

**Supreme Court
State of North Carolina
Raleigh**

Chief Justice
I. Beverly Lake, Jr.
(Retired)

3703 Shadybrook Drive
Raleigh, North Carolina 27609
Tel. (919) 787-1530

To: Members of the Joint Justice and Public Safety Oversight Committee

Re: Needed Updates to the Innocence Inquiry Commission and Related Legislation

I am sorry that my health prevents me from appearing before you. I appreciate the opportunity to provide this written request for needed updates to the Innocence Inquiry Commission and related legislation.

One of the most important accomplishments of my professional career was helping to establish the Innocence Inquiry Commission. Despite all of our constitutional safeguards, occasionally our system fails us and we convict a completely innocent person of a serious crime. The Innocence Inquiry Commission is the extrajudicial agency that provides a safety valve to assist wrongfully convicted individuals after all criminal appeals are exhausted.

After many years of operation, the Innocence Inquiry Commission needs its laws and regulations updated, and we need to tweak the system to prevent the most common errors from occurring.

I am requesting that the Legislature enact two sets of changes to the current laws to help improve our system.

First, we have a history of wrongful convictions caused by the use of testimony from in-custody (jailhouse) informants which proves later to be false testimony. This type of testimony is inherently at risk of unreliability; however, we can reduce the risk with the implementation of four commonsense reforms:

- 1) Require in-custody informant interviews be recorded and recordings be preserved like other evidence.
- 2) Require corroborating evidence for a defendant to be convicted or receive an aggravated sentence based on an in-custody informant's statement.
- 3) Require a cautionary jury instruction when in-custody informant testimony is presented.
- 4) Require district attorneys to establish policies/procedures and tracking for the use of in-custody informants.

Second, the Innocence Inquiry Commission itself needs three simple reforms to help improve its function and efficiency:

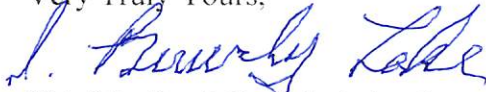
- 1) Require the Commission to provide an explanation to an attorney who refers a case to the Commission if the case is closed without a hearing.

- 2) Require the Commission to follow the same discovery laws that apply to prosecutors post-conviction.
- 3) Establish a study committee to evaluate the effectiveness of the Commission ten years after its establishment.

Thank you for taking the time to read my requests. Your thoughtful evaluation and implementation of these ideas would be most appreciated and would serve the interests of the people of our beloved state.

With much appreciation and respect, I remain,

Very Truly Yours,

A handwritten signature in blue ink, reading "I. Beverly Lake, Jr.", written in a cursive style.

Chief Justice I. Beverly Lake, Jr.
Retired