

## NORTH CAROLINA COURT OF APPEALS

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JEFFERSON GRIFFIN,

Petitioner-Appellant,

v.

NORTH CAROLINA STATE BOARD OF  
ELECTIONS,

Respondent-Appellee,

and

ALLISON RIGGS,

Intervenor-Respondent-Appellee.

From Wake CountyNos. 24CV040619-910  
24CV040620-910  
24CV050622-910

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## MOTION TO RECUSE

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TO THE HONORABLE COURT OF APPEALS OF NORTH CAROLINA:

Intervenor-Respondent-Appellee Allison Riggs moves under North Carolina Rule of Appellate Procedure 37, out of an abundance of caution, to recuse Judge Murry from participation in this appeal if he is not already recused. In support of this motion, Justice Riggs shows:

1. Justice Riggs and Petitioner-Appellant Jefferson Griffin ran in the 5 November 2024 general election for Seat 6 of the Supreme Court of North Carolina.

2. On 12 November 2024, the Jefferson Griffin Legal Expense Fund was formed. See Jefferson Griffin Legal Expense Fund, Statement of Organization – Legal Expense Fund (Nov. 12, 2024),

<https://cf.ncsbe.gov/CFOrgLkup/ViewDocumentImage/?DID=315404>. As its name suggests, the Legal Expense Fund is affiliated with “Jefferson Griffin” and his effort to seek a seat on the “North Carolina Supreme Court.” *Id.*

3. On 19 November 2024, Judge Griffin filed hundreds of election protests across the state seeking to overturn the apparent results of the contest between Justice Riggs and Judge Griffin.

4. On or about 5 December 2024, Judge Griffin’s legal expense fund received a \$5,000 contribution from Judge Murry’s candidate committee.

RECEIPTS										
Date	Is Prior	Name Of Contributor And Complete Mailing Address	Receipt Type	Purpose	Description	Account Code	Form Of Payment	Amount Of Receipt	Sum To Date	
12/31/2024		GREG BEAM RETIRED - UNABLE TO OBTAIN RETIRED - NO EMPLOYER 1202 FLEETWOOD PLZ HENDERSONVILLE, NC 28739	Individual Contribution			01	Credit Card	\$2,000.00	\$2,000.00	
12/03/2024		RUSS BRYAN ATTORNEY RUSS C BRYAN ATTORNEY-AT-LAW 813 OAK CREEK PL WILMINGTON, NC 28405	Individual Contribution			01	Credit Card	\$200.00	\$200.00	
12/05/2024		JOIN TOM MURRY FOR NC ATTORNEY PO BOX 1054 MORRISVILLE, NC 27560	Other Political Committee Contribution			01	Check	\$5,000.00	\$5,000.00	

Jefferson Griffin Legal Expense Fund, Political Committee Disclosure Report (Jan. 8, 2025), <https://cf.ncsbe.gov/CFOrgLkup/ReportDetail/?RID=222260&TP=ALL>.<sup>1</sup>

5. On 13 December 2024, Respondent-Appellee North Carolina State Board of Elections dismissed Judge Griffin’s election protests. (See R p 48.) The Superior Court affirmed and, on 10 February 2025, Judge Griffin filed notices of appeal to this Court. (See R pp 154, 212, 271.)

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<sup>1</sup> See also Join Tom Murry for NC, Statement of Organization – Candidate Committee (Sept. 7, 2023) (listing “Thomas O. Murry” as affiliated candidate), <https://cf.ncsbe.gov/CFOrgLkup/ViewDocumentImage/?DID=297976>; Join Tom Murry for NC, Political Committee Disclosure Report (Jan. 10, 2025) (reporting \$5,000.00 check dated 18 November 2024 to the Jefferson Griffin Legal Expense Fund), <https://cf.ncsbe.gov/CFOrgLkup/ReportDetail/?RID=222067&TP=ALL>.

6. Justice Riggs understands from public reporting that Judge Griffin is recused from participating in this appeal. *See* Gary D. Robertson, *North Carolina Justices Don't Fast-Track Challenge Over Election for Seat on Their Court*, Associated Press (Feb. 21, 2025) (“Griffin, who has recused himself from Court of Appeals deliberations in the case, has declined to comment on legal issues from his protests, saying it would violate the judicial conduct code.”). This recusal is, of course, appropriate. *See* N.C. Code of Judicial Conduct at Canon 3(C)(1)(d)(i) (providing that a judge should recuse when the judge is “a party to the proceeding”).

7. Justice Riggs does not know whether Judge Murry is likewise recused. Recognizing that this motion may be unnecessary because Judge Murry has already recused, Justice Riggs moves for his recusal out of an abundance of caution. Justice Riggs files this motion contemporaneously with her request for initial en banc consideration, which is the first filing in this appeal that would necessarily involve Judge Murry (absent prior recusal).

8. The North Carolina Code of Judicial Conduct provides that a judge “may not personally make financial contributions or loans to any individual seeking election to office (other than himself/herself) except as part of a joint judicial campaign.” N.C. Code of Judicial Conduct at Canon 7(B)(3). The Judicial Standards Commission warns that our Supreme Court has “disciplined a judge who contributed to another judge’s campaign committee, rejecting the argument that the committee was a ‘political party or organization.’” Memorandum from Judge Chris Dillon, Chair of the Judicial Standards Commission, to Members of the North

Carolina Judiciary at 8 (Mar. 16, 2022) (citing *In re Wright*, 313 N.C. 495, 329 S.E.2d 668 (1985)), available at <https://www.nccourts.gov/assets/inline-files/JSC-3-16-22-Political-Conduct-Memo.pdf>. Justice Riggs takes no position on the propriety of the \$5,000 contribution but respectfully submits that recusal is warranted here because Judge Murry’s impartiality may reasonably be questioned.

9. Recusal is also warranted because the \$5,000 contribution appears to be directly related to the dispute before this Court. Judge Griffin’s legal defense fund was formed after the November 2024 general election, as Judge Griffin was seeking to overturn Justice Riggs’s apparent victory. By contributing to that legal defense fund, Judge Murry’s campaign committee provided material aid to Judge Griffin and showed a preference for Judge Griffin in this specific dispute. Given the Supreme Court’s holding that “a candidate’s campaign committee . . . is, in effect, the alter ego of the candidate,” *In re Wright*, 313 N.C. at 496–97, 329 S.E.2d at 669, it would be inappropriate for Judge Murry to participate in this appeal.

10. Justice Riggs informed Judge Griffin and the State Board of the intended filing of this motion. Judge Griffin “opposes the motion to recuse Judge Murry and intends to file a response no earlier than March 5.”<sup>2</sup> The State Board takes no position on the recusal motion.

WHEREFORE, Justice Riggs moves, out of an abundance of caution, to recuse Judge Murry from participation in this appeal if he not already recused.

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<sup>2</sup> Given the expedited nature of this appeal—which the Court expedited at Judge Griffin’s request—Justice Riggs respectfully suggests that the Court resolve this motion to recuse before 5 March 2025.

Respectfully submitted, this 25th day of February, 2025.

**WOMBLE BOND DICKINSON (US) LLP**

Electronically Submitted

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N.C. R. App. P. 33(b) Certification: I certify that the attorney listed below has authorized me to list his name on this document as if he personally signed it.

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## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on 25 February 2025 a copy of the foregoing document was electronically filed and served by email, addressed as follows:

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