidates.  
  
“Goodman, who won his reelection last November, resigned from the seat in mid-April after he was nominated and subsequently appointed by Cooper to the North Carolina Industrial Commission, which deals with workers’ compensation claims.”<sup>41</sup>
- **The same month that Roy Cooper appointed Scott Brewer to the North Carolina House of Representatives, Scott Brewer gave \$300 to Roy Cooper’s gubernatorial campaign**
  - According to the North Carolina State Board of Elections, on May 30, 2019, Scott Brewer, a state representative from Rockingham, gave \$300 to the Cooper for North Carolina campaign committee.<sup>42</sup>

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<sup>40</sup> Cory Friedman, “Judge Scott Brewer backs Roy Cooper in governor race,” *Richmond County Daily Journal*, April 18, 2016

<sup>41</sup> Chris Miller, “Brewer recently chosen as new House District 66 representative,” *Stanly News & Press*, May 10, 2019

<sup>42</sup> Transaction Search By Entity: Scott Brewer, North Carolina State Board of Elections, May 30, 2019

➤ **Michael Parker, the district attorney who in 2006 was investigating Scott Brewer and Ken Honeycutt for withholding evidence in the Hoffman murder trial, had previously given money to each man’s campaign when they ran for public offices**

- o In an April 6, 2006, article, the *Charlotte Observer* reported, “Michael Parker, the Union County district attorney investigating two former prosecutors accused of withholding key evidence in a 1996 murder trial, gave money to each man’s campaign when they ran for public offices, the Observer has learned.

“The N.C. State Bar has accused former Union DA Ken Honeycutt and former assistant DA Scott Brewer of committing obstruction of justice and subornation of perjury in the death penalty case. The bar alleges they withheld information about deals received by a star witness in exchange for his testimony. When the deals became public in 2004, the defendant, Jonathan Hoffman, won a new trial.

“Now Parker is deciding whether Honeycutt and Brewer should be criminally charged.

“State election records show Parker once supported both men politically. Parker gave \$300 to Honeycutt’s unsuccessful bid for the N.C. House of Representatives in 2004, records show, shortly after Honeycutt retired from running the Union DA’s office. Parker gave \$250 to Brewer’s campaign in 2002 when Brewer ran for judge in the Union prosecutorial district.

“Parker declined to comment Wednesday about the donations or possible conflicts of interest.”<sup>43</sup>

➤ **Three days after the *Charlotte Observer* published a lengthy investigative story examining the case, Michael Parker asked Roy Cooper’s attorney general’s office for assistance in the investigation into Brewer and Honeycutt, two months into his own investigation**

- o In a June 8, 2006, article, the *Charlotte Observer* reported, “State officials will appoint a special prosecutor to take over the investigation of two former Union County prosecutors who face allegations they committed a felony in a 1996 death penalty case, the Observer has learned.

“That special prosecutor will determine whether to bring charges against former Union District Attorney Ken Honeycutt and former Assistant DA Scott Brewer in a case that put a man on death row for seven years.

“Current Union DA Michael Parker requested the prosecutor after his own review of the evidence against Honeycutt, his former boss, and Brewer, now a district judge, according to the N.C. Administrative Office of the Courts in Raleigh.

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<sup>43</sup> Emily Achenbaum, “Union DA Backed Ex-DAs,” *Charlotte Observer*, April 6, 2006

“The appointment of a special prosecutor is significant because Parker had faced criticism for possible conflicts of interest because of his connections to the two men.”<sup>44</sup>

- o According to the same article, “Last week, the attorney general’s office confirmed Parker had requested SBI agents help investigate the allegations of prosecutorial misconduct.

“Parker requested the agents’ assistance on March 29, the Attorney General’s Office said - two months into his own investigation, and three days after the Observer published a lengthy investigative story examining the case.”<sup>45</sup>

➤ **In 2006, Roy Cooper’s attorney general’s office said agents with the State Bureau of Investigation were helping investigate allegations of prosecutorial misconduct against Scott Brewer and Ken Honeycutt in the Jonathan Hoffman death penalty case**

- o In a June 1, 2006, article, the Associated Press reported, “Agents with the State Bureau of Investigation are helping investigate allegations of prosecutorial misconduct in a death penalty case, the state Attorney General’s Office said.

