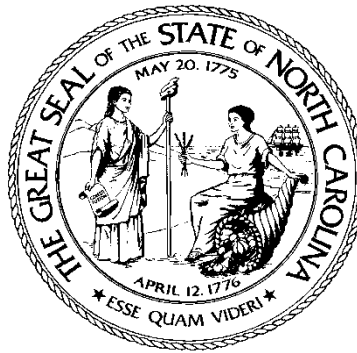


THE NORTH CAROLINA INNOCENCE INQUIRY COMMISSION



ANNUAL REPORT TO THE 2015-16 REGULAR 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 2014.....	ii
PREFACE.....	1
ANNUAL REPORT.....	2
I. ACTIVITIES OF THE NORTH CAROLINA INNOCENCE INQUIRY COMMISSION IN 2014.....	2
A. CASES.....	3
1. State v. Willie Womble.....	3
2. State v. Leon Brown and Henry McCollum.....	4
3. State v. Joseph Sledge	6
B. CASE STATISTICS.. ..	9
C. RESULTS OF INVESTIGATIONS.....	10
D. FEDERAL GRANT.....	11
E. OTHER 2014 ACCOMPLISHMENTS.....	13
II. THE NORTH CAROLINA INNOCENCE INQUIRY COMMISSION PLANS FOR 2015.....	14
A. GOALS FOR 2015.....	14
B. EXPANSION BUDGET REQUEST.....	15
CONCLUSION.....	17
APPENDICES.....	I
A. OPINION OF THE COMMISSION IN <u>STATE V. WILLIE WOMBLE</u>	I
B. OPINION OF THE THREE-JUDGE PANEL IN <u>STATE V. WILLIE WOMBLE</u>	IV
C. OPINION IN <u>STATE V. LEON BROWN AND STATE V. HENRY MCCOLLUM</u>	VII
D. OPINION OF THE COMMISSION IN <u>STATE V. JOSEPH SLEDGE</u>	XII
E. 2014 CASE STATISTICS.....	XV

January 30, 2015

TO THE MEMBERS OF THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON
JUSTICE AND PUBLIC SAFETY OF THE 2015-2016 REGULAR 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 2014

Superior Court Judge / Commission Chairman (Terms expired at the end of 2014)

The Honorable Quentin T. Sumner, Chairman / Commissioner
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 (Terms expired at the end of 2014)

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 Attorney (Terms expired at the end of 2014)

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's Department

Sheriff Van Duncan, Alternate
Buncombe County Sheriff's Office

Discretionary Member 1

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

The Honorable Cressie H. Thigpen, Jr., Alternate
Professor, North Carolina Central School of Law

Discretionary Member 2

Retired Sheriff Barbara Pickens, Commissioner
Lincoln County

Nigle B. Barrow, Jr., Alternate
Law Office of Nigle B. Barrow

Staff

Kendra Montgomery-Blinn, Executive Director

Sharon L. Stellato, Associate Director

Lindsey Guice Smith, Associate Counsel

Aschante Pretty, Paralegal

Sarah Riney, Legal Investigator

Catherine Matoian, Grant Staff Attorney

Ed Brooks, Grant 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.

2014 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 2014 and the Commission's plans for 2015. Included are statistics for 2014 as well as cumulative case statistics detailing case data since the Commission's creation in 2007.

The Commission is making a 2015 budget expansion request for additional funds for DNA testing. This report includes the details and justification for this request.

I. ACTIVITIES OF THE NORTH CAROLINA INNOCENCE INQUIRY COMMISSION IN 2014

This past year was another busy year for the Commission with three people exonerated through the Commission process. The Commission conducted two Commission hearings, the staff testified at a Motion for Appropriate Relief hearing that resulted in a double exoneration, and attended a Three-Judge Panel hearing that resulted in an exoneration.

In 2014, the Commission staff successfully located physical evidence in multiple cases, including four cases where the evidence had previously been deemed missing or destroyed.

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 was extended and will continue through the end of 2015. The Commission will continue to seek alternate sources to supplement state funding, but must ask the General Assembly to increase funding to cover the high costs associated with DNA testing.

A. CASES

1. State v. Willie Womble

In 2014, Willie Womble was exonerated through the Commission process. Womble was convicted after a trial in 1976 of the robbery and murder of a store clerk in Granville County. An eyewitness saw two men commit the crime. Womble was interrogated and ultimately signed a confession stating that he and three others committed the crime. Womble immediately recanted and was found to have a low IQ and to be unable to read and write. The four people named in the confession were charged, but only Womble and one co-defendant were tried. They were both convicted. In 2013, the co-defendant contacted the Commission stating that he had committed the murder with another man and Womble was not involved in any way. The Commission staff investigated the case, interviewed witnesses, and located additional evidence that supported this statement.

