



Theodis Beck, Secretary

**NORTH CAROLINA  
DEPARTMENT OF CORRECTION  
DIVISION OF COMMUNITY CORRECTIONS**

2020 Yonkers Road, Mail Service Center 4250  
Raleigh, North Carolina 27699-4250  
Phone: (919) 716-3101 Fax: (919) 716-3996

Michael F. Easley, Governor



Robert Lee Guy, Director

## MEMORANDUM

**TO:** Robert Lee Guy  
Director

**FROM:** Kevin G. Wallace  
Chief of Field Services  
Yoleeta Howell  
Contract Investigator  
Anne Porter Fowler  
Contract Investigator

**DATE:** March 29, 2008

**RE:** Investigative Summary  
Demario Atwater  
Probationer # 0878016  
Laurence Lovette  
Probationer # 1057218

This follows your request to investigate the supervision of the two (2) above stated probationers cited in Serious Crime Reports submitted by Judicial Districts 10 and 14. Both offenders have been charged with the murder of Eve Carson (Orange County), while offender Lovette has also been charged with the murder of Abhijit Mahato (Durham County). A team of investigators began interviewing Division of Community Corrections (DCC) personnel on March 17, 2008. Other investigators began reviewing court documents, offender files to include both hard copy and electronic narratives as well as OPUS data relating to these cases. The following is an investigative summary of both probation cases including time lines and staff involvement.

### ***Findings: Demario Atwater***

Court records indicate Mr. Atwater pled guilty to the charges of Felony Breaking and Entering (B&E), Felony Larceny and Felony Possession of Stolen Property in Wake County Superior Court Division (05CR4560) on

February 16, 2005. The defendant was sentenced to a minimum term of 8 months – maximum term of 10 months in the custody of the NC Department of Correction. This sentence was suspended for 36 months supervised probation and the defendant was given credit for 22 days spent in confinement, ordered to pay \$100.00 cost of court, \$100.00 fine, \$1,900.00 restitution and \$130.00 attorney's fees for a total \$2,230.00 pursuant to a schedule determined by the probation officer. Along with the regular conditions of probation, the court ordered other special conditions that he not be found in or about the premises of the victim [REDACTED] and [REDACTED]; not assault, threaten or harass [REDACTED] or his family; defendant is not to engage in gang activity or associate with any known gang members. The judgment indicates the court ordered an Intermediate punishment; however, that punishment was not recorded on the judgment. Clerk officials did state the judge indicated Intensive supervision on a note in the court file.

The defendant was processed by probation staff on the day of conviction and the case was assigned to Probation/Parole Officer (PPO) Portia Lowe in Unit 510XF. Narratives indicate several telephone calls were made by the offender, the offender's mother and the officer. Mr. Atwater reported to PPO Lowe on February 24, 2005 for his initial office contact. The probation judgment was explained and a payment schedule was established. The offender signed the acknowledgement and monetary conditions document. PPO Lowe noted she was unsure if the case would remain as intermediate. A home verification was completed on March 13, 2005. The offender reported in again on March 15, 2005. Narrative entry states the judgment was sent to Judicial Services Supervisor (processing) because there was no Intermediate punishment. Officer Lowe also reflects she called the supervisor but she was not in. On April 7, 2005 PPO Lowe prepared a case summary that included the judgment had been returned to Court Intake to see if there was an Intermediate punishment.

Chief Probation Parole Officer (CPPO) Margaret Brewer (Supervisor of Judicial Services at that time) stated it appeared by the narratives that Wanda Bolling had processed the Atwater case and assigned it to PPO Lowe. Ms. Brewer states she did not receive a telephone call from PPO Lowe nor did Ms. Lowe bring the judgment to her.

Assistant Judicial District Manager (AJDM) Lawrence Lindsey performed a case review on April 11, 2005 noting monies were current, need photograph of defendant and that there may be an Intermediate punishment – see Portia Lowe.

On April 11, 2005 the Atwater case was transferred to PPO John Crowder. The offender reported in to see PPO Crowder on April 19<sup>th</sup>, May 17<sup>th</sup>, and June 24, 2005. A notation in the May 17<sup>th</sup> narrative suggests the offender is moving to Durham within the next couple of weeks, however the June 24<sup>th</sup> office contact reveals the offender still in Raleigh.

On July 9, 2005 the Atwater file was assigned to a vacant caseload. PPO Tonya Wilson saw the offender on July 26<sup>th</sup> and September 7, 2005 (both office contacts). Mr. Atwater gave a Durham address during both contacts but stated on September 7<sup>th</sup> he was staying with relatives in Raleigh. PPO Rontra Long conducted an office contact with the offender on October 5, 2005. A Durham address was reported.

