

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 County

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**APPELLANT'S RESPONSE IN OPPOSITION TO  
MOTION TO RECUSE JUDGE MURRY**

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Justice Riggs has filed a recusal motion targeting Judge Murry. That motion should be denied for two reasons.

**ARGUMENT**

First, unless the Court grants en banc review in this appeal, the recusal motion is premature. Although the motion targets Judge Murry, the identity of the panel to

decide this case has not been announced, and there is currently no reason to believe that Judge Murry will be on the panel. Nor does the motion explain why it would be necessary for Judge Murry to recuse from voting on the motion to hear the appeal en banc, which is purely procedural.

Second, even if the matter was not premature, the recusal motion does not offer sufficient grounds to require Judge Murry's recusal because the Canon cited in the motion does not call for recusal. The motion invokes Canon 7, which regulates a judge's "political activities." N.C. Code of Judicial Conduct, Canon 7. The motion accuses Judge Murry of violating Canon 7(B)(3) because his political campaign contributed to Judge Griffin's legal expense fund. Motion ¶¶ 4–8. Canon 7(B)(3), however, does not appear to require a judge to recuse himself for making political contributions. Moreover, it is unclear whether a campaign's contribution to a legal expense fund—which is a unique creature of Article 22M of Chapter 163 of the General Statutes, and not Article 22A (which governs campaign contributions)—constitutes a prohibited contribution under Canon 7(B)(3).

## **CONCLUSION**

Judge Griffin requests that the recusal motion be denied.

This the 6th day of March, 2025.

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## CERTIFICATE OF SERVICE

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