The Commission staff's investigation was presented in a hearing before the North Carolina Innocence Inquiry Commission on June 2 and 3, 2014. The Commissioners unanimously referred the case forward to a three-judge panel. The three-judge panel convened in Granville County on October 17, 2014. The District Attorney joined with the Defense and requested that Womble be declared innocent and released. The only evidence introduced at the Three-Judge Panel hearing were the materials from the Commission's prior hearing. The three judges unanimously ruled that Womble had proven his innocence by clear and convincing evidence and he was exonerated and released from prison the same day. Womble had served 38 years in prison and is the longest serving exoneree in North Carolina.

The documents used during the Commission hearing and introduced at the three-judge panel are public record and are located on the Commission's website at: www.innocencecommission-nc.gov or by contacting the Commission's executive director. The Commission's opinion and the opinion of the three-judge panel are included in this report as Appendices A and B.

2. State v. Leon Brown and State v. Henry McCollum

Brothers Leon Brown and Henry McCollum were also exonerated through the Commission process in 2014. The brothers were tried in 1984 for the rape and murder of an 11 year-old girl and both were sentenced to death. Leon Brown was 15 years-old at the time of the murder and Henry McCollum was 19 years-old. They were interrogated and ultimately both signed confessions implicating themselves and others in the crime. The confessions were not consistent with one another or with the crime scene evidence. Brown and McCollum immediately recanted their confessions. At trial, both men were found to have low IQs (measured in the 50s) and to be mentally retarded. Brown and McCollum were later retried separately. In 1991, McCollum was resentenced to death and in 1992, Brown was sentenced to life.

In 2009, Leon Brown applied to the Commission and in 2010, the Commission began conducting an investigation and DNA testing in the case. Over the next four years, the Commission located additional physical evidence that had been declared missing, conducted extensive field investigations, and subjected numerous items of evidence to DNA testing. Ultimately, the Commission conducted three different types of DNA testing at four different

laboratories. The Commission spent \$86,405 on DNA testing in this case. All of this testing was paid for by the Commission's federal grant.

In July of 2014, the Commission was able have a DNA profile obtained from a cigarette butt found at the crime scene uploaded to CODIS (the State and National DNA databank). The DNA upload returned a hit to a man named Roscoe Artis who had previously been convicted of a murder and sexual assault that occurred in the same town less than a month after this crime. The Commission then obtained a DNA standard from Artis for direct comparison to the profile from the cigarette butt. The comparison was done at two different labs using two different types of DNA testing. The probability of selecting an unrelated man other than Artis matching the two tests combined is 1 in 4.2 trillion for the African-American population.

The Commission had already interview Artis in 2010 because of the similarity of the crime for which he was convicted. The Commission staff's continued investigation of Artis and uncovered an extensive criminal history of violent sexual assaults against women, including another charge for a different rape and murder. The Commission also learned that at the time of this murder, Artis lived next to the field where the body was found. Artis provided various conflicting statements about whether he had been with the Victim the day of the crime. His family did not confirm his statements.

After the CODIS hit, the Commission met with the parties and provided updates on the Commission's investigation. The attorneys for McCollum and Brown filed postconviction Motions for Appropriate Relief seeking a dismissal of the convictions and a declaration of innocence. The District Attorney responded that he did not oppose the motions.

On September 2, 2014, a hearing was conducted in Robeson County Superior Court. The Commission's Associate Director, Sharon Stellato, testified for six hours about the

Commission's investigation. At the conclusion of the hearing, the Court dismissed the convictions and found that McCollum and Brown were innocent. Both men were released from prison the following day. The opinion is attached as Appendix C.

The District Attorney is considering whether to pursue charges against Roscoe Artis for the murder of Sabrina Buie. The Commission is cooperating with the District Attorney's review and has provided a copy of its file to him.

3. State v. Joseph Sledge

In January of 2015, Joseph Sledge was exonerated through the Commission process. Although this exoneration happened in 2015, the Commission hearing and much of the case investigation took place last year. In December of 2014, the Commission conducted a hearing in the case of State v. Joseph Sledge. The Commissioners unanimously referred the case forward to a three-judge panel. .

In 1978, Sledge was convicted of the murders of two women in Bladen County. Sledge was an immediate suspect because he had escaped from a nearby prison. Two jailhouse informants testified that Sledge had made incriminating statements to them. Additionally, an FBI agent testified that hairs found on the body of one of the Victims were microscopically consistent with Sledge's pubic hair standard.

Sledge consistently claimed he was innocent and filed numerous post-conviction motions over the years. In 2013, a Motion for Appropriate Relief (MAR) was filed on Sledge's behalf by the non-profit North Carolina Center on Actual Innocence. At that time, some items of evidence had been subjected to DNA testing and one of the surviving original jailhouse informants had

recanted his testimony. The case was referred to the Commission in May 2013, and the defense and prosecution ultimately agreed to hold the MAR in abeyance while the Commission conducted its own investigation.

