

## News Roundup

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The major national criminal law news story of the week comes from Oklahoma where on Monday more than 400 inmates had their sentences commuted and were released from prison. It was the largest mass commutation in U.S. history. As USA Today [explains](#), Oklahoma made changes to its criminal law in 2016 that lowered the classification of certain offenses from felonies to misdemeanors and correspondingly reduced the punishment for those offenses. Earlier this year, Oklahoma Governor Kevin Stitt signed a law that gave those changes retroactive effect, leading to Monday's release. The USA Today piece says that the state expects to save \$12 million by releasing the low-level offenders. Keep reading for more news.

**Wife Swap Whistleblower.** It's been a while since there's been significant news related to the scheme by former district attorneys Craig Blitzer and Wallace Bradsher to improperly hire each other's wives for state jobs. As noted in last summer's updates on the story, [Bradsher](#) was convicted by a jury and [Blitzer](#) pleaded guilty to criminal offenses arising from the scheme.

The story is back in the news this week, with the Greensboro News & Record [reporting](#) that the woman who tipped the SBI off to the scheme, Debra Halbrook, testified this week at the trial of a civil suit she brought against the state for lost wages and retirement benefits. Halbrook worked as a legal assistant for the Person/Caswell DA's Office and, she alleges, was fired by Bradsher when he became suspicious that she had reported his arrangement with Blitzer to authorities. Blitzer also testified this week, saying that he knew that his wife wasn't actually performing any work for Bradsher.

**Hospital Shooting.** The Fayetteville Observer [reports](#) that a Sheriff's Deputy was wounded and a suspect was killed in a shooting at Cape Fear Valley Medical Center on Wednesday. Treva Smurtherman of Fayetteville was arrested on Tuesday night and was transported to the hospital because he started experiencing a medical problem according to Sheriff Ennis Wright. While at the hospital, Smurtherman allegedly tried to take control of a deputy's gun and the deputy was shot in the leg during the ensuing scuffle. A Fayetteville police detective who happened to be at the hospital for an unrelated matter responded to the scene and fatally shot Smurtherman. Video of the incident was on Facebook for several hours. The names of the deputy and the detective were not publicly available at the time of writing.

**Breath Test Accuracy.** The New York Times recently released a [report](#) that raises questions about the accuracy of the breath test machines, saying that the machines "generate skewed results with alarming frequency, even though they are marketed as precise to the third decimal place." It seems that the accuracy issues flow from several different sources – some machines aren't properly calibrated, some are in disrepair, and others have errors in their programming. There are also questions about whether certain machines even are capable of producing accurate results when properly configured, an issue that is difficult to explore because of manufacturers' extreme secrecy regarding the machines. The print story is worth a read and there's a companion episode of the paper's video program [The Weekly](#) that you can access if you have Hulu or FX.

**Magistrate Removal Petition.** The Burlington Times-News [reports](#) that Chief District Court Judge Brad Allen Sr. has filed petitions in Alamance County Superior Court seeking the removal of two magistrates based on numerous allegations including that they conspired to have him charged with DWI. The story suggests that there has been tension between Allen and magistrates David Crabbe and Amelia Knauff regarding their work and certain behavior.

The Times-News says that in the removal petitions, Allen alleges that Crabbe and Knauff planned to follow him to a restaurant or bar and then intentionally cause him to be in a minor traffic accident upon leaving in hopes that he would be charged with DWI as a result of the incident.

**Art.** The Charlotte Observer [reports](#) that artist Sherill Roland, an Asheville native, recently visited 16 and 17-year-old inmates at the Mecklenburg County Jail and spoke to them about using their experience behind bars as a positive motivator after their release. Roland was convicted of misdemeanors in Washington D.C. in 2013 but later was exonerated; he served 10 months in the D.C. Central Detention Facility. He now uses his experience with the criminal justice system in his work as an artist in residence at the McColl Center for Art Innovation in Charlotte. More information about opportunities to see his work at the McColl Center, including a replica jail letter made from paper created from ramen seasoning and a plexiglass replica of his cell door, is available in the Observer link.

**Back to School.** Let's keep it simple – you need CLE and we're offering CLE. As you may know, the School of Government is the place to be on November 22 from 8:30am to 4:45pm when we'll be hosting [Back to School: CLE @ SOG](#). We hope that you'll join us, 6 hours of CLE credit are available.