

STATE OF NORTH CAROLINA

WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
18 DHC 3

THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

ARNOLD O. JONES II, Attorney,

Defendant

COMPLAINT

Plaintiff, complaining of Defendant, alleges and says:

1. Plaintiff, the North Carolina State Bar (“Plaintiff” or “State Bar”), is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Chapter 84 of the General Statutes of North Carolina, and the rules and regulations of the North Carolina State Bar promulgated thereunder.

2. Defendant, Arnold O. Jones II, was admitted to the North Carolina State Bar in April 1991 and is, and was at all times referred to herein, an attorney at law licensed to practice in North Carolina, subject to the rules, regulations and Rules of Professional Conduct of the North Carolina State Bar and the laws of the State of North Carolina.

3. During the relevant period referred to herein, Jones was a Superior Court Judge in North Carolina’s Eighth Judicial District. Jones is no longer a member of the judiciary.

4. In 2015, Jones asked a law enforcement officer to obtain text messages between Jones’s wife and another man, with whom Jones suspected she was having an affair.

5. Jones sought these text messages for personal use; they were not related to any judicial or law enforcement purpose.

6. There was no probable cause to believe that the text messages constituted evidence of a crime.

7. The officer told Jones that he lacked the requisite probable cause to legally obtain the text messages, but Jones—who was at that time a sitting Superior Court judge—asked the officer to “see what [he] could do.”

8. Jones initially offered to give the officer two cases of beer in exchange for obtaining the text messages, but later agreed to pay him \$100.00.

9. The officer subsequently informed Jones that he had managed to obtain a federal search warrant for the text messages Jones wanted.

10. When the officer produced what Jones believed to be a disc containing the requested private electronic communications between Jones's wife and a third party, Jones paid the officer \$100.00.

11. The exchange took place in the Wayne County courthouse.

12. In connection with the conduct described above, in March 2017 Jones pled guilty and was convicted in federal court of promising and paying a gratuity to a public official, a felony offense under 18 U.S.C. § 201(c)(1)(A).

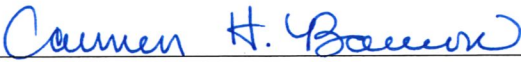
THEREFORE, the State Bar alleges that Defendant's foregoing actions constitute grounds for discipline pursuant to N.C. Gen. Stat. §§ 84-28(b)(1) in that he was convicted of a criminal offense showing professional unfitness and (b)(2) in that he violated one or more of the Rules of Professional Conduct in effect at the time of his actions as follows:

- (a) By attempting to induce a law enforcement officer to obtain evidence unrelated to any judicial or law enforcement purpose and without probable cause, Jones engaged in conduct involving dishonesty in violation of Rule 8.4(c) and conduct prejudicial to the administration of justice in violation of Rule 8.4(d); and
- (b) By engaging in the felony offense of promising and paying a gratuity to a public official, Jones committed a criminal act reflecting adversely on his trustworthiness or fitness in violation of Rule 8.4(b).

WHEREFORE, Plaintiff prays that:

- (1) Disciplinary action be taken against Defendant in accordance with N.C. Gen. Stat. § 84-28 and as the evidence on hearing may warrant;
- (2) Defendant be taxed with the administrative fees and costs permitted by law in connection with this proceeding; and
- (3) For such other and further relief as is appropriate.

This the 9th day of January, 2018.


Carmen Hoyme Bannon
Deputy Counsel
State Bar No. 33998
Attorney for Plaintiff

The North Carolina State Bar
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Raleigh, NC 27611
919-828-4620

Signed pursuant to 27 N.C. Admin. Code 1B.0113(n) and 1B.0105(a)(10).

A handwritten signature in black ink, appearing to read "DeWitt F. McCarley", is written over a horizontal line.

DeWitt F. McCarley, Chair
Grievance Committee