

THE NORTH CAROLINA INNOCENCE INQUIRY COMMISSION



ANNUAL REPORT TO THE
2013-14 SHORT SESSION OF THE
GENERAL ASSEMBLY
OF NORTH CAROLINA
AND
THE STATE JUDICIAL COUNCIL

Pursuant to N.C.G.S. § 15A-1475

TABLE OF CONTENTS

LETTER OF TRANSMITTAL..... i

NORTH CAROLINA INNOCENCE INQUIRY COMMISSION MEMBERS
AND STAFF 2013..... ii

PREFACE..... 1

ANNUAL REPORT..... 2

 I. ACTIVITIES OF THE NORTH CAROLINA INNOCENCE INQUIRY COMMISSION
 IN 2013..... 2

 A. CASES..... 3

 1. Commission Hearing..... 3

 2. Case Statistics 4

 3. Results of Investigations..... 5

 B. FEDERAL GRANT..... 6

 C. OTHER ACCOMPLISHMENTS..... 8

 II. THE NORTH CAROLINA INNOCENCE INQUIRY COMMISSION
 PLANS FOR 2014..... 10

CONCLUSION..... 11

APPENDICES..... I

 A. OPINION OF THE COMMISSION IN
 STATE V. DAMIAN MIGUEL MILLS, STATE V. TEDDY LAMONT ISBELL,
 AND STATE V. LARRY JEROME WILLIAMS..... I

 B. 2013 CASE STATISTICS..... XIV

 C. EXPANSION BUDGET REQUEST..... XX

March 7, 2014

TO THE MEMBERS OF THE JOINT LEGISLATIVE COMMITTEE ON JUSTICE AND
PUBLIC SAFETY OF THE 2013-2014 SHORT SESSION OF THE GENERAL ASSEMBLY
OF NORTH CAROLINA AND THE MEMBERS OF THE STATE JUDICIAL COUNCIL:

The North Carolina Innocence Inquiry Commission herewith submits to you for your
consideration its annual report pursuant to N.C.G.S. § 15A-1475.

Respectfully submitted,



Kendra Montgomery-Blinn
Executive Director
North Carolina Innocence Inquiry Commission

NORTH CAROLINA INNOCENCE INQUIRY COMMISSION MEMBERS 2013

Superior Court Judge / Commission Chairman

The Honorable Quentin T. Sumner, Chairman
Senior Resident Superior Court Judge, Judicial District 7

The Honorable Forrest D. Bridges, Alternate Chairman
Senior Resident Superior Court Judge, Judicial District 27B

Prosecuting Attorney

The Honorable C. Branson Vickory, III, Commissioner
District Attorney, Judicial District 8

The Honorable Garry Frank, Alternate
District Attorney, Judicial District 22B

Victim Advocate

Aurelia Sands Belle, Commissioner
Executive Director, Durham Crisis Response Center

Jennifer Thompson, Alternate
Author, Public Speaker, and Advocate for Judicial Reform and Victim's Rights

Criminal Defense Lawyer

Wade M. Smith, Commissioner
Tharrington Smith, LLP

Sean Devereux, Alternate
Devereux & Banzhoff, PLLC

Public Member

Isaac Heard, Commissioner
Urban Planning and Community Economic Development Consultant and Analyst

Camilla B. Cover, Alternate
Retired Legislative Liaison, Brooks, Pierce, McLendon, Humphrey & Leonard

Sheriff

Sheriff Susan Johnson, Commissioner
Currituck County

Sheriff Van Duncan, Alternate
Buncombe County

Discretionary Member 1 (Terms expired at the end of 2013)

The Honorable Charles Becton, Esq., Commissioner
Becton, Slifkin & Bell, P.A. and Chancellor, Elizabeth City State University

T. Diane Surgeon, Esq., Alternate
The Elder Law Center, Lumberton

Discretionary Member 2 (Terms expired at the end of 2013)

Chief Heath Jenkins, Commissioner
Chief of Police, Stanley

Representative Richard Glazier, Esq., Alternate
North Carolina House of Representatives

Staff

Kendra Montgomery-Blinn, Esq., Executive Director

Sharon L. Stellato, J.D., Associate Director

Lindsey Guice Smith, Associate Counsel

Adam Wrenn, Case Coordinator

Aschante Pretty, Paralegal

Catherine Matoian, Grant Staff Attorney

Sarah Riney, J.D., Grant Legal Investigator

Jasman Walson, J.D., Grant Legal Investigator

PREFACE

The North Carolina Innocence Inquiry Commission (Commission) was established in 2006 by Article 92 of the North Carolina General Statutes. The Commission is charged with evaluating post-conviction claims of actual innocence. The Commission staff carefully reviews evidence and investigates cases in a neutral fact-finding manner. North Carolina General Statute §15A-1475 requires the Commission to provide an annual report to the Joint Legislative Committee on Justice and Public Safety and the State Judicial Council.

ANNUAL REPORT

This annual report to the Joint Legislative Committee on Justice and Public Safety and the State Judicial Council is provided pursuant to G.S. § 15A-1475. This report details the activities of the North Carolina Innocence Inquiry Commission in 2013 and the Commission's plans for 2014. Included are statistics for 2013 as well as cumulative case statistics detailing case data since the Commission's creation in 2007.

I. ACTIVITIES OF THE NORTH CAROLINA INNOCENCE INQUIRY COMMISSION IN 2013

The Commission's case work continued to remain steady for 2013. In December, the Commission conducted a hearing for a case with three co-defendants, in which further review by a three-judge panel was not granted. In 2013, the Commission staff successfully located physical evidence in multiple cases, including four cases where the evidence had previously been deemed missing or destroyed. Of those cases, two are still in active DNA testing, one resulted in an AFIS fingerprint hit and the case is being actively investigated, and another resulted in a direct DNA match confirming the conviction.

The Commission has been able to utilize federal grant money to maintain the steady pace of investigation and defray the high costs associated with DNA testing. The federal grant expires at the end of 2014. The Commission will continue to seek alternate sources to supplement state funding, but must ask the General Assembly to increase funding to cover a portion of the expiring grant funds so that work on DNA cases may continue without delay.

