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Morehead City police Officer Trent Johnson, who charged Hamilton Nobles with DWI, says the courts need to be more proactive in punishing impaired drivers.

3 arrests, 0 convictions

Hamilton Nobles, a lawyer's son, says he's sober now: 'I was going to either end up in jail or dead.'

BY AMES ALEXANDER
Staff Writer

Hamilton Nobles was on his way to court to face a DWI charge one morning in the spring of 2003 when he was again stopped by police - and again charged with impaired driving.

It was the third time in two years Nobles had been charged with DWI in Carteret County.

Each time he tested over the legal alcohol limit, court records show.

And each time he got off.

Nobles, 25, is the son of John Nobles, who was recently appointed to the Superior Court bench by Gov. Mike Easley. Previously, Nobles was one of the three most successful DWI lawyers in coastal Carteret, Craven and Pamlico counties.

Hamilton Nobles declined to talk at length about his DWI cases, but said he has been sober since his last DWI arrest almost two years ago.

He said he knew that if he kept drinking, "I was going to either end up in jail or dead."

In August 2001, he was charged with driving a car while impaired. He tested at 0.09, above the legal limit, records show. Judge Paul Quinn acquitted him. Quinn did not respond to requests for an interview.

In July 2002, Hamilton Nobles was stopped at a DWI checkpoint. He had an open beer in the car, slurred his words and performed poorly on two field sobriety tests, according to Trent Johnson of the Morehead City police.

He tested at 0.18, more than twice the legal limit, when he blew into the Intoxilyzer, a state-approved breath-testing instrument that yields results admissible in court.

Judge Peter Mack found him not guilty.

Mack said he was unaware until after the trial that Hamilton Nobles was John Nobles' son.

Officer Johnson recalled the judge faulting him for not using an Alco-Sensor, a hand-held alcohol-testing device that is generally regarded as less accurate than the Intoxilyzer. Its results are not usually required for a conviction and generally aren't admissible in court.

Mack first told the Observer that he acquitted Nobles because the arresting officer didn't have the required plan governing how the DWI checkpoint was to be run. The law requires police to establish such a plan before setting up checkpoints.

He also noted there was no Alco-Sensor test or evidence of bad driving.

But Johnson said he brought the DWI checkpoint plan to court, and that Nobles' defense lawyer read from it. District Attorney David McFadyen said notes kept by one of his prosecutors indicate no Alco-Sensor test was given but suggest that the DWI checkpoint plan "was not an issue" in the acquittal.

After an Observer reporter told Mack that, the judge said he can't recall exactly why he acquitted Nobles, but doesn't remember any testimony indicating the defendant performed poorly on field sobriety tests.

But a report by the arresting officer showed Nobles put his foot down six times in 30 seconds during the "one-legged stand" test. Suspects are supposed to keep their foot up the entire 30 seconds.

In District Court criminal trials, officials don't usually record the reasons for acquittals in public files.

Nobles said he wasn't ready to quit drinking after the first two acquittals.

Did the judges do the right thing finding him not guilty? "I don't know," Hamilton Nobles said. "I'm not the judge."

About 9:20 a.m. on June 9, 2003, Hamilton Nobles was on his way to court to face a DWI charge when he was stopped for speeding and again charged with impaired driving, according to arresting Officer Matt Franks. It was Nobles' third DWI arrest.

Franks, who then worked for the Morehead City police, said Nobles smelled of alcohol and performed poorly on field sobriety tests. An Intoxilyzer test found his alcohol level was 0.13.

"When I stopped him and found out who it was, I knew I was going to lose," Franks said.

Postponed five times, the case was eventually dismissed after Franks left the Police Department and didn't appear in court.

Franks said he went to court to testify on several of the days when the case was postponed. But he said he wasn't subpoenaed to testify on March 24, 2004, the day the case was dismissed.

In a letter to the Observer, John Nobles said he "did not get involved in any of my son's cases nor did I have any discussions with any of the judges concerning the cases" prior to their resolution.

Did the judges do the right thing finding him not guilty? "I don't know," Hamilton Nobles said.

"I'm not the judge."

Observer
Investigation
DWI



George Edward Wheatly Jr. (left) was convicted of involuntary manslaughter and driving under the influence following a wreck that killed German exchange student Juliane Strauch (far left).

