



State of North Carolina
General Court of Justice
Tenth Prosecutorial District

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FOR IMMEDIATE RELEASE

The Wake County District Attorney's Office announced today that the ongoing investigation and prosecution of violations of misdemeanor campaign violations by Attorney General Josh Stein and others connected to his campaign has been closed. In an opinion issued yesterday, the United States Court of Appeals for the Fourth Circuit granted a preliminary injunction that had been sought by Stein and other named plaintiffs. This decision prevents the State from moving forward within the prescribed statutory statute of limitations for the case. Misdemeanor offenses in North Carolina have a two year statute of limitations. In its opinion, the Court set forth reasons that the state statute addressing derogatory campaign speech could be found to be unconstitutional in a final determination on the merits. The litigation follows a declaratory judgment action filed in the Middle District of the United States District Court challenging the constitutionality of North Carolina General Statute 163-274(9).

"Understanding that the case was one of intense public interest, it has been the assigned prosecutor's intent to exercise due diligence and to evaluate the evidence and apply the law without partiality from the beginning of this matter. As prosecutors, we respect the role of the court in determining the constitutionality of a duly enacted state law" stated District Attorney Lorrin Freeman.

The case arose out of the airing of a television campaign advertisement in the 2020 campaign for North Carolina Attorney General. The ad, commonly referred to as the "Survivor" ad, centered around the handling of sexual assault kits. The North Carolina General Assembly enacted the Survivor's Act (S.L. 2019-221) in 2019 that called for the submission of previously untested sexual assault kits from across the State. "Every day law enforcement and prosecutors across this State work tirelessly to seek justice for sexual assault victims. Following the enactment of the Survivor's Act, they identified and prepared for submission untested kits as directed by the law. Many of those kits continue to go untested because of significant backlogs at the State Crime Lab. As recently as the end of this past year, the time from submission to final analysis of a sexual assault kit was nineteen months", stated District Attorney Freeman. "It would be my hope that the General Assembly and the Attorney General would take steps to fix these delays so that the promises of the Survivor's Act become a reality."