A. CASES

1. Commission Hearing

From December 16 through 18, 2013, the Commission convened for a hearing regarding the cases of State v. Damian Miguel Mills, State v. Teddy Lamont Isbell, and State v. Larry Jerome Williams. These convictions originated from a 2000 home invasion and homicide in Buncombe County. Five people were convicted for various charges relating to crime. The Commission had previously heard the claims for two of the co-defendants (Kenneth Kagonyera and Robert Wilcoxson). Those cases were referred to a three-judge panel in April 2011 and that hearing resulted in exonerations on September 22, 2011.

The evidence for each of the five co-defendants was unique and the Commissioners considered each claim independently. Ultimately, the Commissioners were not unanimous in their votes for the three cases heard in 2013 and they were not referred to a three-judge panel. The Commission referred all three cases to North Carolina Indigent Defense Services for additional postconviction review.

Aside from the Commission's opinion, the documents from the Commission hearing are not public record pursuant to G.S. § 15A-1468(e). The Commission's opinion is attached as Appendix A.

2. Case Statistics

The Commission continues to receive a steady flow of incoming cases each year. In 2013, the Commission received 198 new claims of actual innocence. The Commission receives an average of 237 claims each year.¹ Since its creation, the Commission has received and reviewed 1,661 actual innocence claims. By the end of 2013, 1,539 claims had been reviewed and closed.

At the end of 2013, 16 claims were in active Investigation and seven cases were in Formal Inquiry. Formal Inquiry is the phase of review defined by statute, in which the claimant has a right to an attorney and waives his or her procedural safeguards and privileges. The crime victim, or next of kin, must also receive notification of the Commission's Formal Inquiry.

Since the Commission's creation, six cases have moved through Commission hearing and four people have been exonerated. The first case was referred to three-judge panel after a Commission hearing in 2007. The three judges ruled that the claimant had not proven his innocence by clear and convincing evidence. The second case was closed after the Commission's hearing in 2008 without a referral to a three-judge panel. The third case was that of Greg Taylor and resulted in exoneration on February 17, 2010. The fourth case was that of Kenneth Kagonyera and Robert Wilcoxson and resulted in a double exoneration on September 22, 2011. The fifth case was that of Willie Grimes and resulted in exoneration on October 5, 2012. The sixth case is described in section 1 above.

Throughout the Commission process, statistics are maintained for each case. These statistics reflect the types of crime at issue, the basis of the innocence claims submitted, and the

¹ The Commission received 243 claims in 2007, 207 claims in 2008, 225 claims in 2009, 314 claims in 2010, 266 claims in 2011, and 208 claims in 2012.

reasons for rejection. These statistics have been compiled into charts and are included as Appendix B. The statistics show that the types of convictions reviewed by the Commission vary, with murder and sex offenses being the most common. Twenty-eight percent of claims are rejected by the Commission because the evidence was already heard by the jury or available at the time of plea. The Commission can only consider cases in which new evidence is now available. Further statistical data is available from the Commission's Executive Director upon request.

3. Results of Investigations

The Commission's investigations are detailed and often result in uncovering evidence that is significant for the judicial system, even if it does not result in a Commission hearing or an exoneration. In 2013, the Commission staff located evidence in a 1985 rape case that had previously been believed to have been destroyed subject to a court order. The Commission subjected the rape kit to DNA testing and was able to confirm the conviction through DNA. As is required by statute, the Commission turned the DNA results over to the District Attorney. The DNA results not only confirm the conviction, but may also be used for parole hearings or a perjury prosecution.

The Commission has been granted with the unique authority to request that agencies search for physical evidence and the Commission staff may conduct their own searches when necessary. By working with law enforcement, district attorneys, and clerk's offices throughout the state, the Commission has located evidence in dozens of cases. Moreover, the Commission has successfully located physical evidence and/or files in 15 cases when previous efforts by other

agencies had resulted in conclusions that the evidence or files had been destroyed or lost. In some of those cases, the prior searches had been court ordered with findings of fact made about the missing evidence. In 2013, the Commission successfully located missing evidence in four cases. One of the cases resulted in the confirmation of guilt described above. One case resulted in a fingerprint that was uploaded to the AFIS system with a hit that has led to further investigation. The other two cases are still under active investigation with ongoing DNA testing.

B. FEDERAL GRANT

The Commission was fortunate to receive a federal grant in 2012, with funding that began on January 1, 2013. The grant is from the National Institute of Justice and provides up to \$761,111 through 2014. Only four other states were awarded funding under this grant in 2012.

Grant funds may only be used for violent felony cases in which DNA testing may help prove innocence. The permanent Commission staff continues to review and investigate all types of innocence claims. The grant funding enabled the Commission to hire three additional staff members in January 2013. The grant funds are also used for the costs of investigation, DNA testing, and expert witnesses.

The Commission was able to hire grant staff members in 2012, so that they could begin training on January 2, 2013. The grant staff members are currently investigating 17 cases and have already completed work on many other cases. The Commission's permanent staff members also review DNA cases and the Commission is able to use grant funds to cover travel and the high costs associated with DNA testing in these cases. The addition of the grant funds has aided the Commission significantly.

The Commission cannot conduct all of the necessary DNA testing at the North Carolina State Crime Lab because the Commission is frequently working with old and degraded physical evidence that requires special DNA testing kits that are not available at the Crime Lab. The Commission regularly uses DNA testing such as YSTR and Mitochondrial DNA testing that is only available at private labs. The Commission works with private labs to receive discounted rates, but does not have sufficient funds in its annual state budget to cover all of the DNA testing needed.

This federal grant expires at the end of 2014. The available funds from the National Institute of Justice continue to diminish and the Commission has been told that grant extensions will rarely be given. Without this grant, the Commission does not have sufficient state funds to cover the costs associated with investigations and DNA testing.

The Commission will continue to pursue all outside funding sources, including continuing grant applications and extensions, but the Commission is seeking state funding to cover some of the high costs associated with DNA case work. The Commission needs funding to cover expenses associated with DNA testing and to replace one of the three grant staff positions that will be lost at the end of 2014.

