



State of North Carolina
General Court of Justice
29B Judicial District

MARK E. POWELL
SENIOR RESIDENT SUPERIOR COURT JUDGE

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200 NORTH GROVE STREET
HENDERSON COUNTY COURTHOUSE
HENDERSONVILLE, NC 28792

October 27, 2017

Chairman Larry Chapman
Transylvania County Board of Commissioners
101 South Broad Street
Brevard, NC 28712

Vice Chairman Page Lemel
Transylvania County Board of Commissioners
101 South Broad Street
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Commissioner Jason Chappell
Transylvania County Board of Commissioners
101 South Broad Street
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Commissioner Mike Hawkins
Transylvania County Board of Commissioners
101 South Broad Street
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Commissioner Kelvin Phillips
Transylvania County Board of Commissioners
101 South Broad Street
Brevard, NC 28712

Commissioners Chapman, Lemel, Chappell, Hawkins and Phillips:

I hope you are doing well. I have been informed that a meeting will be held in November to decide between the option of expanding the existing courthouse and one or more options of a new facility. Please allow me to take you back a few years to illustrate my thoughts.

We were trying in your county a man accused of sexually assaulting a young person. The trial lasted the majority of the week, if I remember correctly. The jurors dealt with the lack of parking, and

courthouse security did their best to keep jurors away from the district court crowd and coordinated waiting until all jurors were stashed in the jury room before the defendant was brought in from the jail. As you are aware, jurors may not be shown that the defendant is in custody. All went well with that, but that does not mean that a lot of work and planning did not go into it. So our trial began.

We had to frequently pause for sirens, loud mufflers and engine braking. We locked the doors nearest the bench and jury box to keep attorneys from poking their heads in to see what was occurring. We had to keep the regular entrance for the public unlocked, as the courtroom must remain open.

You can imagine how difficult it can be to testify in a trial. For a young person testifying to strangers about sexual abuse, fear can be overwhelming. As the victim testified, I recall how his wide-eyed hypervigilance was displayed each time someone moved in the courtroom. We had a volunteer placed at the public entrance to keep disturbances there to a minimum.

The defendant was convicted and no error was found in his trial. He will be gone for quite a while.

I have heard persons argue that a courthouse is necessary for a vibrant downtown. I do not know of any evidence other than anecdotal that supports such a claim. My point is that we do not want to be part of a vibrant downtown. We want to be away from noise and people wandering off the street just to see what we are doing. We would like to have adequate parking for everyone, particularly jurors, and not need to worry when a special event is occurring in the town. As I have expressed with frustration to others on too many occasions, we would like to be able to do our job without maneuvering around all the unneeded complications and distractions.

We depend on you to make informed and thoughtful decisions concerning our future, and I have full confidence in your judgment.

Sincerely,



Mark E. Powell
Superior Court Judge
Judicial District 29B