

## **Defense Lawyer Enlists Emancipate NC to Introduce Evidence of Racial Profiling in Wake County Criminal Case, Leading to the Dismissal of Felony Charge**

Emancipate NC Senior Counsel Ian Mance recently played a critical role in a Wake County Superior Court case that resulted in the dismissal of a serious felony charge. Mance was called as an expert witness—not as legal counsel—by a Raleigh defense attorney to support a motion to suppress based on racial profiling.

The case involved a young Black man (unnamed here to protect his privacy) approached by two white officers while idling in a restaurant parking lot. Without any clear cause, the officers ordered him to park and step out of the vehicle. Instead, he reversed out of the lot and briefly eluded officers, who were patrolling the area in an ATV. Bodycam footage captured the vehicle reversing near an officer on foot, leading to a felony assault charge.

Police later identified and arrested the man, charging him with Felony Assault on a Government Official, Fleeing to Elude, and Resisting a Public Officer. Over the next 18 months, the state offered no meaningful plea deal. Facing up to 13 years in prison, the defense explored a selective enforcement defense, arguing that officers targeted the defendant because he was a Black man with dreadlocks.

The defense attorney, having heard Mance speak on a podcast about using traffic stop data in suppression motions, contacted Emancipate NC. Mance—alongside interns Jared Smith and Abul Azam—analyzed the officers’ historical traffic stop data and discovered troubling patterns:

- 1,199 total stops, over two-thirds involving Black drivers
- More than half of all stops were for low-level “regulatory” or “equipment” violations—widely recognized as pretexts for racial profiling
- The officers frequently patrolled majority-white areas, including the zone where the defendant was stopped, which has the lowest Black population in Raleigh

Mance compiled these findings into an affidavit, filed with a motion to suppress, arguing the racial disparities were stark enough to support an inference of unconstitutional profiling. The motion cited *State v. Johnson* (2023), a North Carolina Supreme Court decision in which Mance also testified. *Johnson* affirmed that under Article I, Section 19 of the NC Constitution, race cannot be a factor in an officer’s decision to initiate a stop.

On the first day of trial, the defense began to call Mance to testify. But before he could take the stand, the judge—having carefully reviewed the motion and affidavit—interrupted to ask whether the state had extended a reasonable plea offer. Despite the prosecution’s resistance, the judge ordered a meeting in chambers. When court resumed, the state dismissed the felony assault charge and the resisting arrest charge. The defendant pled to Fleeing to Elude, receiving an active sentence but cutting his prison exposure by a decade.

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This case shows how data, when paired with strategic legal advocacy, can disrupt the narrative that leads to harsh, racially biased outcomes.

While North Carolina courts are not yet reliably responsive to racial profiling claims, Emancipate NC has shown that targeted use of traffic stop data in suppression motions can significantly reduce sentencing exposure—especially in cases arising from pretextual policing.

If you're a defense attorney interested in using traffic stop data in your cases, contact Ian Mance at [ian@emancipatenc.org](mailto:ian@emancipatenc.org).