The state currently funds six permanent Commission positions: An executive director, an associate director, an associate counsel, a staff attorney, a case coordinator, and a paralegal. The Commission is asking the state to fund one legal investigator position.

The Commission also is seeking \$50,000 in recurring funds to cover the costs of DNA testing that will no longer be covered by the grant. The Commission is seeking \$84,438 in recurring funds to provide for the salary, benefits, equipment costs, and investigation expenses for one of the three grant staff positions that will be lost when the grant expires. This request is submitted as part of the Administrative Office of the Courts annual budget worksheets. The Commission's expansion budget request is also attached as Appendix C.

C. OTHER ACCOMPLISHMENTS

The Commission has met its goals for 2013. The Commission completed a second and final phase of a major case tracking database system. This database allows the Commission to track all cases and maintain case statistics. The second phase of the database project created a way to track additional case data that is required by the federal grant.

The Commission has been able to continuously maintain and update a website that provides the public with general information about the Commission. The website also fulfills public records requests and makes case statistics readily available. The website may be viewed at: www.innocencecommission-nc.gov.

The Commission's executive director and staff continue to make information about the Commission publicly available. The executive director provides information to legislators and agencies in other states who are considering creating a Commission modeled after North Carolina's. The Commission's senior staff and Commissioners also give public presentations to governmental agencies, civic groups, and education institutions. In 2013, presentations were given to The American College of Trial Lawyers, Fayetteville State University, University of Richmond School of Law, the University of North Carolina at Chapel Hill, the 28th Judicial District Bar Association, Campbell University, the Bladen County Law Enforcement Association, the North Carolina Association of Property and Evidence, and Blue Line Training Group, LLC.

II. THE NORTH CAROLINA INNOCENCE INQUIRY COMMISSION PLANS FOR 2014

In 2014, the North Carolina Innocence Inquiry Commission plans to continue to focus on reviewing and investigating innocence claims in the most detailed and efficient manner possible. The Commission was pleased with the progress made last year and is prepared to continue working with the high volume of incoming, as well as ongoing, cases. The Commission is seeking state funding to cover a portion of the expiring federal grant funding for DNA testing and staff positions. This funding is essential if the Commission is to keep up with the high volume of case reviews and complete the most appropriate type of DNA testing for each case.

At this time, the Commission plans to call at least one case to hearing. Additionally, seven cases are currently under Formal Inquiry. The Commission is prepared to conduct hearings in 2014 if the inquiries result in credible, verifiable, new evidence of actual innocence.

The Commission remains available to assist other agencies and will continue to provide education and presentations throughout the state. The Commission serves as a resource for other agencies and elected officials who receive innocence claims, but lack the resources to investigate and evaluate them. Members of the General Assembly may refer post-conviction innocence claims from their constituents to the North Carolina Innocence Inquiry Commission.

CONCLUSION

The members and staff of the North Carolina Innocence Inquiry Commission would like to thank the Joint Legislative Committee on Justice and Public Safety and the entire General Assembly for their creation and support of this groundbreaking part of the criminal justice system. The criminal justice system in North Carolina is strong and the Commission is proud to serve the important role of uncovering evidence while strengthening the public confidence in the justice system.

The looming expiration of federal funding will be detrimental to the Commission's efforts. The steady flow of cases and hearings continues and the Commission needs state funding to continue the high quality DNA testing unique to these cases as well as funding to replace one grant staff position in order to continue the work undertaken with the federal funds.

The Commission's executive director would be happy to meet with any member of the General Assembly to further discuss the work of the Commission. The Commissioners and staff are pleased to serve the people of North Carolina and look forward to continuing that service each year.

APPENDIX A

**OPINION OF THE COMMISSION IN
STATE V. DAMIAN MIGUEL MILLS, STATE V. TEDDY LAMONT ISBELL,
AND STATE V. LARRY JEROME WILLIAMS**

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
00 CRS 65084, 01 CRS 06334, 35

STATE OF NORTH CAROLINA)
)
 v.)
)
 DAMIAN MIGUEL MILLS)
)
)
)
)
)

OPINION

THIS MATTER came on for hearing before the North Carolina Innocence Inquiry Commission (Commission) on December 16, 17, and 18, 2013, pursuant to N.C.G.S. §§ 15A-1460 – 1475. After careful review of the evidence presented, the Commission hereby makes and enters the following findings of fact:

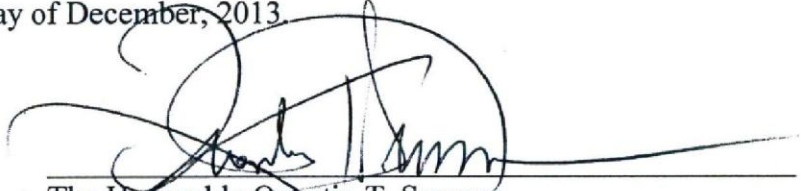
1. On September 18, 2000, Walter Bowman was shot and killed while in his home at 74 Church Road, Fairview, North Carolina.
2. On June 26, 2001, Damian Mills (Mills) pled guilty to Second Degree Murder, Attempted Armed Robbery, Conspiracy to Commit Armed Robbery related to the homicide of Walter Bowman. Mills was sentenced to 120-153 months in the presumptive range.
3. On May 10, 2012, Mills submitted a questionnaire and consent form to the Commission. Mills asserted his complete factual innocence related to the homicide of Walter Bowman and the Commission began an inquiry pursuant to Article 92, Chapter 15A, of the General Statutes.
4. On December 16, 17, and 18, 2013, the Commission held a full evidentiary hearing in this matter pursuant to N.C.G.S. § 15A-1468.
5. During the hearing, the Commission considered testimonial and documentary evidence. The evidence included, among other things:

- a. A 136 page brief provided to the Commission by the staff before the hearing;
- b. Supplemental documentation provided during the hearing;
- c. Live testimony by Commission Associate Director Sharon Stellato, Commission Associate Counsel Lindsey Guice Smith, Meghan Clement (an expert in Serology and DNA testing), Timothy Baize (an expert in DNA testing), Attorney Stephen Cash, Claimant Teddy Isbell, Claimant Larry Williams, and Claimant Damian Mills;
- d. Affidavits from Confession Reliability Expert Steven Drizin, Car Expert John Flory, Buncombe County Sheriff's Office Major Glen Matayabas, DEA Agent Barnabas Whiteis, and Attorneys James Siemens, Haley Haynes, Stan Young, Paul Bidwell, Leah Broker, and William McDowell; and
- e. A Statement provided by Buncombe County Assistant District Attorney Kate Dreher.