“Union County District Attorney Michael Parker asked for the agents’ help, said Noelle Talley, a spokeswoman for Attorney General Roy Cooper.

“It’s been four months since Parker promised to investigate allegations that the former prosecutors one of whom was his boss committed criminal misconduct during the 1996 trial of Jonathan Hoffman.”<sup>46</sup>

➤ **In 2006, the director of the Administrative Office of the Courts in North Carolina appointed a special prosecutor to take over the investigation against Scott Brewer and Ken Honeycutt**

- o In a June 8, 2006, article, the *Charlotte Observer* reported, “State officials will appoint a special prosecutor to take over the investigation of two former Union County prosecutors who face allegations they committed a felony in a 1996 death penalty case, the Observer has learned.

“That special prosecutor will determine whether to bring charges against former Union District Attorney Ken Honeycutt and former Assistant DA Scott Brewer in a case that put a man on death row for seven years.

“Current Union DA Michael Parker requested the prosecutor after his own review of the evidence against Honeycutt, his former boss, and Brewer, now a district judge, according to the N.C. Administrative Office of the Courts in Raleigh.

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<sup>44</sup> Emily Achenbaum, “Union Inquiry to Get Special Prosecutor,” *Charlotte Observer*, June 8, 2006

<sup>45</sup> Emily Achenbaum, “Union Inquiry to Get Special Prosecutor,” *Charlotte Observer*, June 8, 2006

<sup>46</sup> “SBI agents investigating prosecutorial misconduct case,” Associated Press, June 1, 2006

“The appointment of a special prosecutor is significant because Parker had faced criticism for possible conflicts of interest because of his connections to the two men.”<sup>47</sup>

- o According to the same article, “Sources familiar with the case said the special prosecutor is expected to be Howard R. Greeson Jr., a retired Guilford County Superior Court judge. Greeson could not be reached for comment Wednesday.”<sup>48</sup>
- o In an Aug. 2, 2007, article, the *Richmond County Daily Journal* reported, “Richmond County District Judge Scott Brewer said the final report of a special prosecutor clearing he and former District Attorney Ken Honeycutt of wrongdoing in the handling of a capital murder case in 1996 says the two former prosecutors were treated irresponsibly concerning the charges.

“In June 2006, retired Superior Court Judge Howard R. ‘Rick’ Greeson Jr. was appointed special prosecutor by Ralph A. Walker, director, Administrative Office of the Courts, North Carolina.”<sup>49</sup>

➤ **In December 2006, a special prosecutor announced that Scott Brewer and Ken Honeycutt would not be charged**

- o In a Dec. 23, 2006, article, the *Charlotte Observer* reported, “Two former Union County prosecutors accused of misconduct in a 1996 death penalty case will not be charged with crimes.

“Retired Superior Court Judge Howard ‘Rick’ Greeson Jr., a special prosecutor appointed to the case, notified Union County District Attorney Michael Parker of his decision in a letter Friday. Parker, who used to work for the former prosecutors, had asked the state to appoint the special prosecutor.

“Former Union District Attorney Ken Honeycutt and former Assistant DA Scott Brewer had been accused of hiding a deal with a star witness in the capital murder case against Jonathan Hoffman, who spent seven years on death row before winning a new trial.”<sup>50</sup>

➤ **The special prosecutor said that he did not press charges against the men in part because he believed a jury wouldn’t have found them guilty, but he did not find Honeycutt and Brewer acted without fault, and said there was “no question” the defense could have used documents it didn’t get**

- o In a June 30, 2007, article, the *Charlotte Observer* reported, “A retired judge appointed to investigate criminal allegations against two former Union County prosecutors in

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<sup>47</sup> Emily Achenbaum, “Union Inquiry to Get Special Prosecutor,” *Charlotte Observer*, June 8, 2006

<sup>48</sup> Emily Achenbaum, “Union Inquiry to Get Special Prosecutor,” *Charlotte Observer*, June 8, 2006

<sup>49</sup> Tom MacCallum, “Brewer: Allegations against DAs ‘irresponsible,’” *Richmond County Daily Journal*, Aug. 2, 2007

<sup>50</sup> Melissa Manware, “2 Former Prosecutors Won’t Be Charged,” *Charlotte Observer*, Dec. 23, 2006

2006 said he did not press charges against the men in part because he believed a jury wouldn't have found them guilty, according to the judge's report.