An extensive investigation was conducted by the Commission staff. This included a four-day search for physical evidence and files, which resulted in the location of physical evidence, files, and transcripts that had not been located in previous postconviction searches conducted by local law enforcement and the NC State Bureau of Investigation.

In addition to the searches, Commission staff conducted numerous witness interviews and other field investigation. The Commission also had latent print analysis conducted on the latent lifts from the crime scene that were located during the Commission's search. This analysis led to additional fingerprint exclusions of Sledge that were not made prior to trial. The Commission also submitted some of the prints that could not be compared for DNA testing. Sledge was excluded from the DNA profiles developed from these prints.

Throughout 2013 and 2014 significant DNA testing on the located evidence was conducted. DNA testing was conducted on the nine hairs that were found on the body of the Victim, one of which had been presented as microscopically consistent with Sledge's pubic hair at the 1978 trial. All of the hairs had the same underlying mitochondrial DNA profile and Sledge and his maternal relatives were excluded as being a contributor to all of the hairs. Additional DNA testing was also conducted on the dresses and slips of both Victims, as well as other items from the crime scene. Sledge was excluded as a contributor to all male DNA profiles that were developed on these items.

The Commission spent a total of \$53,650 on DNA testing in this case and an additional \$11,000 was spent on forensic experts. All DNA testing conducted in this case was paid for with the Commission's federal grant funds.

In December 2014, the Commission staff held a 3-day Commission hearing. After three days of testimony, the Commissioners unanimously determined that there was sufficient evidence of factual innocence to merit judicial review and referred the case to a three-judge panel. The Commission's opinion is attached as Appendix D.

The Three-Judge Panel hearing occurred on January 23, 2015, and Sledge was declared innocent. The details of the Three-Judge Panel will be reported in the 2015 annual report.

Although significant DNA testing was conducted in this case, and many individuals were compared to the unknown DNA profiles, these murders remain unsolved. The District Attorney has requested that the NC State Bureau of Investigation reopen the investigation into the murders. The Commission will meet with and cooperate with the District Attorney and the State Bureau of Investigation in their investigation of the murders.

B. CASE STATISTICS

The Commission continues to receive a steady flow of incoming cases each year. In 2014, the Commission received 180 new claims of actual innocence. The Commission receives an average of 205 claims each year. Since its creation, the Commission has received 1,642 claims of actual innocence. By the end of 2014, 1,482 claims had been reviewed and closed.

Since the Commission's creation, eight cases have moved through Commission hearing and eight people have been exonerated.¹ The public records documents for each case presented at Commission hearing are available on the Commission's website at:

www.innocencecommission-nc.gov.

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 reasons for rejection. These statistics have been compiled into charts and are included as Appendix E. 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.

¹ Joseph Sledge was exonerated in 2015. The 2014 statistics report attached as Appendix E notes that seven people exonerated by Commission process. See above section for further explanation and a description of each of the exonerations.

C. RESULTS OF INVESTIGATIONS

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 18 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 regarding the missing evidence. In 2014, the Commission successfully located missing evidence in four cases. Of those cases, two resulted in exonerations, one is pending as a federal habeas corpus motion, and another case continues to be actively investigated.

D. 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 2015. 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 funds are also used for the costs of investigation, DNA testing, other forensic testing, and expert witnesses. Additionally, the grant funds two additional staff member positions. The Commission's state funded 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 DNA testing that is 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.

As the costs associated with DNA testing continue to rise, the grant is not sufficient to bear all of these costs and the Commission's state budget does not have enough funding to supplement the grant. The federal grant was extended through this year and expires at the end of 2015. The Commission recently had to restructure the grant and reduce grant staff positions from three to two in order to ensure that there would be sufficient funds to cover the costs of DNA testing in 2015. The available funds from the National Institute of Justice continue to

decrease and it is unknown whether the Commission will be able to reapply in the future or if grant funds will continue to exist.

The Commission will continue to pursue all outside funding sources, but the Commission is seeking state funding to cover some of the costs associated with DNA case work. This request is covered in more detail below.

E. OTHER 2014 ACCOMPLISHMENTS

The Commission has met its goals for 2014. The Commission was able to move through a large volume of cases and complete many investigations resulting in closure of the case or presentation at a hearing.

The Commission maintains 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 presentations to governmental agencies, civic groups, and education institutions. In 2014, presentations were given to: The Wake Forest School of Law Inn of Court, the 14th Judicial District Bar Association, Campbell University, The University of North Carolina at Chapel Hill, North Carolina Central University School of Law, Elon University, Johnston Community College, Raleigh Wake Paralegal Association, and the Raleigh Rotary Club. Additionally, the Commission's executive director and associate director routinely participate in interviews about the unique Commission process with media outlets, writers, and legal scholars.

II. THE NORTH CAROLINA INNOCENCE INQUIRY COMMISSION

PLANS FOR 2015

A. GOALS FOR 2015

In 2015, 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 prepared to conduct hearings in 2015 if credible, verifiable, new evidence of actual innocence is located.