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Repeat offender

The 4th time the grandson of a notable lawyer was charged with DWI, a passenger was killed

BY AMES ALEXANDER
Staff Writer

George Edward Wheatly Jr., the grandson of a prominent Carteret County trial lawyer, had been celebrating the end of the 2003 school year when the Jeep he was driving flipped in the surf.

Passenger Juliane Strauch, a 17-year-old German exchange student, died in the June 2003 wreck on Ocracoke Island.

Wheatly was sentenced to nearly four years in prison after a federal jury convicted him of involuntary manslaughter and driving under the influence.

It was the fourth time he'd been charged with impaired driving, and the second time he was convicted.

In 1999, a state trooper charged Wheatly with DWI after seeing his car swerve onto the shoulder. Wheatly, then 16, refused an Intoxilyzer test.

The case was postponed four times at the defendant's request, records show. Prosecutors asked once to postpone the case - when the arresting officer didn't appear in court in November 1999 - but a judge denied the request. The case was dismissed.

Richard Willis, the arresting officer, says he doesn't remember why he didn't appear in court. When he learned of the dismissal, he said, he tried to reopen the case by swearing out a new criminal summons. But for reasons that aren't clear, the warrant was never served.

On Oct. 15, 2000, Wheatly was driving in Middlesex County, Va., when police charged him with impaired driving a second time. He pleaded guilty to the lesser charge of underage drinking and driving, and the DUI charge was dismissed, Assistant U.S. Attorney Tom Murphy said.

Wheatly's driver's license was still suspended for the Virginia offense when, in April 2001, he was charged with impaired driving again, according to the U.S. Attorney's Office. Police said

he went off a Carteret County highway and hit a tree. The passenger side of his truck was crushed.

"Had there been someone riding with him, the passenger would have been killed," reads a motion filed by the U.S. Attorney's Office.

Wheatly pleaded guilty.

In June 2003, Wheatly was involved in the fatal wreck. Wheatly asked friends who were with him at the time to claim they had driven the Jeep because he couldn't afford to get any more DWIs, according to Murphy.

Wheatly is the grandson of Claud Wheatly Jr., a well-known Beaufort trial lawyer. His father owns a Carteret County oil and tire business.

Now 22, Wheatly is serving his sentence at the minimum security federal prison camp at Seymour Johnson Air Force Base near Goldsboro. He declined to be interviewed.

In arguing for a stiff sentence, the U.S. Attorney's Office said Wheatly had illustrated "a complete disdain for the legal system" and said he was likely to commit further crimes as he "continues to thumb his nose at authority."

"I think there was a clear indication to his parents and to the court system that this was a young person with a severe alcohol problem, and a determination to get behind the wheel whenever he could," Murphy said.

Strauch spent her junior year at East Carteret High School in an exchange program. She loved singing, taking pictures of sunsets and hanging out with friends, say Beaufort's Billy and Myra Morning, her host family. She had been an honor student, had been voted prom princess and had performed in a school production of "Annie."

"I have lost the person I loved the most in all the world," Strauch's mother, Alexandra, said after the verdict, according to a story in the Carteret County News-Times. "All I can do is ask 'Why?'"



Myra and Billy Morning look over photos of Juliane Strauch, a German exchange student who lived in their Beaufort, N.C., home for a year before her death. "She touched everyone she came into contact with," Myra said.

JEFF SINER - STAFF PHOTO

Defense lawyers deny intimidating judges

Acquittals from 8A

Crow described in the document he sent to the N.C. Judicial Standards Commission in 2003.

He wrote that as a young prosecutor in the three counties in the early 1990s, he considered attorney Marc Chesnutt a friend and a mentor.

"I can distinctly recall the intoxicating feeling of being so quickly accepted as a peer by what many universally regarded as the best criminal defense attorney in our area," Crow wrote. "I was 30, new to the area and extremely naive."

Crow wrote that Chesnutt advised him in 1993 to consider seeking a judgeship but told him that another prosecutor, Cheryl Spencer, would get the job.

He wrote that he became one of three nominees to be considered for the job, but was advised to contact Gov. Jim Hunt's office, "gracefully decline" to be interviewed and then endorse Spencer. The following year, Gov. Hunt appointed Spencer.

When the next judge's position came open in 1994, Crow wrote, Chesnutt, Crowe and Nobles helped him become one of three candidates the governor officially considered. Hunt appointed him to the job in December 1994.

