

NEWS RELEASE

R. Andrew Murray
District Attorney

September 19, 2013

DA's Office statement regarding prosecution of CMPD Officer Randall Kerrick

CHARLOTTE, N.C. – Mecklenburg County District Attorney Andrew Murray has requested that the North Carolina Attorney General's Office prosecute the case against Charlotte-Mecklenburg Police Officer Randall Kerrick. Mr. Murray and his staff came to this decision as part of an effort to ensure that the public has complete confidence in the integrity and fairness of the judicial process.

Mr. Murray was in private practice in Charlotte for 14 years before being elected as District Attorney. Prior to his election, Mr. Murray was a partner in the law firm of Goodman, Carr, Laughrun, Levine, Murray & Greene. Two of his partners in that firm were George Laughrun and Michael Greene, the attorneys who are now representing Mr. Kerrick.

That development caused Mr. Murray to examine his ethical and practical obligations in this case. Ethical rules are clear that the former relationship as law partners alone does not constitute an actual conflict of interest and would not require the DA's Office to withdraw from the case. There are, however, further considerations that must focus on the public's confidence that justice will be served.

Since Mr. Murray became District Attorney, his office has prosecuted cases in which defendants were defense attorneys or police officers in spite of the fact that they regularly interact with the DA's Office. However, there have been instances in which the connection between the defendant and the DA's Office was close enough to potentially present the appearance of a conflict of interest. In those cases, Mr. Murray requested that either the Attorney General's Office or a prosecutor from another district assume the prosecution, allowing his office to withdraw from the case. Those decisions were made on a case-by-case basis, and the primary concern was to ensure that the public and all parties involved knew the cases would be prosecuted fairly.

Several of Mr. Murray's former partners represent defendants in criminal cases on a daily basis in Mecklenburg County. In cases involving a defendant represented by an attorney from Mr. Murray's former law firm, the DA's Office has taken measures to exclude Mr. Murray from participating or decision-making in those cases when appropriate. In such situations – because Mr. Murray's direct involvement is not necessary in most routine cases – the Deputy District Attorney, the assigned Assistant District Attorney and his or her supervisor are able to resolve issues that might arise.

In cases that have a substantial impact on the community, however, the elected District Attorney's involvement in every stage of the prosecution is crucial. The nature of the case

against Mr. Kerrick is such that the community will be affected by any and all decisions regarding the prosecution and final disposition of the case. It would be impossible for Mr. Murray to avoid involvement in the case if prosecuted by his office. Further, it is critical that the family of the victim, the defendant, the Charlotte-Mecklenburg Police Department and the citizens of our community have confidence that the case is handled objectively and impartially by the State's attorneys.

In this case, there is no actual conflict of interest, but avoiding even the appearance of impropriety is essential to maintaining the public's trust. Because of these considerations, Mr. Murray has turned the prosecution of the case over to the Attorney General's Office. Doing so is in the best interest of justice. The Attorney General's Office will have complete independence in making all decisions related to the case.

Representatives of the DA's Office respond to the scenes of every homicide and officer-involved fatality in Mecklenburg County. In this particular case, two prosecutors were present at the scene. In the hours after the incident, those prosecutors, as well as Mr. Murray, consulted with police officials working to determine the appropriate course of action. The DA's Office has complete confidence in CMPD's investigation, as well as the Attorney General's ability to seek a just outcome.

The DA's Office will review all cases in which Mr. Kerrick is a police witness and decide whether there is sufficient evidence to proceed in those cases without his testimony.

The DA's Office understands the public interest in this matter. At this point, however, it remains a pending case. Our prosecutors are required to follow ethical guidelines in the North Carolina State Bar's [Rules of Professional Conduct](#). Those rules specifically prohibit prosecutors from discussing details about a case before trial. Any further questions about the prosecution of Mr. Kerrick should be directed to the Attorney General's Office.

It is important that the prosecution be conducted in a way that demonstrates to the public that the criminal justice system works. Mr. Murray believes that this decision was necessary to achieve those goals.

Note: For more information about the District Attorney's Office, visit www.charmeckda.com. For updates and other information, "like" the DA's Office on Facebook at www.facebook.com/charmeckda and follow us on Twitter: @CharMeckDA.

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