The Commission has been able to hire two new staff members at the end of 2014 and the beginning of 2015. The Commission is committed to seeking training opportunities for new and existing staff members.

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.

B. EXPANSION BUDGET REQUEST

The Commission is requesting a recurring expansion budget item of \$100,000 to be used for DNA testing, forensic testing, and consulting with scientific experts. The Commission spends an average of \$85,000 on DNA testing each year and an additional \$7,750 on scientific experts. The Commission's state funded budget only provides \$8,500 per year for DNA and forensic testing and \$6,421 per year for consulting with experts. The Commission has been fortunate to receive a federal grant to cover the bulk of these continuous expenses. However, the grant is no longer sufficient to cover all of the costs associated with the rapidly progressing forensic sciences, and the grant expires at the end of 2015. Additionally, the available funds from the National Institute of Justice have decreased over the years and the grantors have expressed uncertainty regarding whether these grant funds will continue to exist.

As described above, in 2014, four cases progressed to hearing through the Commission's work. Three of those cases involved substantial DNA testing that had to be conducted at private labs capable of completing highly sophisticated testing. In the cases of Leon Brown and Henry McCollum, the Commission spent a total of \$86,405 on DNA testing. The testing ultimately resulted in a DNA CODIS databank hit to a serial rapist and murderer. Leon Brown and Henry McCollum were exonerated as a result of the Commission's investigation and the District Attorney is considering charging the CODIS hit suspect. In the case of Joseph Sledge, the Commission spent \$53,650 for DNA testing and \$11,000 for scientific experts. The Commission conducted a December 2014 hearing and Sledge was exonerated in 2015. The District Attorney is reopening the murder investigation as an unsolved homicide.

The Commission no longer has adequate funding sources to meet the demands of testing required to properly investigate each case. The \$100,000 recurring budget expansion will allow the Commission to continue to subject physical evidence to high quality advanced forensic testing and consult with scientific experts.

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 steady flow of cases and hearings continues and the Commission needs state funding to continue the high quality DNA testing unique to these cases.

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. WILLIE WOMBLE**

STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE
 2014 JUN -9 AM 7: 48 SUPERIOR COURT DIVISION
COUNTY OF GRANVILLE 75 CRS 6128

GRANVILLE CO., C.S.C.

STATE OF NORTH CAROLINA

BY Wanda R. Thelmer
Assistant
OPINION

V.

WILLIE HENDERSON WOMBLE

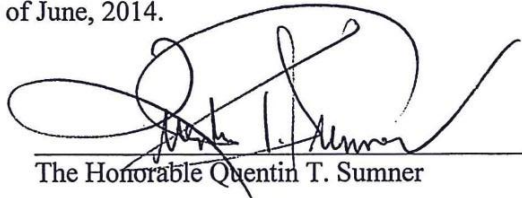
THIS MATTER came on for hearing before the North Carolina Innocence Inquiry Commission (Commission) on June 2 and 3, 2014, pursuant to N.C.G.S. §§ 15A-1460 – 1475. After careful review of the evidence presented, the Commission hereby makes and enters the following findings of fact:

1. On November 18, 1975, Roy Brent Bullock (Bullock) was shot during an armed robbery of the Food Mart in Butner, NC. On November 19, 1975, Bullock died from his injuries.
2. On July 7, 1976, Willie Henderson Womble (Womble) was convicted, after a jury trial, of First Degree Murder. Womble was sentenced to Life in prison.
3. On April 4, 2013 the Commission received a letter from Womble's co-defendant, Joseph Lee Perry (Perry) which stated that Womble was innocent of the crime for which he was convicted.
4. On April 17, 2013, Commission staff interviewed Womble and at that time he applied to the Commission for review of his claim. Womble asserted his complete factual innocence related to the murder of Bullock and the Commission began an inquiry pursuant to Article 92, Chapter 15A, of the General Statutes.
5. Throughout the Commission's inquiry, Womble has fully cooperated with Commission staff in accordance with N.C.G.S. § 15A-1467(g).

6. On June 2 and 3, 2014, the Commission held a full evidentiary hearing in this matter pursuant to N.C.G.S. § 15A-1468.
7. During the hearing, the Commission considered testimonial and documentary evidence. The evidence included, among other things:
 - a. A 191 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, Co-Defendant Joseph Perry, alibi witness Shirlyn Walters; and Claimant Willie Womble;
 - d. Affidavits from Attorneys William Land Parks and James E. Cross, Jr.
8. After carefully considering this evidence, the Commission has concluded, by a unanimous vote that there is sufficient evidence of factual innocence to merit judicial review.

