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STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE
COUNTY OF BRUNSWICK SUPERIOR COURT DIVISION

BRUNSWICK COUNTY, N.C. FILE NO. O3CRS-5665

IN RE: TERI ZICK, ATTORNEY BY MO ORDER

This matter is coming to be heard in the context of the Court having previously notified counsel for the defendant, Ms. Zick, as required by North Carolina General Statute 5A-14 that she is being charged by the Court with criminal contempt of court in that she was specifically instructed and warned by the Court to abide by the scheduling directives of this Court.

The Court finds beyond a reasonable doubt that at the conclusion of proceedings on Wednesday, November 5th, 2003, Ms. Zick was instructed and warned that Court would reconvene at 9:30 on the morning of November 6th, 2003. Despite the Court's warnings and instructions, Ms. Zick arrived in court at approximately 9:45 a.m. on Thursday, November 6th, 2003. The Court had also warned and instructed Ms. Zick on Tuesday, November 4th, 2003, that it was the duty of all parties involved to abide by all scheduling orders and directives of the Court. Ms. Zick had reported to the court late on that date, prompting the Court to warn and advise her about adhering to the court schedule.

The Court finds beyond a reasonable doubt that Ms. Zick's conduct in arriving late on Thursday, November 6th, 2003, was conduct committed within the sight and hearing of the Court and that such conduct was committed in the courtroom.

The Court finds beyond a reasonable doubt that such conduct interrupted and interfered with matters before the Court and that such conduct was willfully contemptuous and that such conduct was committed after clear warnings from the Court.

Upon these findings of fact, the Court makes the following conclusions of law:

That such conduct constitutes direct criminal contempt of Court.

That such conduct was prohibited by North Carolina General Statutes 5A-11(1)(3).

That such conduct was willfully contemptuous.

Upon these findings of fact, the Court makes the following conclusions of law:

That such conduct constitutes direct contempt of Court.

That such conduct was prohibited by North Carolina General Statute, Section 5A-11.1 and 3.

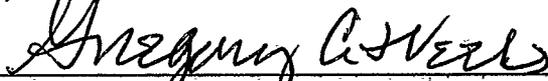
That such conduct was willfully contemptuous.

Upon these findings of fact and conclusions of law, it is ordered that the condemnor be fined Five Hundred Dollars, said monies shall be paid into the Office of the Clerk of Superior Court of Brunswick County no later than Friday, November 7th, 2003, at 5:00 o'clock p.m. Failure to comply could subject Ms. Zick to additional punishment.

The Court further directs that a copy of this proceedings, including a transcript of the earlier proceeding held at approximately 9:45 this morning be attached to the order of the Court and forwarded to the North Carolina State Bar.

Signed Nunc Pro Tunc, this the 6th day of November, 2003.

This the 10th day of November, 2003.



THE HONORABLE GREGORY A. WEEKS,
SUPERIOR COURT JUDGE PRESIDING

1 STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE
2 COUNTY OF BRUNSWICK SUPERIOR COURT DIVISION
3 FILE NO. _____

4 IN RE: TERI ZICK, ATTORNEY

5
6 **TRANSCRIPT OF CONTEMPT OF COURT HEARING**
7 **NOVEMBER 6, 2003**

8
9 **(COURT IN SESSION - DEFENDANT AND ALL ATTORNEYS PRESENT - ALL**
10 **JURORS ABSENT)**

11 **COURT:** Ms. Zick, it is now, according to my watch, 9:47.

12 **MS. ZICK:** Yes, your Honor.

13 **COURT:** And why were you late, ma'am?

14 **MS. ZICK:** I apologize, your Honor, I was in my office until 3:00
15 last night and I overslept and I couldn't call you on -- in my car, your Honor, my
16 cell phones were dead, and I apologize.

17 **COURT:** You couldn't do what, ma'am?

18 **MS. ZICK:** I couldn't call you in my car, both of cell phones were
19 dead.

20 **COURT:** Well, Ms. Zick, this is, as I recall it, a pattern.

21 The record should reflect the following:

22 That on Monday morning when the calendar was called, this week's trial
23 calendar was called, it was related to me sometime Monday morning that you
24 were aware that there pending motions in limine to be heard in the trial of this
25 case.

1 It was related to me that you related to counsel for the State, either directly
2 or indirectly, that you had to leave the courthouse for purposes, as I understood
3 it, going to get some glasses, but you would be back shortly, that was the
4 information that was communicated to me. At the time we concluded the call of
5 both the probation and the trial calendar, you could not be located.

6 **MS. ZICK:** Your Honor, I told them -- I -- my glasses broke and I
7 was told that I could go and have glasses made.