"The report by Judge Howard Greeson Jr., requested by the Observer last week, may be the final episode in a saga that has stretched over three and a half years.

"Although the judge's decision not to pursue charges against former Union County District Attorney Ken Honeycutt and former assistant DA Scott Brewer came seven months ago, the recently released report is the first insight into why he decided as he did."<sup>51</sup>

- o According to the same article, "The judge said several statements made by Honeycutt at the time of the murder case, 1996, seemed to suggest he had no idea the star witness was receiving deals, and therefore those statements seemed to clear him of wrongdoing.

"Greeson did not find Honeycutt and Brewer acted without fault, and said there was 'no question' the defense could have used documents it didn't get.

"However, Greeson wrote, even if the former prosecutors 'may have been wrong in not disclosing the material,' Greeson didn't feel that a jury would find the prosecutors acted with the type of deliberate deceit that would be necessary for a conviction of felony obstruction of justice."<sup>52</sup>

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<sup>51</sup> Emily Achenbaum, "Judge: Guilty Verdict 'Unlikely,'" *Charlotte Observer*, July 30, 2007

<sup>52</sup> Emily Achenbaum, "Judge: Guilty Verdict 'Unlikely,'" *Charlotte Observer*, July 30, 2007

## SMALL BUSINESS

- **On his campaign website, Scott Brewer touts himself as a small business owner**
  - According to the Scott Brewer for North Carolina website, “Scott Brewer has dedicated his life to serving the people of North Carolina. As a former Prosecutor and District Court Judge, Scott kept our communities safe. Now a small business owner, he’s running for the NC House to restore the promise of North Carolina - the promises of good schools, good paying jobs, and a government we can trust.”<sup>53</sup>
  
- **In his Dec. 27, 2019, statement of economic interest, Scott Brewer did not report any business income or any ownership stake in any businesses**
  - According to his 2019 Statement of Economic Interest, as filed with the North Carolina State Ethics Commission, when asked if he had any interests in a non-publicly owned company or business entity, including interests in sole proprietorships, partnerships, limited partnerships, joint ventures, limited liability companies, limited liability partnerships, and closely held corporations, Scott Brewer marked, “No.”<sup>54</sup>
  
  - According to his 2019 Statement of Economic Interest, as filed with the North Carolina State Ethics Commission, when asked to list each source of income (not specific amounts) of more than \$5,000 received by himself or any members of his immediate family during 2018, including salary, wages, state/local government retirement income, professional fees, honoraria, interest, dividends, rental income, business income, and other types required to be reported on State and federal tax returns, Scott Brewer listed his income as his salary as a judicial officer and state/local government retirement.<sup>55</sup>
  
- **Scott Brewer registered Brewer Law Office, PLLC with the North Carolina Secretary of State’s office in April 2019**
  - According to the North Carolina Secretary of State, Scott Thomas Brewer registered Brewer Law Office, PLLC on April 4, 2019. According to the Secretary of State, the purpose of the business is “to engage in the practice of law.”<sup>56</sup>

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<sup>53</sup> Scott Brewer for North Carolina website, Accessed March 24, 2020

<sup>54</sup> 2019 Statement of Economic Interest: Scott Brewer, North Carolina State Ethics Commission, Dec. 27, 2019

<sup>55</sup> 2019 Statement of Economic Interest: Scott Brewer, North Carolina State Ethics Commission, Dec. 27, 2019