WHEREFORE, pursuant to N.C.G.S. § 15A-1469(a), and as Chairman of the Commission, the undersigned refers this case to the Honorable Robert H. Hobgood, Granville County Senior Resident Superior Court Judge, and respectfully requests that the Chief Justice of the North Carolina Supreme Court appoint a three-judge panel and issue commissions to its members to convene a special session of the Superior Court in Granville County to hear evidence relevant to the Commission's recommendation.

This the 3rd day of June, 2014.



The Honorable Quentin T. Sumner

APPENDIX B

**OPINION OF THE THREE-JUDGE PANEL IN
STATE V. WILLIE WOMBLE**

STATE OF NORTH CAROLINA
COUNTY OF GRANVILLE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

FILED ⁷⁵ CRS 6128

STATE OF NORTH CAROLINA,

v.

2014 OCT 17 A 11:03

WILLIE HENDERSON WOMBLE

GRANVILLE CO., C.S.C.

BY *Wesley H. Bullock*

DECISION OF THE THREE-JUDGE PANEL PURSUANT TO N.C. GEN. STAT. § 15A-1469

THESE MATTERS came on for hearing before the undersigned Judges of the Superior Court sitting as a Three-Judge panel appointed by the Chief Justice of the North Carolina Supreme Court pursuant to N.C. GEN. STAT. § 15A-1469(a) at a special session of the Granville County Superior Court to hear evidence relevant to the North Carolina Innocence Inquiry Commission's recommendation in the case of the State of North Carolina v. Willie Henderson Womble, File Number 75 CRS 6125.

The State of North Carolina was represented by District Attorney Samuel B. Currin, III. Willie Henderson Womble ("Womble"), the convicted person, was present at all times and was represented by J. Thomas Burnette, Attorney at Law. The evidence consisted of the brief prepared by the Innocence Inquiry Commission staff (Hearing Exhibit 1), the transcript of the Innocence Inquiry Commission hearing held on June 2-3, 2014 (Hearing Exhibit 2), the hearing handouts from the North Carolina Innocence Inquiry Commission (Hearing Exhibit 3), and the opinion of the North Carolina Innocence Inquiry Commission (Hearing Exhibit 4). All of the exhibits were previously submitted to the undersigned Judges for review and consideration prior to the hearing held herein.

Upon review of the Hearing Exhibits and the other information made available to State and Womble, which consisted of several thousand pages of documents, District Attorney Samuel B. Currin, III agreed and consented on behalf of the State of North Carolina, that Womble has proved by clear and convincing evidence that he is innocent of the murder of Roy Brent Bullock on November 18, 1975.

N.C. GEN. STAT. § 15A-1469(1) provides that a "Claim of factual innocence" means a claim on behalf of a living person convicted of a felony in the General Court of Justice of the State of North Carolina asserting the complete innocence of any criminal responsibility for the felony for which the person was convicted and for any other reduced level of criminal responsibility relating to the crime, and for which there is come credible, verifiable evidence of innocence that has not previously been presented at trial or considered at a hearing granted through post-conviction relief.

N.C. GEN. STAT. § 15A-1469 provides that the three-judge panel shall rule as to whether the convicted person has proved by clear and convincing evidence that the convicted person is innocent of the charges. Such a determination shall require a unanimous vote. If the vote is unanimous

the panel shall enter a dismissal of all or any of the charges. If the vote is not unanimous, the panel shall deny relief.

N.C. GEN. STAT. § 15A-1470 provide that there is no right to any further review of the decision of the three-judge panel but the convicted person retains the right to other post- conviction relief.

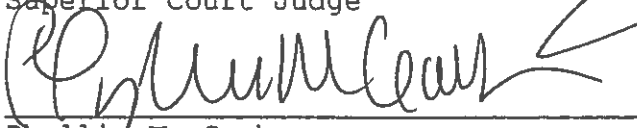
The panel members have now considered N.C. GEN. STAT. § 15A-1460, et seq., and all of the evidence presented and the arguments of counsel for the State and Womble, the convicted person. The matter is now ripe for decision.

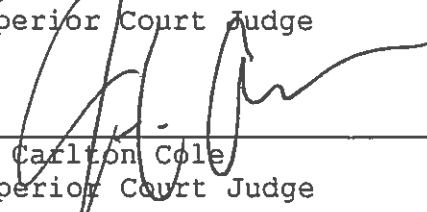
The unanimous decision of the three-judge panel of the Superior Court Judges is that the defendant, Willie Henderson Womble, the convicted person, has proved by clear and convincing evidence that he is innocent of the murder of Roy Brent Bullock on November 18, 1975.

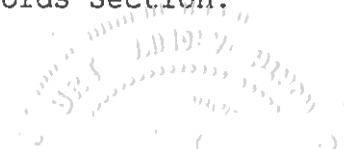
IT IS THEREFORE ORDERED, pursuant to the decision of the three-judge panel and N.C. GEN. STAT. § 15A-1469, that the relief sought by the convicted person, Willie Henderson Womble, is granted and that the charge of murder of Roy Brent Bullock on November 18, 1975 is hereby DISMISSED. IT IS FURTHER ORDERED that Willie Henderson Womble be immediately released from custody pursuant to the policies of the North Carolina Department of Public Safety. The Clerk of Court shall furnish a certified copy of this decision to the Department of Public Safety, Combined Records Section.