6. After carefully considering this evidence, the Commission has concluded that there is not sufficient evidence of factual innocence to merit judicial review.

WHEREFORE, pursuant to N.C.G.S. § 15A-1468(c), the above captioned case is now closed and a copy of this opinion is filed with the Buncombe County Clerk of Superior Court and delivered to the Buncombe County District Attorney's Office and the Honorable Alan Z. Thornburg, Buncombe County Senior Resident Superior Court Judge.

This the 18th day of December, 2013.



The Honorable Quentin T. Sumner
Senior Resident Superior Court Judge, Nash County
Chairman, North Carolina Innocence Inquiry Commission

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing *Order* was served upon the following persons by depositing a copy of the same, postage pre-paid, in an official depository of the United States Postal Service, addressed as follows:

The Honorable Ronald Moore
Buncombe County District Attorney
P.O. Box 7158
Asheville, NC 28802

Ms. Kate Dreher
Senior Assistant District Attorney
Buncombe County District Attorney's Office
P.O. Box 7158
Asheville, NC 28802

Mr. Frank Goldsmith, Esq.
Goldsmith, Goldsmith & Dews, P.A.
P.O. Box 1107
Marion, NC 28752

This the 20th day of December, 2013.

**NORTH CAROLINA INNOCENCE
INQUIRY COMMISSION**



Kendra Montgomery-Blinn
Executive Director
North Carolina Innocence Inquiry Commission
Post Office Box 2448
Raleigh, North Carolina 27602
Telephone: (919) 890-1580
Facsimile: (919) 890-1937

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
00 CRS 65085

STATE OF NORTH CAROLINA)
)
 v.)
)
 LARRY JEROME WILLIAMS, JR.)
)
)
)
)
)
)

OPINION

THIS MATTER came on for hearing before the North Carolina Innocence Inquiry Commission (Commission) on December 16, 17, and 18, 2013, pursuant to N.C.G.S. §§ 15A-1460 – 1475. After careful review of the evidence presented, the Commission hereby makes and enters the following findings of fact:

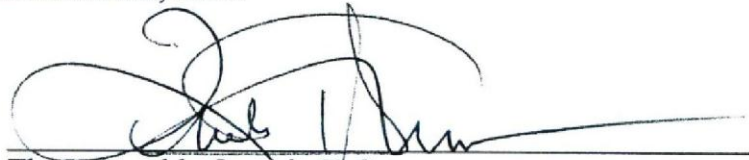
1. On September 18, 2000, Walter Bowman was shot and killed while in his home at 74 Church Road, Fairview, North Carolina.
2. On February 25, 2002, Larry Williams (Williams) pled guilty to Second Degree Murder related to the homicide of Walter Bowman. Williams was sentenced to 100-129 months in the mitigated range.
3. On April 27, 2012, Williams submitted a questionnaire and consent form to the Commission. Williams asserted his complete factual innocence related to the homicide of Walter Bowman and the Commission began an inquiry pursuant to Article 92, Chapter 15A, of the General Statutes.
4. On December 16, 17, and 18, 2013, the Commission held a full evidentiary hearing in this matter pursuant to N.C.G.S. § 15A-1468.
5. During the hearing, the Commission considered testimonial and documentary evidence. The evidence included, among other things:

- a. A 136 page brief provided to the Commission by the staff before the hearing;
- b. Supplemental documentation provided during the hearing;
- c. Live testimony by Commission Associate Director Sharon Stellato, Commission Associate Counsel Lindsey Guice Smith, Meghan Clement (an expert in Serology and DNA testing), Timothy Baize (an expert in DNA testing), Attorney Stephen Cash, Claimant Teddy Isbell, Claimant Larry Williams, and Claimant Damian Mills;
- d. Affidavits from Confession Reliability Expert Steven Drizin, Car Expert John Flory, Buncombe County Sheriff's Office Major Glen Matayabas, DEA Agent Barnabas Whiteis, and Attorneys James Siemens, Haley Haynes, Stan Young, Paul Bidwell, Leah Broker, and William McDowell; and
- e. A Statement provided by Buncombe County Assistant District Attorney Kate Dreher.

6. After carefully considering this evidence, the Commission has concluded that there is not sufficient evidence of factual innocence to merit judicial review.

WHEREFORE, pursuant to N.C.G.S. § 15A-1468(c), the above captioned case is now closed and a copy of this opinion is filed with the Buncombe County Clerk of Superior Court and delivered to the Buncombe County District Attorney's Office and the Honorable Alan Z. Thornburg, Buncombe County Senior Resident Superior Court Judge.

This the 18th day of December, 2013.

A handwritten signature in black ink, appearing to read "Quentin T. Sumner", written over a horizontal line.

The Honorable Quentin T. Sumner
Senior Resident Superior Court Judge, Nash County
Chairman, North Carolina Innocence Inquiry Commission

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing *Order* was served upon the following persons by depositing a copy of the same, postage pre-paid, in an official depository of the United States Postal Service, addressed as follows:

The Honorable Ronald Moore
Buncombe County District Attorney
P.O. Box 7158
Asheville, NC 28802

Ms. Kate Dreher
Senior Assistant District Attorney
Buncombe County District Attorney's Office
P.O. Box 7158
Asheville, NC 28802

Mr. W. Bradford Searson, Esq.
Cloninger, Barbour, Searson, & Jones, PLLC
21 Battery Park Avenue, Suite 201
Asheville, NC 28801

This the 20th day of December, 2013.