8 **COURT:** Yes, ma'am.

9 **MS. ZICK:** And it was a rush job and soon as those glasses were
10 completed, I called and I was told the court was closed.

11 **COURT:** Well that may be the case, but the information I received,
12 ma'am, was that what you communicated to the District Attorney's Office initially
13 was "I'm going to get my glasses" --

14 **MS. ZICK:** I told them I had to have them made.

15 **COURT:** Is that the information you folks received?

16 **MS. JORDAN:** Your Honor, I didn't receive it directly, but I can tell
17 you --

18 **(MS. JORDAN SPEAKS TO SOMEONE FROM HER OFFICE)**

19 **MS. JORDAN:** She spoke to Janice Maruszak (phonetically
20 spelled) that she her she had to go get her glasses. She also spoke to Chris
21 Thomas that she had to go get her glasses. We were all under impression that
22 she was going to go to her car. When she didn't come back quickly, we thought
23 maybe she was going to her home or to her office. We had no information from
24 her, your Honor, that she was going to a doctor's appointment to get glasses
25 made or we would have communicated that to the Court, Judge.

1 **COURT:** Okay. And it was later related to me by counsel for the
2 State that they apparently found out that you had an appointment with an
3 optometrist, with an eye doctor; and I recalling that correctly?

4 **MS. JORDAN:** We were told that -- when she called after court was
5 closed, late in the afternoon, she said they had to do a rush job, they had to do
6 an eye exam. We don't know if there was an appointment or not, but they had to
7 do, what she said to Ms, Maruszak was --

8 **COURT:** Do you recall about what time that call came in?

9 **MS. JORDAN:** It was after court closed.

10 **COURT:** All right. And if I recall correctly, you were somewhat late
11 on Tuesday morning when the matter was being called for trial, which
12 inconvenienced the jury in this case, all of us had to wait until you arrived.

13 **MS. ZICK:** Yes, sir.

14 **COURT:** And I specifically asked that both you and Ms. Jordan go
15 back into chambers with me. And at that time, I specifically told you that to the
16 extent any one of us was late, it caused a disruption in the proceedings and
17 inconvenienced all of the folks that were involved, including all court personnel,
18 all parties --

19 **MS. ZICK:** Yes, your Honor.

20 **COURT:** And the jury.

21 **MS. ZICK:** Yes, your Honor.

22 **COURT:** And I specifically instructed you that it was the duty of all
23 of us involved to be in court on time. Do you recall that ma'am?

24 **MS. ZICK:** Yes, sir. Yes, sir.

25 **COURT:** Bear with me, ma'am.

1 **MS. ZICK:** Your Honor.

2 **COURT:** Yes, ma'am.

3 **MS. ZICK:** Back to the issue of the doctor. I went up to the DA's
4 Office and I told the receptionist and then she went and got the lady who was the
5 assistant to Ms. Jordan, I thought she had related the whole story to her, and
6 that's why I thought that the assistant knew.

7 **MS. JORDAN:** And this is not the person who was at our front
8 window, your Honor.

9 **COURT:** Pardon?

10 **MS. JORDAN:** This -- Ms. Maruszak is not the woman who is at
11 our front window, she is Chris and I's (sic) assistant.

12 **COURT:** Okay. If you'll --

13 Ms. Zick, you are hereby notified as required by North Carolina General
14 Statute, Section 5A-14, that you are charged with criminal contempt of court in
15 that the Court specifically instructed you on a prior occasion, specifically Tuesday
16 morning, that it was your duty, as well as the duty of all of us involved in the trial
17 of the matter of the State of North Carolina versus Melvin Lee Blizzard, to be in
18 court on time --

19 **MS. ZICK:** Yes, your Honor.

20 **COURT:** That warning by the Court on Tuesday of this week
21 resulted from your being late to Court on Tuesday morning when the matter was
22 called for trial, and resulted from your unavailability to go forward with the motion
23 hearings -- preliminary motions in this case on Monday afternoon of this week.

24 The Court further notifies you that you were specifically instructed to be in
25 court on time this morning.

1 And the Court notes for the record that you were instructed to be in court
2 at 9:30 this morning. You showed up at approximately 9:47 this morning.

3 You are advised that you may now respond to this charge before the
4 Court takes further action. Do you wish to be heard, ma'am?

5 **MS. ZICK:** No, your Honor, I do apologize for the inconvenience.
6 It was not intentional. I was in my office until 3:00 a.m. this morning, and I'm very
7 sorry, your Honor.

