



## State of North Carolina

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October 2016

Senator Shirley Randleman  
Representative James Boles, Jr.  
Representative Pat Hurley  
Co-Chairs, Joint Legislative Oversight Committee on Justice and Public Safety

North Carolina General Assembly  
Raleigh, North Carolina 27601-1096

Re: Report on pending post-conviction capital cases

Dear Members:

In accordance with N.C. Session Law 2013-154, 15-188.1, Section 2(b), please find the attached report which provides the status of pending post-conviction capital cases in the State.

Thank you for the opportunity to provide this information. We would be happy to respond to any questions you may have regarding this report.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kristi Jones", followed by a long horizontal line.

Kristi Jones  
Chief of Staff

cc: Kristine Leggett, NCGA Fiscal Research Division

**Report on Pending Post-Conviction Capital Cases**

<b>Case Status</b>	<b>Total</b>	<b>Number of Pending Additional Claims</b>			
<b>Voluntarily Dropped Claims</b>	<b>2</b>				
2 -Letters Sent to DPS Secretary (2014)					
<b>Previous Execution Dates</b>	<b>1</b>				
*Prior to RJA		1 RJA			
		1 ARJA			
		1 Lethal Injection			
<b>Previous Execution Dates</b>	<b>6</b>				
		6 RJA			
		2 AMAR			
		1 Lethal Injection			
		3 SBI			
<b>USSC Cert Denial</b>	<b>32</b>				
1 - Letter Sent to DPS Secretary (2014)		31 RJA			
		4 AMAR			
		18 Lethal Injection			
		4 SBI			
		2 Martinez Claim			
		1 Brady Claim			
<b>USSC Petitions Pending</b>	<b>2</b>				
		5 Named Defendants			
<b>Fed Court Remand</b>	<b>5</b>				
		5 RJA			
		1 Post-Conviction Motion for DNA Testing			
		1 AM PWHC			
<b>4th Circuit Held in Abeyance</b>	<b>2</b>				
		2 RJA			
		1 AMAR			
		2 Martinez Claim			
<b>Federal District Court in Abeyance</b>	<b>2</b>				
		2 RJA			
		1 AMAR			
		1 MR			
<b>Federal District Court PWHC Pending</b>	<b>4</b>				
		4 RJA			
<b>State Complete/PWHC Not Filed</b>	<b>10</b>				
		9 RJA			
		1 AMAR			
		3 SBI			
		3 MR			
<b>NC Supreme Court PWC Pending</b>	<b>2</b>				
		2 RJA			
		1 SBI			
<b>NC Supreme Court Remanded</b>	<b>5</b>				

# Report on Pending Post-Conviction Capital Cases

* Four cases listed in additional category as they also have litigation pending in other courts		5*	RJA			
<b>NC Supreme Court in Abeyance</b>	<b>2</b>					
		2	RJA			
		1	AMAR			
<b>MAR Complete/PWC Not Filed</b>	<b>2</b>					
		2	RJA			
		1	SBI			
<b>MAR/AMAR Pending</b>	<b>69</b>					
*Also includes Pending MR Claims		64	RJA			
		13	SBI			
<b>Appellate</b>	<b>14</b>					
<b>Total</b>	<b>160</b>					
		150	Death Row			
		0	RJA Relief Granted			
		4	Multiple Death Sentences			
<b>Key</b>						
RJA - Racial Justice Act Claims						
ARJA - Amended Racial Justice Act Claims						
MAR - Motion for Appropriate Relief						
AMAR - Amended Motion for Appropriate Relief						
MR - Mental Retardation Claim						
Lethal Injection - Lethal Injection Lawsuit						
SBI - State Bureau of Investigation Discovery Motions						
USSC - United States Supreme Court						
PWHC - Petition for Writ of Habeas Corpus						
APWHC - Amended Petition for Writ of Habeas Corpus						
PWC - Petition for Writ of Certiorari						