Chief Probation Parole Officer Paulette Eggleston was the supervisor of the unit (510XF) responsible for case management of the Atwater case at that time. CPPO Eggleston reported her unit had multiple vacancies during this time period and different officers would see offenders that reported to the office. She stated it took approximately a year to fill the position vacated by PPO Crowder. CPPO Eggleston stated the Intermediate punishment of the judgment was never retrieved and placed in the file.

On February 20, 2006 the Atwater case was transferred to PPO Keisha Jones. PPO Jones called the defendant's sister on March 14<sup>th</sup> and 17<sup>th</sup> in an attempt to have the offender contact the officer.

On March 24, 2006 the Atwater case was transferred to PPO Christopher Gladney in Unit 510XJ. PPO Gladney called the offender's contact number on March 28, 2006 and left a message for the offender to report to the probation office. No further contacts were made until a case staffing in April, 2007.

It should be noted that during this period of time, Mr. Atwater was arrested in Granville County on June 16, 2006 for Felony Possession of Firearm by Felon and again in Durham County on February 2, 2007 for Misdemeanor 2<sup>nd</sup> Degree Trespass.

Chief Probation Parole Officer Cindy Faison, Supervisor of Unit 510XJ conducted a case staffing on April 13, 2007 directing the officer to locate the probationer by April 20, 2007 as well as schedule a future appointment. Officer Gladney responded on April 19, 2007 stating he would do a violation report and warrant declaring the defendant an absconder. Records reflect this task was never completed.

Court records reflect that Demario Atwater pled guilty to Felony Possession of Firearm by Felon in Granville County Superior Court Division on June 28, 2007. The defendant was sentenced to minimum term of 12 months – maximum term of 15 months in the custody of the N. C. Department of Correction. This sentence was suspended for 20 months of supervised probation and the defendant was given credit for 24 days spent in confinement. He was ordered to pay \$340.00 in court costs, \$50.00 miscellaneous, \$500.00 fine, \$455.00 attorney's fee, \$200.00 community service fee for a total of \$1,245.50. An intermediate punishment of Intensive supervision was ordered for 6 months along with special conditions of warrantless search, not use or possess illegal or controlled substance, drug testing. Other special conditions stated to transfer the case to Durham County, the defendant to report to the Durham County Probation Officer within 30 days and to remain gainfully employed or be a full time student.

Mr. Atwater was processed by Granville County probation staff on the day of conviction. Probation Officer Lisa Jones called the Wake County officer and advised that Mr. Atwater had been placed on Case # 2 Intensive in Granville County and that he could come get him. PPO Jones states the Wake County officer asked for her to give the offender an appointment to see him which was the next day or two. PPO Jones gave the offender her business card and advised Mr. Atwater to report to the Wake County officer as directed or he would probably be arrested. Granville County staff entered the transfer request on July 2, 2007. This request was not completed by the Wake County probation officer until July 31, 2007. On July 6, 2007 Wake County submits a transfer request to Durham County. Durham Chief Probation Parole Officer Hallie Furlow (514XA) assigns the transfer investigation to Probation Officer Thomas Aker on July 11, 2007. Durham PPO Aker called the defendant on July 24<sup>th</sup>, verified the residence on July 31, 2007, accepted the transfer for courtesy supervision and requested case material from Wake County.

On July 12, 2007 PPO Gladney begins the violation process for failure to pay monies and Felony conviction. However, he did not staff this violation with his supervisor until November 16, 2007.

On August 29, 2007 Chief Probation Parole Officer Faison (Wake) conducts an initial case review on Case # 2 (Granville County) noting moderate problems.

On September 5, 2007 Durham PPO Shameka Owens conducted a home contact, verified residence and scheduled an office contact for September 10, 2007.

On October 26, 2007 Chief Probation Parole Officer Faison conducts another case review and notes serious problems.

On November 7, 2007 Atwater is arrested in Durham County for Felony Possession of Firearm by Felon, Felony Possession with Intent to Sell and Deliver (PWISD) Marijuana and Misdemeanor Possession of Drug Paraphernalia.

On November 16, 2007 CPPO Faison completed violation staffing from July 12, 2007. On November 20, 2007 PPO Gladney completes the violation report and warrant. He also conducted a criminal record check that shows Durham address. On November 26, 2007 CPPO Faison conducts another case review (30 day follow up) noting moderate problems.

There are no contact entries for this case until February 20, 2008 when the defendant was arrested by PPO Gladney for probation violation. Atwater was given a \$10,000.00 bond which he made on the day of arrest. A court date was set for March 3, 2008 in Wake County. Atwater and PPO Gladney were in Court on March 3, 2008; however, the defendant's case did not appear on the docket. After approaching court officials the case was re-scheduled for March 31, 2008.