This the 17th day of October, 2014.


Vance Bradford Long
Superior Court Judge


Phyllis M. Gorham
Superior Court Judge


J. Carlton Cole
Superior Court Judge


A TRUE COPY
CLERK OF SUPERIOR COURT
GRANVILLE COUNTY

BY 
Assistant Deputy Clerk Superior Court

APPENDIX C

OPINION IN STATE V. LEON BROWN AND STATE V. HENRY MCCOLLUM

STATE OF NORTH CAROLINA
ROBESON COUNTY

**IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION**

2014 SEP -2 P 4: 26

STATE OF NORTH CAROLINA

ROBESON COUNTY, C.S.C.

vs.

Robeson Co. File Nos.

~~83 CRS 15506-07~~

Cumberland Co. File No.

91 CRS 40727

HENRY LEE McCOLLUM,

AND

LEON BROWN

Defendants.

Robeson Co. File Nos.

83 CRS 15822-23

Bladen Co. File Nos.

92 CRS 2491-92

ORDER FOR RELIEF

Defendants Henry Lee McCollum and Leon Brown, through counsel, filed motions with this court pursuant to N.C. Gen. Stat. Sections 15A-269 and 15A-270, Art. I, Section 19 of the N.C. Constitution, and the Fifth, Sixth, Eighth and Fourteenth Amendments to the United States Constitution, to vacate the convictions and death sentence against Mr. McCollum and the conviction and sentence against Mr. Brown, and order their immediate discharge from confinement. After having considered evidence presented by the parties at an evidentiary hearing, the Court issues the following findings and order.

1. On September 29, 1983, 19-year-old Henry McCollum and 15-year-old Leon Brown were arrested for the murder of Sabrina Buie. In October 1984, both defendants were tried together in Robeson County, convicted of first-degree murder and rape, and sentenced to death. *See State v. McCollum*, 321 N.C. 557, 364 S.E.2d 112 (1988).

2. In *McCollum and Brown*, 312 NC 557 (1988), the North Carolina Supreme Court vacated the defendants' convictions and ordered new trials.

3. Mr. McCollum was reconvicted and resentedenced to death at his second trial in 1991. Mr. Brown was reconvicted of first-degree rape at his second trial in 1992, and sentenced to life in prison. The facts of these cases are reported in the opinions *State v. McCollum and Brown*, 312 NC 557 (1988) and *State v. McCollum* 334 NC 208 (1994) and *State v. Brown* 112 NC App 390 (1993).

4. The evidence against both Mr. McCollum and Mr. Brown was centered on and comprised almost entirely of their confessions.

5. No physical evidence – either at the time of their arrests or at any time since – linked Mr. McCollum or Mr. Brown to the scene or the commission of this crime. Both Mr. McCollum and Mr. Brown, as well as their alleged and uncharged accomplices, were eliminated as the sources of an unknown and potentially identifiable fingerprint found at the crime scene.

6. Both Mr. McCollum and Mr. Brown have maintained their complete innocence of this crime.

7. On November 6, 2004, this Court granted Mr. McCollum's motion for post-conviction DNA testing of biological evidence pursuant to N.C. Gen. Stat. §15A-269.

8. In 2010, at the request of Mr. Brown, the North Carolina Innocence Inquiry Commission ("Commission") staff began investigating his claim of actual innocence. The Commission undertook to test and re-test the physical evidence collected by law enforcement in Mr. Brown's case.

9. After DNA testing of physical evidence in 2004 and 2010, Mr. McCollum and Mr. Brown, respectively, were excluded as possible contributors to DNA from a cigarette butt and other items found at the crime scene adjacent to direct evidence of the murder.

10. Over four years of testing, the Commission staff received DNA testing results for several items of physical evidence obtained in the course of their investigation in Mr. Brown's case. The Commission's testing confirmed that the Y-STR DNA profile obtained from the cigarette butt found next to bloody sticks and other evidence at the crime scene is consistent with the Y-STR DNA profile obtained from another individual: State prison inmate Roscoe Artis.

11. These DNA tests results not only contradict the State's previous theory that Mr. McCollum and Mr. Brown raped and murdered Sabrina Buie with certain alleged but uncharged accomplices; they, along with other circumstantial evidence, show a strong likelihood that the serial rapist and murderer Mr. Artis, alone, raped and murdered Ms. Buie.

12. These newly-discovered DNA results, presented by the Commission to counsel for Mr. McCollum, counsel for Mr. Brown, and counsel for the State, yield favorable evidence for Mr. McCollum and Mr. Brown. This conclusion the State does not contest.