**NORTH CAROLINA INNOCENCE
INQUIRY COMMISSION**



Kendra Montgomery-Blinn
Executive Director
North Carolina Innocence Inquiry Commission
Post Office Box 2448
Raleigh, North Carolina 27602
Telephone: (919) 890-1580
Facsimile: (919) 890-1937

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
03 CRS 93

STATE OF NORTH CAROLINA)
)
 v.)
)
 TEDDY LAMONT ISBELL)
)
)
)
)
)

OPINION

FILED
2013 DEC 23 10:10 AM
CLERK OF SUPERIOR COURT

THIS MATTER came on for hearing before the North Carolina Innocence Inquiry Commission (Commission) on December 16, 17, and 18, 2013, pursuant to N.C.G.S. §§ 15A-1460 – 1475. After careful review of the evidence presented, the Commission hereby makes and enters the following findings of fact:

1. On September 18, 2000, Walter Bowman was shot and killed while in his home at 74 Church Road, Fairview, North Carolina.
2. On December 11, 2003, Teddy Isbell (Isbell) pled guilty to Conspiracy to Commit Armed Robbery related to the homicide of Walter Bowman. Isbell was sentenced to 66-89 months in the aggravated range.
3. On May 20, 2012, Isbell submitted a questionnaire and consent form to the Commission. Isbell asserted his complete factual innocence related to the homicide of Walter Bowman and the Commission began an inquiry pursuant to Article 92, Chapter 15A, of the General Statutes.
4. On December 16, 17, and 18, 2013, the Commission held a full evidentiary hearing in this matter pursuant to N.C.G.S. § 15A-1468.
5. During the hearing, the Commission considered testimonial and documentary evidence. The evidence included, among other things:

- a. A 136 page brief provided to the Commission by the staff before the hearing;
- b. Supplemental documentation provided during the hearing;
- c. Live testimony by Commission Associate Director Sharon Stellato, Commission Associate Counsel Lindsey Guice Smith, Meghan Clement (an expert in Serology and DNA testing), Timothy Baize (an expert in DNA testing), Attorney Stephen Cash, Claimant Teddy Isbell, Claimant Larry Williams, and Claimant Damian Mills;
- d. Affidavits from Confession Reliability Expert Steven Drizin, Car Expert John Flory, Buncombe County Sheriff's Office Major Glen Matayabas, DEA Agent Barnabas Whiteis, and Attorneys James Siemens, Haley Haynes, Stan Young, Paul Bidwell, Leah Broker, and William McDowell; and
- e. A Statement provided by Buncombe County Assistant District Attorney Kate Dreher.

6. After carefully considering this evidence, the Commission has concluded that there is not sufficient evidence of factual innocence to merit judicial review.

WHEREFORE, pursuant to N.C.G.S. § 15A-1468(c), the above captioned case is now closed and a copy of this opinion is filed with the Buncombe County Clerk of Superior Court and delivered to the Buncombe County District Attorney's Office and the Honorable Alan Z. Thornburg, Buncombe County Senior Resident Superior Court Judge.

This the 18th day of December, 2013.

A handwritten signature in black ink, appearing to read "Quentin T. Sumner", is written over a horizontal line. The signature is stylized and cursive.

The Honorable Quentin T. Sumner
Senior Resident Superior Court Judge, Nash County
Chairman, North Carolina Innocence Inquiry Commission

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing *Order* was served upon the following persons by depositing a copy of the same, postage pre-paid, in an official depository of the United States Postal Service, addressed as follows:


The Honorable Ronald Moore
Buncombe County District Attorney
P.O. Box 7158
Asheville, NC 28802

Ms. Kate Dreher
Senior Assistant District Attorney
Buncombe County District Attorney's Office
P.O. Box 7158
Asheville, NC 28802

Mr. Stephen L. Cash, Esq.
Roberts & Stevens, P.A.
PO Box 7647
Asheville, NC 28802

This the 26th day of December, 2013.

**NORTH CAROLINA INNOCENCE
INQUIRY COMMISSION**



Kendra Montgomery-Blinn
Executive Director
North Carolina Innocence Inquiry Commission
Post Office Box 2448
Raleigh, North Carolina 27602
Telephone: (919) 890-1580
Facsimile: (919) 890-1937