On March 11, 2008 Atwater is arrested for the murder of Eve Carson. CPPO Faison conducts staffing of addendum violation report which stated details of violations concerning monetary violations. On March 12, 2008 PPO Gladney serves addendum violation report. On March 12, 2008 CPPO Faison conducts case review noting serious problems. Judicial District Manager (JDM) Doug Pardue submitted the Serious Crime Report on March 12, 2008.

### ***Conclusions:***

Although Intensive supervision was not ordered on the judgment, DCC Judicial Services unit should have noticed the omission and followed up with the clerk. Even after the supervising officer suspected a possible problem with the judgment there was not a diligent follow up by staff to correct the issue. This case was never supervised at the Intensive level.

Offender Atwater was assigned two different officers within the first five (5) months of supervision. Both of these officers were transferred to a Special Operations unit and the Atwater file ended up in a vacant caseload for approximately eight (8) months. During this time, the offender did report on three (3) occasions and was seen by different officers within the unit. It was during this time the offender reported a Durham address. Staff did not initiate a transfer request because the offender was in arrears with the court indebtedness. Wake county staff should have requested courtesy supervision from Durham County until the money violations had been reported to the Wake county court. Narratives reflect the offender was unemployed throughout supervision and the court would have likely continued supervision with a modified payment schedule. Narratives did not reflect any effort to assist the offender with employment opportunities. Atwater was not contacted by probation staff for approximately four (4) months while his file sat in a vacant caseload. The offender was assigned a new officer in February, 2006 and was promptly transferred to PPO Gladney approximately one month later.

PPO Gladney made one attempt to locate the offender in March of 2006. There is no evidence this case was touched during the next thirteen (13) months. No criminal record checks were being conducted as evidenced by three (3) separate arrest episodes in Granville and Durham counties. PPO Gladney staffed the offender as an absconder in April of 2007; however, narratives do not reflect officer requirements completed to declare Atwater an absconder nor did he complete paperwork as stated.

Wake County staff did not accept the Granville County transmittal request in a timely manner. PPO Gladney did not immediately prepare a violation report after learning of Atwater's subsequent conviction.

Durham County staff did not complete the Wake County transmittal request in a timely manner. While Atwater's Durham address was verified and courtesy supervision accepted (case material requested) only one home contact was completed thereafter. Durham staff never received the probation judgments from Wake County nor did they create a file to provide courtesy supervision. Durham County PPO Shameka Owens stated the case was never assigned to her although she was the last Durham officer to make contact with the defendant (September 5, 2007). Durham County staff have not provided courtesy supervision nor did they follow up with a request for case materials.

PPO Gladney finally completed a violation report and warrant on November 20, 2007; however, he did nothing with the case until the offender was arrested on February 20, 2008. PPO Gladney admits to not supervising the Atwater case per policy, failing to ask for courtesy supervision early on, and not completing a violation report until November, 2007. PPO did not provide an explanation as to why the defendant's file was overlooked other than he was supervising his caseload and a vacant caseload and with multiple vacancies on his unit including no office assistant, and that he was required to a full day of office duty once and sometimes twice a week.

CPPO Faison conducted multiple case staffings and reviews on the Atwater file. Her first staffing on April 13, 2007 occurred as the offender had not been seen in thirteen (13) months. Reviews were noted with moderate to serious problems; however, no immediate follow-up occurred and supervision gaps continued.

Throughout the period of supervision many officers and supervisors touched this case. While the offender reported on a regular basis during the first eight (8) months of supervision officers did not always independently verify criminal record checks, financial management system payments or residence status. Officers and supervisors from Wake and Durham counties expressed concerns over constant and multiple vacancies, new staff, and a lack of training.

### ***Findings: Laurence Lovette***

Court records indicate Mr. Lovette pled guilty to the charges of Breaking and Entering (B&E), Larceny and Attempted B&E a Motor Vehicle in Durham County District Court (08CR54500) on January 16, 2008. The defendant was sentenced to 45 days in the Durham County jail with another 45 days at the expiration of the previous sentence. This sentence was suspended for 24 months of supervised probation, ordered to pay \$120.00 court costs, \$1,000.00 restitution, \$130.00 attorney's fee. Along with the regular conditions of probation, the court ordered other special conditions of warrantless searches, not use or possess illegal drug or controlled substances, drug testing, report for initial evaluation by TASC, not go on or about the premises of [REDACTED], restitution to [REDACTED] and maintain participation in high school or equivalency program, if not already done so. The judgment was marked as a Community punishment.

PPO Crystal Mims processed this case on the day of conviction with the assistance of PPO Todd Tronzo. The Lovette case was assigned to PPO Chalita Thomas and she received the file on January 18, 2008. Narratives reflect a telephone call was placed this day scheduling his first office contact for January 22, 2008 by leaving a message. This entry was noted as late and was entered on March 13, 2008.

