

MAR 30 2018

COMPLAINT AND SWORN STATEMENT OF CHARGES  
CONCERNING MAGISTRATE EDDIE WEST

FILED  
2018 JAN 31 P 4: 06

1. Mr. Eddie West is and was at all pertinent times herein a duly authorized magistrate S.C. regularly hearing civil matters in Haywood County small claims court.

2. Prior to 8/28/2017, a clerk brought to my attention circumstances regarding Eddie West filing on behalf of, and then entering Judgment in, matters of his fiancé, Lee Cathey-Bell. The matters were in files 11 CVM 9 and 12 CVM 409 both Haywood County files captioned Lee Cathey-Bell vs. Robert Preston Higgins.

3. In file 11 CVM 9, the typed complaint was filed on 1/8/11 and continued for the plaintiff Lee Cathey-Bell eleven times. There were no motions to continue, only Orders signed by Eddie West. An A G-108 dismissal was signed by Eddie West and an AOC-CV-05 Notice of Voluntary Dismissal was signed "Lee Cathey-Bell" followed by the initials EW. The dismissals were filed on 1/3/2012.

4. In file 12 CVM 409, the handwritten complaint was filed on 8/29/2012. Judgment was entered against Robert Preston Higgins on 9/7/2012. All handwritten portions of the Judgment are in handwriting that I know to be that of Eddie West, but the Judgment was signed by Traci Henline, another magistrate.

5. On 8/28/2017, in Haywood District Court, I had a matter come before me on appeal from the magistrate in 17 CVD 775, Lee Cathey-Bell vs. Brittany Faircloth and Jonathan Maskell. The defendant/appellants were present. The plaintiff, Lee Cathey-Bell was not. Upon examining the file, I noted the following:

- a. The complaint was in handwriting I know to belong to Eddie West.
- b. The complaint had the name of Lee Cathey-Bell as the plaintiff, but was not signed.
- c. The complaint was filed on July 11, 2017.
- d. The defendants were served on July 11, 2017.
- e. Judgment was entered by Eddie West against the defendants on July 17, 2017, in the amount of \$370.

6. The preparation of the complaint for Lee Cathy-Bell by Magistrate West in 17 CVD 775 and other documents constitutes the unauthorized practice of law under NC General Statute Section 84-4 which is punishable as a Class 1 misdemeanor under NC General Statute 84-8 (a).

7. Magistrate West not only prepared complaints and other documents for Ms. Lee Cathy-Bell but then proceeded to hear cases involving Ms. Cathy-Bell while in a relationship with her.

8. Pursuant to NC General Statute Section 7A-173 (a), grounds for discipline, suspension or removal of a magistrate are the same as for a judge of the General Court of Justice under NC General Statutes 7A-376.

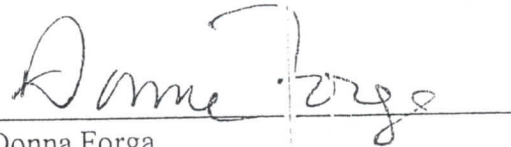
9. These actions by Magistrate Eddie West violate Canon 1 and Canon 2 A of the Code of Judicial Conduct and constitute willful misconduct in office and conduct prejudicial to the administration of justice that brings the judicial office into disrepute.

In attempts to address my concerns, I have conferred with David Hoke at the Administrative Office of the Courts; Amy Funderberk, Assistant Legal Counsel at the AOC; the Haywood County Sheriff's Department; and Jeff Jones and Ashley Hornsby of the District Attorney's Office. I was informed by Ms. Welch on January 19, 2018 that the SBI has decided not to investigate the matter further due to other avenues for a magistrate's removal from office.

I would request that upon the filing of these charges, that the Clerk forward a filed copy to the Chief District Court Judge for his review pursuant to NC General Statute 7A-173.

This is my sworn statement.

The 31 day of January, 2018.

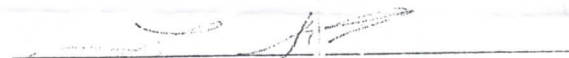


Donna Forga  
District Court Judge

VERIFICATION

STATE OF NORTH CAROLINA  
COUNTY OF Cherokee

Sworn to and subscribed before me by DONNA FORGA the 31 day of January, 2017.

  
Notary Public

My Commission Expires: 5-22-21