8 **COURT:** Well I'm going to defer any final ruling with regard to the
9 notification of criminal contempt until the conclusion of this trial. It's not my intent
10 to do anything to disrupt this trial. You have a right to be heard. You have the
11 right to be represented by counsel. You have a right to notice, and a full
12 opportunity to be heard as I just indicated; do you understand that?

13 **MS. ZICK:** I do, sir.

14 **COURT:** All right. And you understand that it is the Court's intent
15 to take summary action based on your failure to comply with the specific orders
16 of the Court regarding your appearance in court on time as scheduled?

17 **MS. ZICK:** I do and I --

18 **COURT:** I'm delaying that action until the completion of this case.

19 **MS. ZICK:** Thank you, your Honor, and I do have the greatest
20 respect for this particular Court and for Ms. Jordan, who always conducts herself
21 with professionalism.

22 **(COURT CONTINUES WITH THE TRIAL)**

23 **(COURT TAKE UP CONTEMPT MATTER WITH MS. ZICK)**

24 **COURT:** All right. For the record, ma'am, this matter is coming
25 to be heard in the context of the Court having previously notified counsel for the

1 defendant, Ms. Zick, as required by North Carolina General Statute Section 5A-
2 14 that she is being charged by the Court with criminal contempt of court in that
3 she was specifically instructed and warned by the Court to abide by the
4 scheduling directives of this Court.

5 More specifically, the Court notes for the record that the trial now
6 underway, State of North Carolina versus Melvin Lee Blizzard, File Numbers 02
7 CRS 5787 and 03 CRS 1429, wherein the defendant, Melvin Lee Blizzard is
8 charged with first degree rape, first degree burglary, first degree kidnapping was
9 calendared for trial during the regularly scheduled criminal sessions of Brunswick
10 County on Monday, November 3, 2003. The calendar reflects that this was a
11 calendar revised on October 31, 2003. The directions on the calendar read as
12 follows: "Attorneys and defendants are required to be present at calendar call,
13 10:00 a.m., on the first day of the session," first day of the session being again
14 Monday, November 3, 2003.

15 The record should reflect that the calendar list the first matter for trial
16 being the State of North Carolina versus Melvin Lee Blizzard. That is on page
17 three of five with Mr. Blizzard's entry being number one for purposes of trial and
18 reflecting the following notation: "11/03/03 trial, roll over from 10/20/03."

19 As I recall it, ma'am, you arrived after Mr. Blizzard's case was originally
20 called on Monday morning. You came in shortly after the case was called. Prior
21 to your arrival after 10:00 o'clock on Monday morning, counsel for the State
22 indicted that there had apparently been some communication between the State
23 and you indicating that this was the first matter for trial and that they anticipated
24 you would arrive shortly. But the point I'm making is that you arrived after
25 calendar call. Calendar call started at 10:00 o'clock, we went through

1 two pages of entries before you showed up because your client's entry was
2 number one on page three and it was after that that you came into the courtroom.

3 **MS. ZICK:** Yes, your Honor.

4 **COURT:** The record should further reflect that at some point that
5 morning you left. The Court was later apprised, as I indicated earlier on the
6 record, that you had apparently left to "go get your glasses," At that point, it
7 wasn't clear to the Court whether you were going to the car to get your glasses,
8 whether you were going to your office to get your glasses. I was later informed
9 that the District Attorney's Office understanding was that you had apparently
10 gone to a doctor's office for purposes of getting your glasses.

11 Now that's not an issue here, what is an issue --

12 **MS. ZICK:** May I -- may I be heard?

13 **COURT:** I'm going to give you an opportunity in just a moment,
14 ma'am.

15 Because of the fact that we were unable to determine where you were on
16 Monday, even though the calendar reflected that this was the first matter for trial,
17 and as I understood it, you were fully aware that any pretrial motions in the case
18 were scheduled to be heard on Monday, we could not go forward with those
19 motions because you were unavailable.

20 Now when I arrived here Tuesday, November the 4th, with the
21 understanding that this matter was set for trial at 9:30 in the morning, you arrived
22 some 10 to 15 minutes late on Tuesday morning. My recollection is you at that
23 point provided information as to where you had been Monday afternoon in terms
24 of getting your glasses. You will recall that I asked both you and Ms. Jordan to
25 go back in chambers with me. And in chambers, I gave you specific directives

1 and I warned you that each of us had a duty to be in court as scheduled on time.

2 Despite those directives and despite that warning and despite the Court at
3 the end of each day's proceedings specifically reminding you as to the time
4 that we were scheduled to reconvene, you reported to Court at about 10:45 this
5 morning with the Court scheduled to start at 9:30.