On February 2, 2008 Mr. Lovette is arrested in Durham County for Felony Possession of Stolen Motor Vehicle and Misdemeanor Resisting Public Officer. On February 4, 2008 the defendant is arrested in Durham County

for Felony First Degree Burglary, Felony Larceny of Motor Vehicle and Felony Larceny after Breaking and Entering.

On February 28, 2008 PPO Thomas conducts a home contact and the residence is verified by the offender's mother. This entry was not noted as late however it was not entered until March 11, 2008. A subsequent narrative was entered on March 13, 2008 noting the home contact on February 28, 2008 with more details and asking the offender's mother to have Lovette call the officer on February 29, 2008. Narratives reflect Mr. Lovette did call PPO Thomas on February 29, 2008 (late entry 3-13-08). PPO Thomas explains to the offender that the current office location is relocating to 3325 Chapel Hill Road and that he should call back on March 3, 2008 for his next appointment. Another March 13, 2008 narrative entry shows Mr. Lovette called the officer on March 3, 2008 as requested. PPO Thomas relates the office was still in the process of moving and scheduled an appointment for March 10, 2008 at the new location. Yet another late entry on March 13, 2008 indicates the offender's mother called PPO Thomas on March 10, 2008 stating that law enforcement was asking the probationer to turn himself in. PPO Thomas advised the offender's mother that she was no longer supervising her caseload and she would forward this information to her supervisor. The defendant's mother stated she hadn't seen Laurence Lovette since March 8, 2008. PPO Thomas stated she would check the Durham County jail roster to see if he was in custody. Narrative reflects she did call the jail; however, the defendant was not in custody at that present time.

On March 11, 2008 PPO Bobby Wheeler is assigned courtesy supervision of the Lovette case.

On March 12, 2008 a violation staffing was entered by CPPO Angela Armston charging the offender with failure to report as directed, failing to pay court monies, failing to report for an evaluation, and pending criminal charges.

On March 13, 2008 Mr. Lovette is arrested in Durham County for Misdemeanor Larceny, Misdemeanor Communicative Threats, Misdemeanor Contributing to the Delinquency of a Juvenile, Felony Common Law Robbery, Felony Murder and Felony Robbery with a Dangerous Weapon. He is subsequently arrested in Orange County for Felony First Degree Murder. PPO Bobby Wheeler serves the probation violation on offender Lovette in the Durham County jail and a court date was set for March 28, 2008. Narratives reflect the defendant's mother calls PPO Thomas again on March 13, 2008.

A Serious Crime Report is submitted by Judicial District 14 on March 13, 2008.

### ***Conclusions:***

Laurence Lovette was under supervision of Durham County DCC staff for only two months prior to his arrest for the murders of Abhijit Mahato and Eve Carson. This case was assigned to PPO Chalita Thomas, a new officer (August, 2007) who has yet to complete Basic Training. No face to face contact with the offender occurred after processing until his arrest on March 13, 2008. Case Management requirements for the first thirty (30) days of supervision were not met. Special conditions of probation were not enforced. A home verification was completed by the non-certified officer six (6) weeks after conviction. No criminal record checks were conducted thereby missing two arrest episodes in Durham County in the month of February.

As stated earlier, most of the narrative entries submitted by PPO Thomas were late (March 11 and March 13, 2008). PPO Thomas related she was not aware of entering all offender contacts in OPUS until February 1, 2008. Officer Thomas has also provided documentation from the District 14 manager dated February 8, 2008 reminding staff not to schedule offenders for office visits from February 18, 2008 through March 9, 2008 unless

it is very important (case about to expire, etc). On March 12<sup>th</sup> PPO Thomas was directed by CPPO Armston to complete a violation report and warrant for offender Lovette, and to enter all contacts with the offender into OPUS noted late entry. Officer Thomas related she was scheduled for Basic Training on March 9, 2008 however she was administratively re-assigned on March 7, 2008. She also related that on January 16, 2008 she had approximately 127 offenders on her caseload.

CPPO Armston related as a result of moving into a new office location that the computer system had been inoperable for several weeks. Armston allowed PPO Thomas to make contact with offenders and reschedule appointments because Thomas was being scheduled for Basic Training and she needed to know where offenders were and their status. Chief Armston related Assistant JDM Theron Dennis instructed her to have Officer Thomas complete the SCR, violation report, warrant and document narrative information in OPUS designating the contacts as 'late entry'. Chief Armston has stated it is very difficult to effectively manage a unit without adequate staff; citing two officers on administrative assignment, three vacancies and only four officers to supervise 749 offenders.

As stated earlier, officers and supervisors have expressed concerns over constant and multiple vacancies, re-assignments and a lack of training that have led to the supervision deficiencies cited in this case.