APPENDIX B

**NORTH CAROLINA INNOCENCE INQUIRY COMMISSION
2013 CASE STATISTICS**

NC INNOCENCE INQUIRY COMMISSION CASE STATISTICS

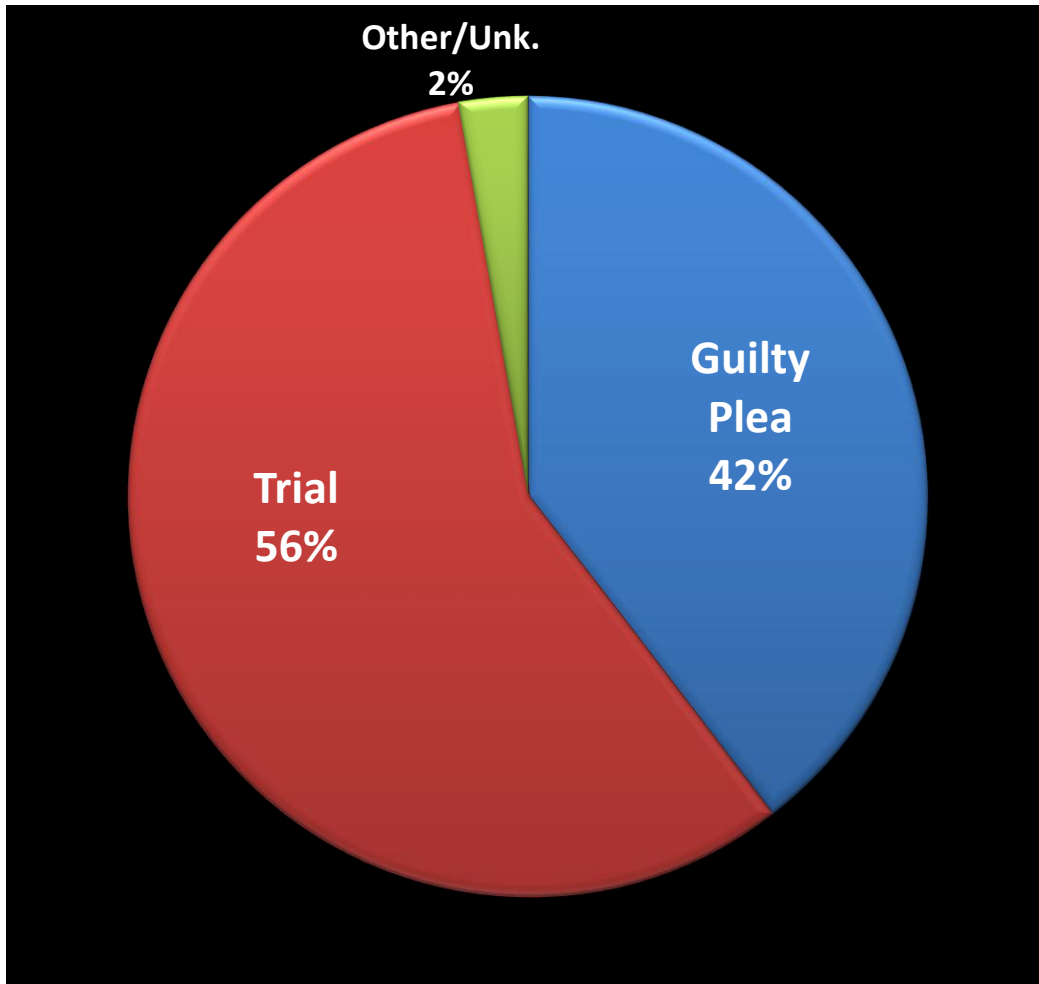
Compiled in January, 2014

The Commission began operation in 2007

Total Number of Claims Received since Commission's Creation	1661
Total Number of Cases Closed since Commission's Creation	1539
Number of Claims Received in 2013	199
Number of Cases Currently in Investigation	16
Number of Cases Currently in Formal Inquiry	7
Number of Hearings Conducted since Commission's Creation	6
Exonerations*	4

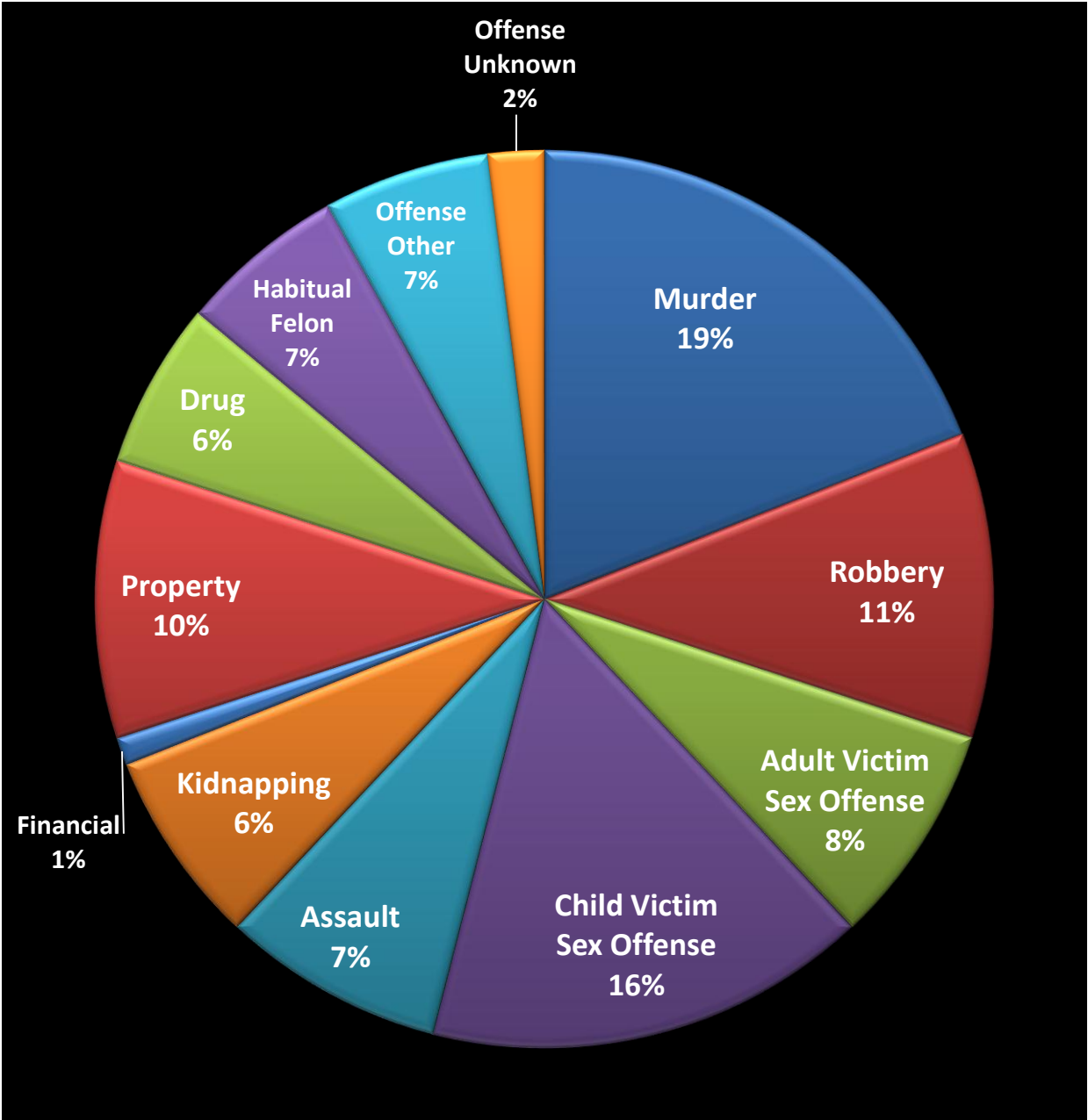
*Four Claimants have been exonerated through three Commission Proceedings.