6 As I earlier indicated to you, ma'am, it's my intent to proceed summarily
7 because it's my view that what has occurred has been a direct violation of the
8 Court's warnings and directives. That that arguably constitutes direct criminal
9 contempt and this is being held substantially contemporaneously with the act.
10 The contempt being within the site of the Court, within the hearing of the Court,
11 and impeding the Court's ability to conduct its business as scheduled, interfering
12 with the Court's schedule.

13 And as I warned you on Tuesday morning because we all had a duty to be
14 in place on time, our failure to abide by that duty could result in additional
15 actions, and at a minimal, would result in disruption and inconvenience to
16 everybody involved.

17 Now I'm giving you the opportunity to respond at this time because
18 apparently your conduct is without justifiable excuse, but I'm giving you the
19 opportunity to respond to the charge before the Court takes any further action.

20 **MS. ZICK:** Thank you, your Honor.

21 Your Honor, I'm truly at fault and --

22 **COURT:** You'll need to speak up, ma'am.

23 **MS. ZICK:** Your Honor, I'm truly at fault and I apologize and I take
24 responsibility. But I would like to say regarding Monday that Sunday night --

25 **COURT:** Don't misunderstand, I don't mean to interrupt you, but I

1 am not considering your conduct on Monday, I'm simply reciting that conduct to
2 show that there was a pattern, and because of that pattern, we had a conference
3 on Tuesday morning. And in that conference, which I held in chambers because
4 I didn't feel it was appropriate to deal with it on the open record at that point, I felt
5 at a minimum I owed you the courtesy of taking both you and Ms. Jordan back in
6 chambers and warning you and advising you that all of us had a duty to abide by
7 the Court's scheduling orders and directives of the Court.

8 **MS. ZICK:** Yes, your Honor. And I don't wish to further waste the
9 Court's time, but may I please briefly explain?

10 **COURT:** You're absolutely entitled to be heard, ma'am.

11 **MS. ZICK:** Thank you, thank you, sir.

12 Sunday night my glasses were irretrievably broken late Sunday night.
13 Monday I went up to the DA's Office and I spoke to the receptionist at length
14 about my problem. After I spoke with her, she -- I asked if I could -- well first I
15 asked if I could speak with Ms. Jordan and she said Ms. Jordan was meeting
16 with witnesses and could not come and speak with me. I spoke at length with the
17 receptionist about my glasses. I cannot read without them. She then called Ms.
18 Jordan's -- the lady that was sitting next to Ms. Pridgen, and she came out and I
19 wrongly assumed that she understood the situation. And she said, "Well go get
20 your glasses." and I said, "Oh, thank you." I thought she meant that she knew I
21 had to go get new glasses. And I said as soon as I get them, I will call you. And
22 she said fine.

23 So I ran off and they all -- everybody worked very hard to get me a new
24 pair of glasses. As soon as I had them, I called back to the DA's Office and they
25 said the court was shut down for the day.

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1 **COURT:** Okay. Again, I'm not -- the only reason that I'm
2 mentioning Monday is --

3 **MS. ZICK:** To establish my pattern, your Honor, I'm very sorry.

4 **COURT:** No, to put in the record why we met on Tuesday morning,
5 because frankly, ma'am, what you just explained to me is that you went to a --
6 and I mean no disrespect to the secretary or the District Attorney's Office or the
7 judicial assistant at the District Attorney's Office, but you had a matter scheduled
8 before the Court. You knew that there were pending motions in that matter,
9 correct?

10 **MS. ZICK:** Yes.

11 **COURT:** You understood it was the intent of the State to call those
12 pending motions so that they could be resolved before we started jury selection
13 in this case, correct?

14 **MS. ZICK:** (Shakes head yes)

15 **COURT:** You'll have to answer for the record.

16 **MS. ZICK:** I'm sorry, your Honor, yes. I'm sorry.

17 **COURT:** All right. And you understood that the objective was to
18 try to minimize disruption and inconvenience to the jury which was scheduled to
19 come in on Tuesday morning by resolving all non jury matters, pretrial motions
20 on Monday afternoon?

21 **MS. ZICK:** Yes.

22 **COURT:** Do you disagree or do you dispute the fact that you
23 showed up late Tuesday morning?

24 **MS. ZICK:** Your Honor, I cannot -- I cannot dispute that.

25 **COURT:** Do you disagree or dispute the fact that after you showed

1 up late on Tuesday morning I asked you and Ms. Jordan to come back in
2 chambers in with me?

3 **MS. ZICK:** No, your Honor, I'm not disputing anything you say.