<sup>56</sup> Articles of Organization: Brewer Law Office, PLLC, North Carolina Secretary of State, April 4, 2019

## FUNDRAISING

- **On March 16, 2020, 20 minutes after tweeting about coronavirus and meals for children and saying, “we’re all in this together,” Scott Brewer tweeted a fundraising solicitation, telling donors he wanted to have 56 times the cash-on-hand of his opponent**
  - On March 16, 2020, at 12:54 PM, in response to a tweet that read, “@BrewerforNC has \*55 times\* the cash-on-hand of our opponent..and climbing,” Scott Brewer wrote, “Let’s make it 56,” with a link to his ActBlue fundraising page.<sup>57</sup>
  - On March 16, 2020, at 12:34 PM, Scott Brewer tweeted, “Our website has been updated today with information on schools and meals for children in our counties. If you have additional information, please send it to us. We’re all in this together.”<sup>58</sup>



<sup>57</sup> <https://twitter.com/BrewerforNC/status/1239595879226576897?s=20>

<sup>58</sup> <https://twitter.com/BrewerforNC/status/1239590813262381058?s=20>

## NOT CONSERVATIVE

➤ **According to Civitas Action, Scott Brewer ranks 110th out of 124 members of the North Carolina House of Representatives in its Freedom Rankings, with a score of 27.3**

- According to the Civitas Action Freedom Rankings, in 2019, Scott Brewer ranked 110th out of 124 members of the North Carolina House, with a score of 27.3.<sup>59</sup>
- According to the Civitas Action Freedom Rankings Methodology, “The Civitas Action Freedom Rankings are the only ranking systems in North Carolina that allow citizens to gauge how effective their state legislators are at expanding and defending freedom.

“The purpose of the Freedom Rankings is to inform the public, in as unbiased a method as possible, where individual legislators stand on issues of freedom.

“Civitas Action tracks a variety of issues before the North Carolina General Assembly, ranging from taxes and spending to social issues. Civitas Action selects bills and amendments that reflect a legislator’s commitment to freedom, as expressed by the ideals of the free-market, limited government, personal responsibility, and civic engagement. Civitas Action scores each member's vote on important legislation, amendments and motions to gauge his or her commitment to expanding freedom in North Carolina.

“North Carolina House and Senate members are ranked on an effectiveness scale from zero to 100, with zero being the least supportive of freedom and 100 being the most supportive to freedom.

“Cumulative scores are calculated on a rolling basis by awarding a 100 for every freedom-minded vote and a 0 for every freedom-limiting vote, then dividing the total by the number of graded votes up to that point.”<sup>60</sup>

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<sup>59</sup> Civitas Action Freedom Rankings 2019, Accessed Feb. 25, 2020

<sup>60</sup> Methodology, Civitas Action website, Accessed Feb. 25, 2020

## IMMIGRATION

- **In 2019, Scott Brewer voted against a bill that would require sheriffs and other law enforcement officials to honor detention requests from U.S. Immigration and Customs Enforcement**
  - On Aug. 20, 2019, Scott Brewer voted against concurring to the Senate Committee Substitute of HB 370, a bill that would require the administrator or equivalent of any county jail, local or district confinement facility, satellite jail or work release unit (facility) to attempt to determine if any prisoner who is confined for any period in their facility and charged with a criminal offense is a legal resident (previously, limited to prisoners charged with a felony or an impaired driving offense). Requires the administrator to make a query to Immigration and Customs Enforcement (ICE) if the administrator is unable to determine that the prisoner is a legal resident or citizen (previously, qualified the requirement with where possible). Mandates the administrator or equivalent to allow an ICE official to interview any person in custody of the facility within 24 hours of receiving the request from ICE, with the clarification that this provision does not deny bond or release from a prisoner otherwise eligible. Provides that the ICE interview can be in person, or by phone or other electronic means. Establishes requirements for instances in which ICE has notified the administrator or equivalent that it has issued a detainer and administrative warrant that reasonably appears to be for any person charged with a criminal offense and confined in a facility for any period of time. Includes requiring that, prior to release, the prisoner be taken before a State judicial official and provided with the detainer and administrative warrant prior to the prisoner's release, and the judicial official issue an order directing the prisoner be held in custody if the prisoner appears to be the person subject to the detainer and the administrative warrant, subject to release upon the earlier of 48 hours from receipt of the detainer and administrative warrant, ICE takes custody, or the detainer is rescinded by ICE. Adds criminal and civil immunity for any state or local law enforcement officer or agency acting pursuant to the statute (Passed 62-53).<sup>61</sup>
  - In an Aug. 20, 2019, article, the *News & Observer* reported, “Gov. Roy Cooper now controls the fate of a bill that would require North Carolina sheriffs to comply with certain requests from federal immigration agents.  
  