"I candidly acknowledge that

Mr. Chesnutt exercised considerable political influence to effectuate my appointment to the District Court bench," Crow wrote.

His relationship with the three lawyers began to sour when he refused to join the Hope Foundation, Crow wrote. He wrote that he attended a meeting - convened by Chesnutt, Crowe, Nobles and a few other lawyers - where attorneys talked about setting up the group.

Crow wrote that he believed "the Foundation's main function was to raise a 'war chest' of cash reserves in order to intimidate and coerce existing judges into acting as the Foundation deemed appropriate."

"If a judge was not 'performing' to the Foundation's satisfaction," Crow wrote, "then the money would be used to support a candidate of the Foundation's liking to 'run against' the 'non-performing' judge."

Chesnutt and Nobles said they never talked about coercing or intimidating judges. In his letter, Crowe said that to his knowledge, the meeting Judge Crow described "never occurred nor did I attend such a meeting."

Judge Mack, also a former member of the Hope Foundation, said Judge Crow's recollection "was a whole lot different than what mine is."

Members of the now-defunct group say none of the dues were



MADD leader Ed Mullis in front of the Carteret County courthouse. "It is very easy to get off (on DWI charges) here," he said.

used to support judicial candidates, but a number of the members contributed from their own pockets. The money collected from members was returned in early 1996.

Asked years ago why the money was returned, Quinn said there were concerns about possible allegations of impropriety, though he felt nothing improper had been done, according to a story in The Carteret County News-Times.

Crow says the state's judicial conduct rules don't allow him to discuss the document he gave state officials. But he told the Observer he "adamantly maintains the veracity" of the assertions.

From 1999 through 2002, his

last four years on the District Court bench, Crow convicted about 36 percent of the DWI suspects tried before him. That was less than the 62 percent state average but well above the 13 percent for his fellow District Court judges.

Crow wrote that he continued to treat clients of the prominent defense lawyers fairly after falling out of favor with them, but acknowledged that he later had verbal confrontations with Chesnutt in court.

During Crow's 2002 campaign, Chesnutt told Highway Patrol Sgt. Chip Hughes that he would "do anything in his power to see to it that Judge Crow did not win this election," according

to an affidavit signed by Hughes.

Chesnutt said he made the statement after Crow showed his "temperament was terrible." He said he didn't understand Crow's desire to run against capable incumbents on the Superior Court bench, but still contributed \$500 to his campaign.

Chesnutt filed judicial standards complaints against Crow, alleging various instances of improper conduct in 2002, according to a document obtained by the Observer. Chief District Judge Jerry Waddell later filed another complaint against Crow, contending that he misused state time and equipment during his 2002 campaign.

The Judicial Standards Commission concluded that while some of Crow's actions appeared to violate conduct rules, the transgressions weren't serious enough to merit disciplinary action. Crow, in his judicial standards filing, characterized the complaints against him as part of a "well-organized and effectively disparaging negative campaign against me."

Positions of power

One morning in early December, in the annex to New Bern's 120-year-old courthouse, a defense lawyer walked into Waddell's courtroom with large red bumper stickers covering the sides of his accordion file folder.

The stickers' message: Re-

elect Judge Waddell.

When Waddell ran for re-election last year, nearly two-thirds of more than \$40,000 he raised came from area lawyers.

Chesnutt, 51, gave Waddell's campaign \$4,000, the maximum allowed, state election records show. He was one of two donors who contributed that much.

Roger Crowe, 47, donated \$3,700, including \$1,200 in supplies for a September campaign rally, records show.

John Nobles, 57, contributed \$1,000. On Election Day, he stood near the polls handing out mints bearing Waddell's name.

Lawyers are viewed as some of the region's most powerful and influential people. Gov. Easley appointed Crowe to the N.C. Economic Development Board. One of Chesnutt's law partners, Scott Thomas, is a state senator. Chesnutt and Crowe both know Gov. Easley and have raised money for him. But they say they have little clout with the governor when it comes to judicial appointments.

And the three leading defense lawyers say they get no favors in the courtroom.

Chesnutt, Crowe and Nobles handled more than half of the district's DWI trials in recent years. They attribute their trial success to skill, hard work and experience.

Combined, their win record

SEE LAWYERS | 10A