4 **COURT:** All right. Well I need to make the record. Do you
5 disagree or dispute the fact that in chambers I advised you and I warned you, not
6 only you, but Ms. Jordan and myself, all of us had a duty to be in court as
7 scheduled to minimize disruption and to avoid inconveniencing the jury and
8 everybody else involved; do you disagree with that or dispute that?

9 **MS. ZICK:** I cannot dispute that, your Honor.

10 **COURT:** Do you disagree or dispute that fact that on each day's --
11 at the end of each day when we recessed, I reminded you of what time we were
12 scheduled to be back the next day?

13 **MS. ZICK:** Your Honor has been totally correct and fair. And I
14 cannot dispute that.

15 **COURT:** Do you dispute the fact that yesterday, Wednesday,
16 when we recessed in the afternoon I specifically advised you, ma'am, we are
17 scheduled to be back 9:30 tomorrow morning, not 9:35?

18 **MS. ZICK:** Your Honor, you specifically instructed me to be back at
19 9:30.

20 **COURT:** And do you disagree or dispute the fact that you came in
21 at approximately 9:45 this morning?

22 **MS. ZICK:** I so agree.

23 **COURT:** All right. This Court finds beyond a reasonable doubt
24 that despite prior warnings and despite prior directives of the Court, those
25 directives and warnings specifically being given to Ms. Zick on Tuesday,

1 November 4th, 2003, and despite the Court specifically instructing Ms. Zick and
2 all other parties involved in this case on Wednesday, November 5th, 2003, at the
3 conclusion of the day's proceedings that Court was scheduled to resume
4 proceedings at 9:30 in the morning on November 6th, 2003, today's date, and the
5 defendant does not dispute or disagree that she failed to abide by those
6 warnings and those directives and in fact reported to the Court at approximately
7 9:45 on today's date.

8 The Court finds beyond a reasonable doubt such conduct was committed
9 within the ^{sight} and hearing of the Court and such conducted was committed in
10 the courtroom or in close proximity or immediate proximity to the courtroom.

11 That such conduct interrupted and interfered with matters before the Court
12 and that such conduct was willfully contemptuous and that such conduct was
13 committed after a clear warning from the Court.

14 Upon these findings of fact, the Court makes the following conclusions of
15 law:

16 That such conduct constitutes direct contempt of Court.

17 That such conduct was prohibited by North Carolina General Statute,
18 Section 5A-11.1 and 3.

19 That such conduct was willfully contemptuous.

20 Upon these findings of fact and conclusions of law, it is ordered that the
21 condemnor be fined Five Hundred Dollars.

22 When are you going to be in a position to pay the money?

23 **MS. ZICK:** Your Honor, the Administrative Office of the Courts just
24 paid me and I can do it right now.

25 **COURT:** All right. I'm going to give you until 5:00 today date.

1 We'll need an order and we'll need a file number. The Court further
2 directs that a copy of this proceeding, including a transcript of the earlier
3 proceeding held at approximately 9:45 this morning, be made of these
4 proceedings, attached to the order of the Court. If you'll prepare the order for
5 me, ma'am, and that said transcript and order be forwarded to the North Carolina
6 State Bar.

7 Okay. You have an absolute right to appeal, ma'am.

8 **MS. ZICK:** That's all right, your Honor.

9 **COURT:** We're at ease.

10 **MS. ZICK:** Your Honor, please accept my apologies.

11 **COURT:** Ms. Zick, this is not something that I delight in doing. It is
12 not the most pleasant thing for any Judge to have to do. I accept your apology.

13 **MS. ZICK:** Thank you very much. That means a lot.

14 **(COURT CONTINUES WITH STATE vs BLIZZARD)**

15 **(COURT CONTINUES WITH THE CONTEMPT MATTER)**

16 **COURT:** Madam Clerk, will they take a cashier's check or just
17 cash?

18 **MS. ZICK:** They will also take a lawyer's check, your Honor.

19 **COURT:** I don't know, that's what I'm trying to clarify now. Will
20 they take a lawyer's check or will they take cash or cashier's cash?

21 **CLERK:** Cash or cashier's check.

22 **COURT:** So it has to be cash or a cashier's check, no later than
23 Friday at five o'clock. And I need to warn you on the record that failure to comply
24 with this instruction could subject you to additional punishment.

25 **MS. ZICK:** Yes, your Honor. I thank you so much. We'll be here.

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(NOTE: COURT DID NOT RECESS UNTIL AFTER 5:00 ON THURSDAY,
NOVEMBER 6TH, - CLERK'S OFFICE WAS CLOSED)

* END OF TRANSCRIPT *

DEBORAH SIMMONS, 43 DASHER ST., WHITEVILLE, NC 28472 (910)642-5925