“In a 62-53 vote on Tuesday, N.C. House members largely voted along party lines to approve a bill that will require sheriffs and other law enforcement officials to honor detention requests from U.S. Immigration and Customs Enforcement, also known as ICE. The Senate approved the bill in June.”<sup>62</sup>
- **Regarding the bill, Scott Brewer said that ICE detainers aren’t binding warrants and hypothetically asked Republicans what they would think if a sheriff or any government agent seized their guns “and kept them for 48 hours”**

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<sup>61</sup> HB 370, Roll Call No. 766, North Carolina State House, Aug. 20, 2019

<sup>62</sup> Paul Specht, “Legislature requires NC sheriffs to comply with ICE requests, sending bill to governor,” *News & Observer*, Aug. 20, 2019

- o In an Aug. 20, 2019, article, the *News & Observer* reported, “Rep. Scott Brewer, a Richmond County Democrat and former judge, emphasized that ICE detainers aren’t binding warrants and asked his Republican colleagues: What would they think if a sheriff or any government agent seized their guns ‘and kept them for 48 hours?’”<sup>63</sup>

➤ **In 2019, Scott Brewer voted against a bill that would remove foreign citizens from voting rolls**

- o On Oct. 2, 2019, Scott Brewer voted against SB 250, a bill that would remove foreign citizens from voting rolls (Passed 55-49).<sup>64</sup>
- o According to an Oct. 2, 2019, WRAL report, “Jury excuses would be sent to the State Board of Elections so officials can remove non-citizens from North Carolina’s voting rolls under a bill that cleared the state House on Wednesday.

“Senate Bill 250 was pitched by Republican supporters as a way to combat voter fraud. Democrats against the bill said it was unnecessary and sure to snare innocent people.

“The vote was party line, 55-49.”<sup>65</sup>

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<sup>63</sup> Paul Specht, “Legislature requires NC sheriffs to comply with ICE requests, sending bill to governor,” *News & Observer*, Aug. 20, 2019

<sup>64</sup> Senate Bill 250, Roll Call Vote No. 841, North Carolina House of Representatives, Oct. 2, 2019

<sup>65</sup> “Bill to scrub voter rolls based on jury excuses clears House,” WRAL, Oct. 2, 2019

## ABORTION

➤ **In 2019, Scott Brewer voted against overriding the veto of legislation that would have created a new crime against doctors and nurses who fail to care for an infant delivered during an unsuccessful abortion**

- On June 5, 2019, Scott Brewer voted against the veto override of SB 359, the Born-Alive Abortion Survivors Protection Act (Failed 67-53).<sup>66</sup>
- In a June 5, 2019, article, the Associated Press reported, “North Carolina Republicans failed to override Democratic Gov. Roy Cooper’s veto of legislation that would have created a new crime against doctors and nurses who fail to care for an infant delivered during an unsuccessful abortion.

“On June 5, enough Democrats sided with Cooper to block the override, which required 72 votes of support. The vote was 67-53 in favor of the override. The Senate had voted to override in April.

