The North Carolina Innocence Inquiry Commission



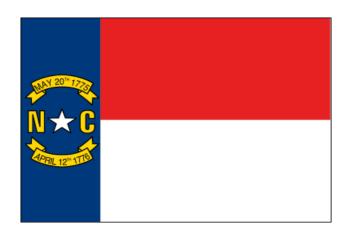
Presentation to the North Carolina General Assembly Joint Legislative Oversight Subcommittee on Justice and Public Safety

January 26, 2016

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What is the Commission?

 State agency charged with investigating and evaluating post-conviction claims of factual innocence



- Creates a procedure to have innocence claims heard outside of regular appeals process and Motions for Appropriate Relief
- Granted with authority of Criminal and Civil Procedure

Case Criteria

- ☐ Conviction was in NC state court
- ☐ Conviction was for a felony
- □ Applicant is living
- □ Applicant is claiming **complete** factual innocence of any criminal responsibility for the crime
- ☐ Credible and verifiable evidence of innocence exists
- ☐ There is **new evidence of innocence** that the jury did not hear or was not available prior to plea (or MAR hearing)

Procedural Overview

- Innocence claim initiated
- Staff screens and investigates claim
- If Executive Director determines that there is new credible, verifiable evidence of innocence, Commission staff presents the case to the Commission (8 members)
- If required majority of Commission finds standard of "sufficient evidence of factual innocence to merit further judicial review", the case is referred to a Three-Judge Panel. If standard is not met, case closes.
- Three-Judge Panel
 - Judges appointed by Chief Justice of North Carolina Supreme Court
 - Adversarial hearing
 - Defendant represented by counsel
 - Standard: Clear and convincing evidence of innocence
 - Burden of proof is on the Defendant
 - Judges must be unanimous to declare innocence

The Commissioners

- Eight members and eight alternates
- Appointed by Chief Justice of the NC Supreme Court and Chief Judge of the NC Court of Appeals
- Represent different perspectives
 - Superior Court Judge, District Attorney, Defense Attorney, Victim's Advocate, Sheriff, Public Member, Two Discretionary Members
- Serve three-year terms

CASE STATISTICS

Compiled in January 2016

(Data current through December 31, 2015)

The Commission began operation in 2007

Total Number of Claims Received since Commission's Creation	1837
Total Number of Cases Closed since Commission's Creation	1724
Number of Claims Received in 2015	198
Number of Hearings Conducted since Commission's Creation*	9
Exonerations**	9

^{*}The hearings for Leon Brown, Henry McCollum, and Edward McInnis were conducted as a Motion for Appropriate Relief based on the Commission's investigation.

^{**}Nine individuals have been exonerated as a result of the Commission's investigations.

Budget

- FY 2015 Certified Appropriation of \$536,877
- In FY 2014 (July 1, 2014 June 30, 2015),
 spent all but \$25.89 of AOC appropriated funds.
- 89.5% of budget covers 6 full-time staff members.
- Remaining 10.5% of budget is used for operating expenses.

Budget – NIJ Grant

- 2015 NIJ Award in the amount of \$565,639 (\$282,819.50/year)
 - 2-year award period (Jan. 2016-Dec. 2017)
 - Previously received this award in 2009 (Jan. 2010-June 2013) and 2012 (Jan. 2013 – Dec. 2015).
 - May only be used to cover costs associated with reviewing cases, searching for evidence and DNA testing in cases where DNA testing may prove innocence.
 - Also covers salary and benefits for two full-time staff members.

Budget – Forensic Testing & Experts

 Approximately \$115,000 per year necessary to cover DNA testing, forensic analysis and experts.

- In FY 2015, approximately \$16,400 line item DNA testing, forensic analysis and experts in certified budget.
- 2015 NIJ Grant covers these costs through 2017.

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