

**ANSWERS TO PEOPLES ALLIANCE QUESTIONNAIRE (Re: Rhinehart Seat)**

Respectfully submitted by Mark Simeon

1. What currently motivates you to be a district court judge and how have you prepared for this role?

***ANSWER: I'm motivated by a desire to make contributions to the advancement of American civil society at the grass roots level, and to the protection of our most basic of human rights: personhood, and our rights to travel. District Courts are where these unenumerated rights are most at risk.***

2. What do you think is the single barrier to justice and what would you adopt as your judicial philosophy?

**ANSWER:**

***Barrier: Ignorance of/ Resistance to the legislative and judicial changes needed to (1) preserve said unenumerated rights and (2) fine-tune the Bill of Rights — to protect us from autocrats determined to kill DEI, “wokeism”, democracy itself.***

***My Philosophy: in sync with this.***

***See Q 6, 8, 10, 11.***

3. What biases would be difficult for you to overcome and how will you overcome those biases for the administration of justice?

***ANSWER: To the extent I have biases, they are in favor of the accused. But I do not intend to overcome them. The US Constitution is grounded in limited government, individual liberties and freedoms, and the presumption of innocence.***

***I intend to respect those foundational principles, without apology.***

4. Please describe your practice as a lawyer.

***ANSWER: In DC, I started with the pioneering firm of Reynolds & Mundy doing civil, criminal, and municipal finance (IDB) work.***

***In NC, after Larry Hall and I graduated from the Michaux firm (civil, criminal, real estate), we agreed informally that he'd take family & civil, and I'd take criminal & traffic.***

Describe the areas of your practice and your specialties.

***ANSWER: My solo practice began in criminal courts, and with collaborating on personal injury cases and divorces. I've tried jury trials in Superior Court, and argued (and won) before the Court of Appeals.***

***After my unsuccessful run for DA in '02, I focused largely in District Courts, traffic courts in particular.***

If, over time, your practice has evolved or changed, describe the changes. Describe your various client bases as a part of your answer.

***ANSWER: The NC Bar does not recognize Traffic as a Specialty but I am widely regarded as a "specialist" in driver's license protection and recovery.***

***Also, I've been tapped in a few hi-profile cases, including the Seagroves case, Councilman Brown's stabbing, Duke Lacrosse, & Ben Crump's NC Wafflehouse case.***

5. If your practice is primarily focused on criminal law, how will you address the learning curve associated with learning about civil law?

***ANSWER:***

***When needed, I will tap resources at State IOG, and seek advice from the other judges, both sitting and retired, local and outside Durham.***

If your practice is primarily focused on civil law, how will you address the learning curve associated with learning about criminal law?

***ANSWER: While this might appear N/A, I will still avail myself of all the resources mentioned above for varying perspectives where judicial discretion is called for.***

6. North Carolina incarcerates an extraordinary number of people, including persons convicted of non-violent crimes. Those who are incarcerated are disproportionately people of color.

***ANSWER: The reality is Jim Crow never died. Efforts to advance autocratic "replacement theory" agendas are increasing, not declining, and getting more dangerous. Incarceration***

*rates have been climbing as has the mass expansion of what is codified as crime — including most victimless traffic violations.*

6.b. What, if anything, should the legislature and our courts do to address the issues of mass incarceration and racial bias in the administration of justice?

**ANSWER:**

***STOP allowing the criminal justice system to be used — by selective enforcement of nonsensical, victimless “crimes” — primarily for (1) revenue generation; (2) pretexts for criminal investigation, and (3) data harvesting.***

***START using smarter ways to identify & report dangerous, suspicious activity.***

7. Should the North Carolina General Assembly abolish the death penalty?

**ANSWER: Yes. Full stop. YES.**

8. What, if anything, should be done to improve access to justice for people with limited financial means or who mistrust the system?

**ANSWER:**

***1. Halt the new “eCourts” system, and fix what’s wrong before it expands to Durham. eCourts does not solve existing problems, and is creating new ones that will only worsen existing distrust.***

***2. Expand the scope of the DEAR Program.***

***3. Expand diversion programs to include traffic violations.***

8.a. How should courts handle requests to waive court costs, fines, failure to appear fees, probation supervision fees, attorney’s fees, and bail in criminal court?

**ANSWER:**

***1. Consider “credit for time served” for days spent in court.***

***2. Allow referral to the DEAR Program without requiring public filing of personal financial data.***

***3. Strike FTAs whenever defendants reappear, including DMV notification.***

***4. Abide by GS §15A-534(b) and be open to alternatives to cash bail.***

9. What does racial equity mean to you and how does racial equity inform your work as a District Court judge?

***ANSWER: As a black male growing up in Chicago & California, educated in ATL and DC, I am intimately familiar with race issues. I respect DEI and acknowledge ESG goals in business.***

***My tenure on the bench would reflect this sensitivity and judicious application of the law to each set of unique facts.***

Have you any special training in issues related to racial disparities and equities?

***ANSWER: My formal education & training at HBCUs (Morehouse and Howard Law), and my mentorship by civil rights legends are what inspire me in this pursuit.***

***I'm also aware of efforts by some to mischaracterize CRT and demonize "wokeness". This fuels my desire to help avoid catastrophes in 2024.***

10. What are your thoughts on Durham's current diversion programs?

***ANSWER: I strongly support and encourage Durham's current diversion programs, and I feel strongly that more can, and should be done, including expansion to include traffic violations.***

If you believe these programs should be changed in any way please describe how and why.

***ANSWER:***

***HOW: Current diversion programs that offer relief to people charged with real crimes ought be expanded to include traffic violations.***

***WHY: So-called "minor traffic misdemeanors" are still crimes which, as part of their criminal record, adversely impacts employability and ability to drive.***

11. What is the most significant challenge we face in our Durham civil court system and what can be done to address it?

***ANSWER: Before eCourts, I would have said the most significant challenge in civil courts was to resolve the contradictory and inconsistent treatment of drivers' licensing as both civil and criminal matters. But now, eCourts threatens to infect both our civil court systems and our criminal courts systems.***

What can be done to address it?

- 1. Get AOC to stop eCourts before it expands further, until the problems are fixed.*
- 2. Preserve the old system, as backup, if the new experiment proves fatally flawed, as is expected.*
- 3. Identify where the problems are — old and new.*
- 4. Explore and research viable alternatives to Tyler Technologies.*