“The unsuccessful override, after nearly an hour of debate, hands a victory to abortion-rights groups and allied lawmakers after a series of legislative defeats in recent weeks in other states, such as Alabama.”<sup>67</sup>

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<sup>66</sup> SB 359 Veto Override, Roll Call No. 472, North Carolina State House, June 5, 2019

<sup>67</sup> Gary Robertson, “North Carolina GOP fails to override ‘born alive’ bill veto,” Associated Press, June 5, 2019

## HEALTH CARE

➤ **In 2019, Scott Brewer stated his support for health care reform and Medicaid expansion**

- In a May 2, 2019, article, the *Richmond County Daily Journal* reported, “Former chief district court judge Scott Brewer has been chosen to serve out the remainder of former Rep. Ken Goodman’s term in the House District 66 seat, defeating Dobbins Heights Mayor Antonio Blue and candidates from Stanly and Montgomery counties in a vote by the Democratic Executive Committee Tuesday evening.”<sup>68</sup>
- According to the same article, “The candidates made their case before the party in a private forum Monday evening at the Richmond County Judicial Center. Crystal Morrison, chair of the Richmond County Democratic Party, said Wednesday that the consensus of the vote was ‘fair.’

“‘I feel like Mr. Brewer is a suitable candidate for the appointment and do have confidence that he will do what he says he is going to do for the county and represent his constituents in the proper way,’ Morrison said. She added that in his remarks in the private forum, Brewer stated his support for health care reform and Medicaid expansion.”<sup>69</sup>

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<sup>68</sup> Gavin Stone, “Judge Brewer defeats Blue, others in race for House District 66 seat,” *Richmond County Daily Journal*, May 2, 2019

<sup>69</sup> Gavin Stone, “Judge Brewer defeats Blue, others in race for House District 66 seat,” *Richmond County Daily Journal*, May 2, 2019

## **BUDGET**

➤ **In 2019, Scott Brewer voted against the budget bill that included teacher pay raises, pay raises for correctional officers, public post-secondary institution faculty and other public workers, and raised the standard deduction for income tax payers**

- On June 27, 2019, Scott Brewer voted against HB 966, the 2019 Appropriations Act (Passed 64-49).<sup>70</sup>
- In a June 27, 2019, article, the *Watauga Democrat* reported, “A budget of \$24 billion that was worked out between the state House and Senate quickly worked its way through the Republican-controlled N.C. General Assembly June 26-27, despite Democratic Gov. Roy Cooper’s criticism of the budget.

“House Bill 966 was adopted by both the state House and Senate, along mostly party-line votes; with third votes of 33-15 in the N.C. Senate and 64-49 in the N.C. House passing the compromise budget on June 27. HB966 was presented to Cooper following the votes.”<sup>71</sup>

- According to the same article, “Teacher pay has been a hot-button issue during the budget process. In the biennium budget, teacher salaries in 2019-20 would start at \$3,500 a month for new teachers and go up to \$5,260 a month for teachers with 25-plus years of experience. In 2020-21, the budget would increase teacher pay for those with 16 or more years of experience, setting 25-year-plus teachers at \$5,310, for instance.

“The compromise budget includes pay raises for correctional officers, public post-secondary institution faculty and other public workers, including funding new court positions to implement the state’s ‘Raise the Age’ mandate, which means 16- and 17-year-olds tried for misdemeanors and low-level felonies will no longer be tried as adults.”<sup>72</sup>

- According to the same article, “The standard deduction for income taxpayers would increase across the board, going from \$20,000 to \$21,000 for married couples filing jointly and from \$10,000 to \$10,500 for single filers.

“Rep. Tim Moore (R-Kings Mountain) said the budget authorizes \$1.5 billion for capital expenditures on K-12 schools and \$400 million for community colleges.”<sup>73</sup>

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<sup>70</sup> House Bill 966, Roll Call Vote No. 557, North Carolina House of Representatives, June 27, 2019

<sup>71</sup> Thomas Sherrill, “NC legislature hammers out compromise budget,” *Watauga Democrat*, June 27, 2019

<sup>72</sup> Thomas Sherrill, “NC legislature hammers out compromise budget,” *Watauga Democrat*, June 27, 2019

<sup>73</sup> Thomas Sherrill, “NC legislature hammers out compromise budget,” *Watauga Democrat*, June 27, 2019