Convictions Resulting from Trial or Guilty Plea



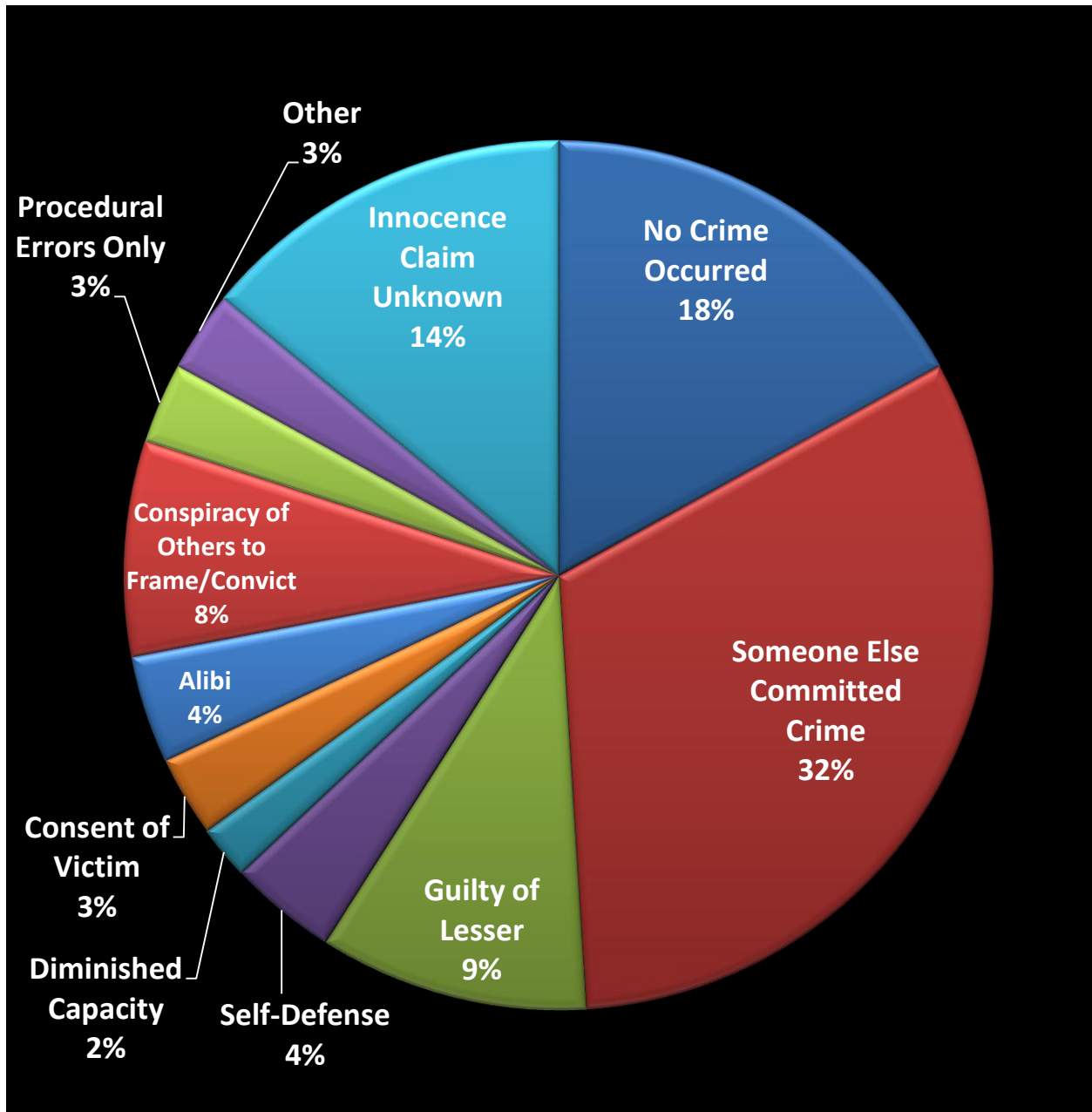
- Data pulled from all cases in which information was available.
- Alford and no contest pleas are included in plea category.