13. The results of the court-ordered DNA testing pursuant to N.C. Gen. Stat. § 15A-269, especially when considered together with the rest of the results of the Commission's investigation, are favorable to Mr. McCollum and Mr. Brown. The Defendants have thus satisfied the standard under §15A-270, and they are entitled to relief as available under the statute.

14. The State has conceded that Mr. McCollum and Mr. Brown are entitled to relief under §15A-270, and has indicated that there is insufficient evidence to retry them.


15. Under these circumstances, the interests of justice in this case compel that the Court vacate the convictions and death sentence of Mr. McCollum and the conviction and life sentence of Mr. Brown, and discharge both men from confinement based on significant new evidence that they are in fact innocent.

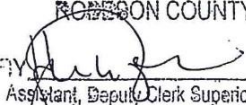
CONCLUSION AND ORDER

Based on the foregoing and in view of the favorable DNA evidence tending to establish Henry McCollum's and Leon Brown's innocence of the crimes for which they were convicted and sentenced, and pursuant to N.C. Gen. Stat. §15A-270(c)(2), in the interests of justice this Court:

1. Vacates Mr. McCollum's convictions of first-degree murder and first-degree rape and his death sentence under Robeson County case numbers 83 CRS 15506-07 and Cumberland County case number 91 CRS 40727;
2. Vacates Mr. Brown's conviction of first-degree rape and life sentence under Robeson County case number 83 CRS 15822-23, and Bladen County case numbers 92 CRS 2491-92;
3. Orders the immediate discharge of Mr. McCollum and Mr. Brown from the custody of the State of North Carolina; and
4. Dismisses with prejudice all charges in these cases against Mr. McCollum and Mr. Brown, based upon the District Attorney's statement that he does not intend to seek any further charges against the defendants along with the evidence of the defendants' innocence.
5. Orders that the Department of Public Safety, Division of Adult Corrections (Department of Corrections) immediately process and release the defendants.

SO ORDERED AND ADJUDGED, THIS THE 2nd DAY OF September, 2014.


Honorable Douglas B. Sasser
Superior Court Judge Presiding

A TRUE COPY
CLERK OF SUPERIOR COURT
ROBESON COUNTY

Assistant, Deputy Clerk Superior Court

cc DAC
FAT DAC
Cmb
Beebe

APPENDIX D

OPINION OF THE COMMISSION IN STATE V. JOSEPH SLEDGE

STATE OF NORTH CAROLINA
COUNTY OF COLUMBUS

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
78 CRS 2415-2416

STATE OF NORTH CAROLINA
v.
JOSEPH SLEDGE

)
)
)
)
)
)
)

OPINION

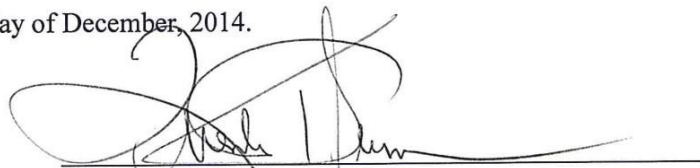
THIS MATTER came on for hearing before the North Carolina Innocence Inquiry Commission (Commission) on December 3, 4 and 5, 2014, pursuant to N.C.G.S. §§ 15A-1460 – 1475. After careful review of the evidence presented, the Commission hereby makes and enters the following findings of fact:

1. On September 6, 1976, Josephine Davis and Aileen Davis were murdered in their home in Elizabethtown, NC.
2. On August 31, 1976, Joseph Sledge (Sledge) was convicted, after a jury trial, of two counts of Second Degree Murder. Sledge was sentenced to Life in prison.
3. On May 20, 2013 the North Carolina Center on Actual Innocence (Center) officially referred this case to the Commission and the Commission began an inquiry pursuant to Article 92, Chapter 15A, of the General Statutes.
4. Throughout the Commission's inquiry, Sledge has fully cooperated with Commission staff in accordance with N.C.G.S. § 15A-1467(g).
5. On December 3, 4, and 5, 2014, the Commission held a full evidentiary hearing in this matter pursuant to N.C.G.S. § 15A-1468.
6. During the hearing, the Commission considered testimonial and documentary evidence. The evidence included, among other things:

- a. A 323 page brief provided to the Commission by the staff before the hearing;
 - b. Supplemental documentation provided during the hearing; and
 - c. Live testimony by Commission Associate Director Sharon Stellato, Commission Associate Counsel Lindsey Guice Smith, retired Detective Phillip Little, retired Special Agent Henry Poole, Attorney Christine Mumma, Special Agent Chadrick Barefoot, Herman Baker, Fingerprint Expert Marty Ludas, DNA Expert Meghan Clement, DNA Expert Terry Melton, and Claimant Joseph Sledge;
7. After carefully considering this evidence, the Commission has unanimously concluded that there is sufficient evidence of factual innocence to merit judicial review.