Applicant's Convictions



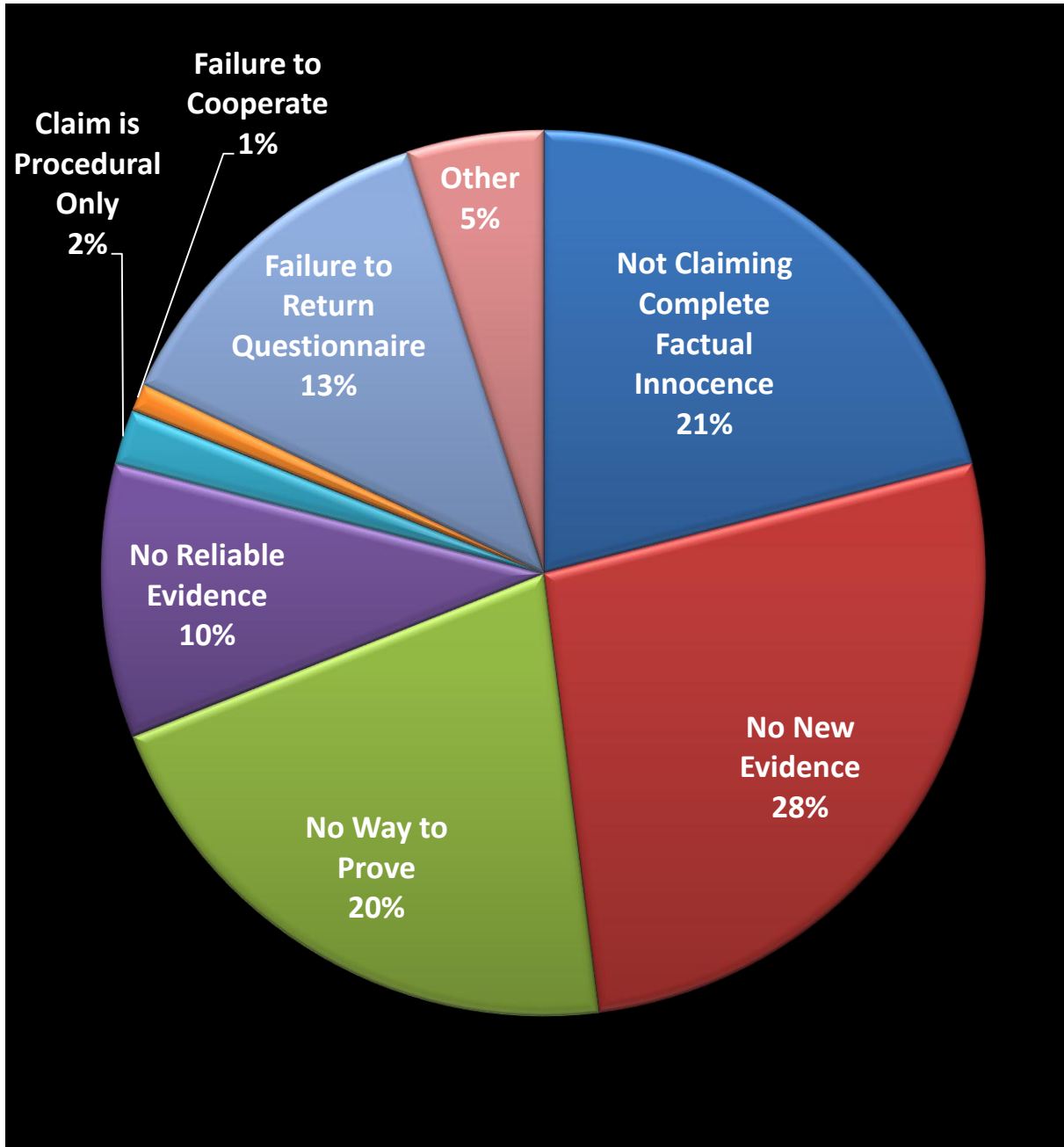
- Some applicant's were convicted of multiple offenses.

Applicant's Innocence Claims



- Some applicants made multiple innocence claims.
- It is important to note that several of these categories do not fit the statutory requirement for actual innocence and result in an automatic rejection. A claim that a convicted person is guilty of a lesser offense, acted in self-defense, or acted with a diminished capacity is not a claim of actual innocence and will be rejected.

Reasons for Rejection



- Some cases were rejected for multiple reasons.
- Data pulled from all cases in which information was available.

APPENDIX C
EXPANSION BUDGET REQUEST

JUDICIAL DEPARTMENT POSITION COSTS

Job Code	Classification Title			
30013253-02	Innocence Commission Legal Investigator			
Note				
(GR 18)				
Fund Code	Description of Fund			
1700	Independent Commissions			
1450	Innocence Inquiry Commission		N/R = Non-Recurring Cost	
Exp Code	Description of Expenditure		2014-15	N/R
531111	EPA-Reg. Salaries - Apropr. (Grade 18)		\$51,965	
531511	Social Security (7.65%)		\$3,976	
531521	Retirement (14.69%)		\$7,634	
531561	Hospital Insurance		\$5,435	
532132-031	Medical Evidence of Record (DNA testing& services)		\$50,000	
532144	PC/Telecom/Printer Support Services		\$600	N/R
532430-00	Maintenance Agreement - Equip.		\$1,332	
532447-01	Maint. Agreements - PC's & Printers		\$75	
532452	Maintenance Agreement - Mainframe Software Conn.		\$1,205	
532714	Transportation-Ground In-State (12000 Miles per Year @ Avg. Cents per Mile)		\$6,721	
532721	Lodging - In State (12 Days @ \$65.90 Daily)		\$791	
532724	Meals - In-State (12 Days @ \$37.30 Daily)		\$448	
532812	Telecom. Data Charges - D.P. Lines		\$1,699	
532930-L4	Training and Registration; Position Specialized		\$1,140	
533110-L2	General Office Supplies, Specialized		\$1,062	
534534	Personal Computer Purchases		\$1,060	N/R
534539-01	Other Equipment		\$900	N/R
534630-L4	Reference Materials & Learning Resources Specialized		\$500	
534713	Personal Computer Software		\$600	N/R
535890	Other Administrative Expense		\$500	
			2014-15	
Total Cost:			\$137,643	
Total Recurring Cost:			\$134,483	
Total Non-Recurring Cost:			\$3,160	



JUDICIAL DEPARTMENT POSITION COSTS

Job Code	Classification Title
30013253-02	Innocence Commission Legal Investigator
Note	
(GR 18)	
Fund Code	Description of Fund
1700	Independent Commissions
1450	Innocence Inquiry Commission

State Funding Alternatives

2014-15	Cost Alternatives	2014-15 POSITION COSTS			2015-16 EST
	Effective Dates	RECUR	N/R	TOTALS	RECURRING
	Position Effective 07-01-2014	\$134,483	\$3,160	\$137,643	\$134,483
	Position Effective 08-01-2014	\$123,283	\$3,160	\$126,443	
	Position Effective 09-01-2014	\$112,076	\$3,160	\$115,236	
	Position Effective 10-01-2014	\$100,867	\$3,160	\$104,027	
	Position Effective 11-01-2014	\$89,662	\$3,160	\$92,822	
	Position Effective 12-01-2014	\$78,455	\$3,160	\$81,615	
	Position Effective 01-01-2015	\$67,245	\$3,160	\$70,405	
	Position Effective 02-01-2015	\$56,042	\$3,160	\$59,202	
	Position Effective 03-01-2015	\$44,833	\$3,160	\$47,993	
	Position Effective 04-01-2015	\$33,625	\$3,160	\$36,785	
	Position Effective 05-01-2015	\$22,420	\$3,160	\$25,580	
	Position Effective 06-01-2015	\$11,214	\$3,160	\$14,374	