WHEREFORE, pursuant to N.C.G.S. § 15A-1469(a), and as Chairman of the Commission, the undersigned refers this case to the Honorable Douglas B. Sasser, Senior Resident Superior Court Judge for Judicial District 13A, and respectfully requests that the Chief Justice of the North Carolina Supreme Court appoint a three-judge panel and issue commissions to its members to convene a special session of the Superior Court in Columbus County to hear evidence relevant to the Commission's recommendation.

This the 5th day of December, 2014.



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

APPENDIX E

**NORTH CAROLINA INNOCENCE INQUIRY COMMISSION
2014 CASE STATISTICS**

Case Statistics

Compiled in January, 2015

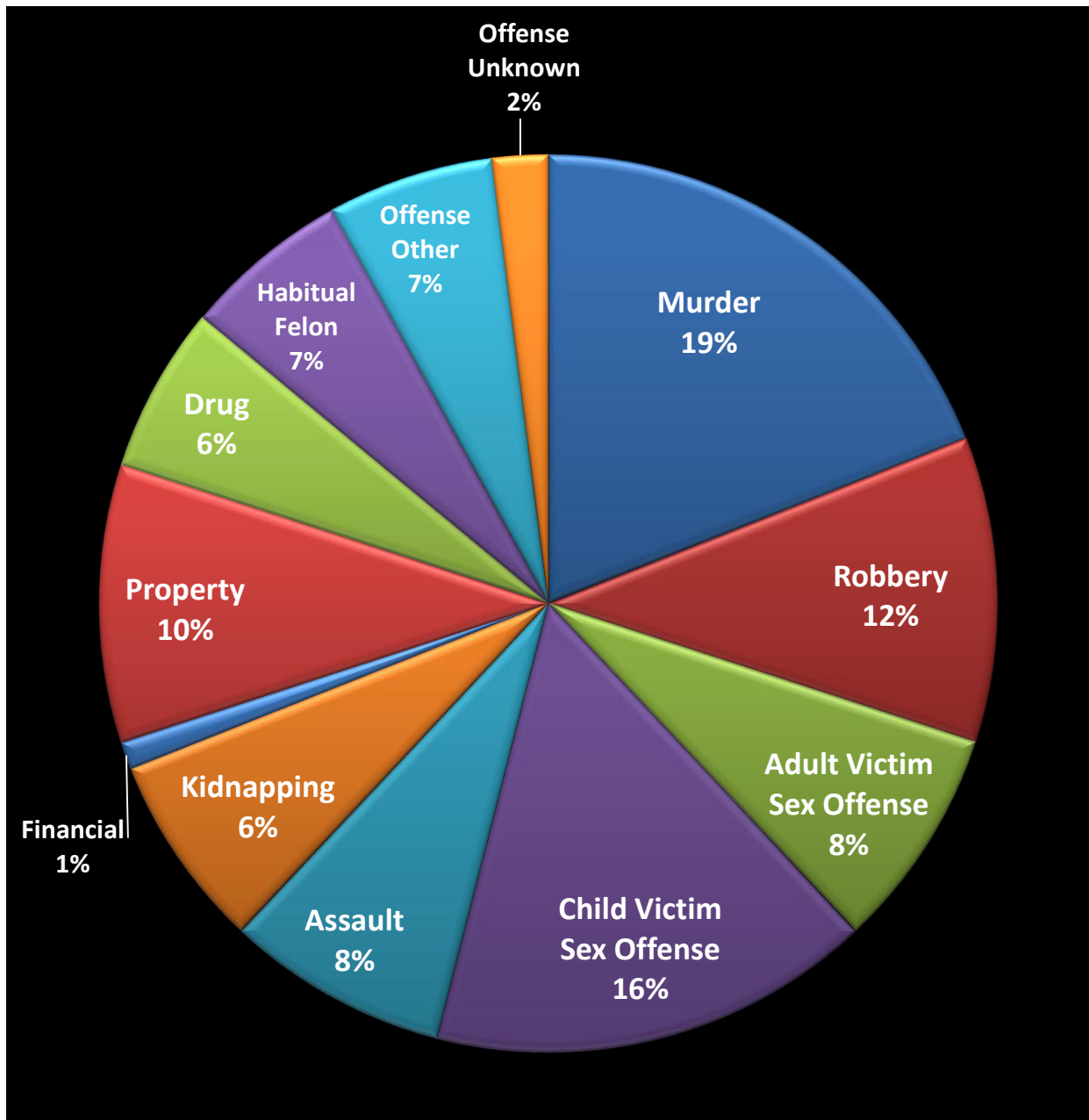
The Commission began operation in 2007

Total Number of Claims Received since Commission's Creation	1642
Total Number of Cases Closed since Commission's Creation	1482
Number of Claims Received in 2014	180
Number of Hearings Conducted since Commission's Creation*	8
Exonerations**	7

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

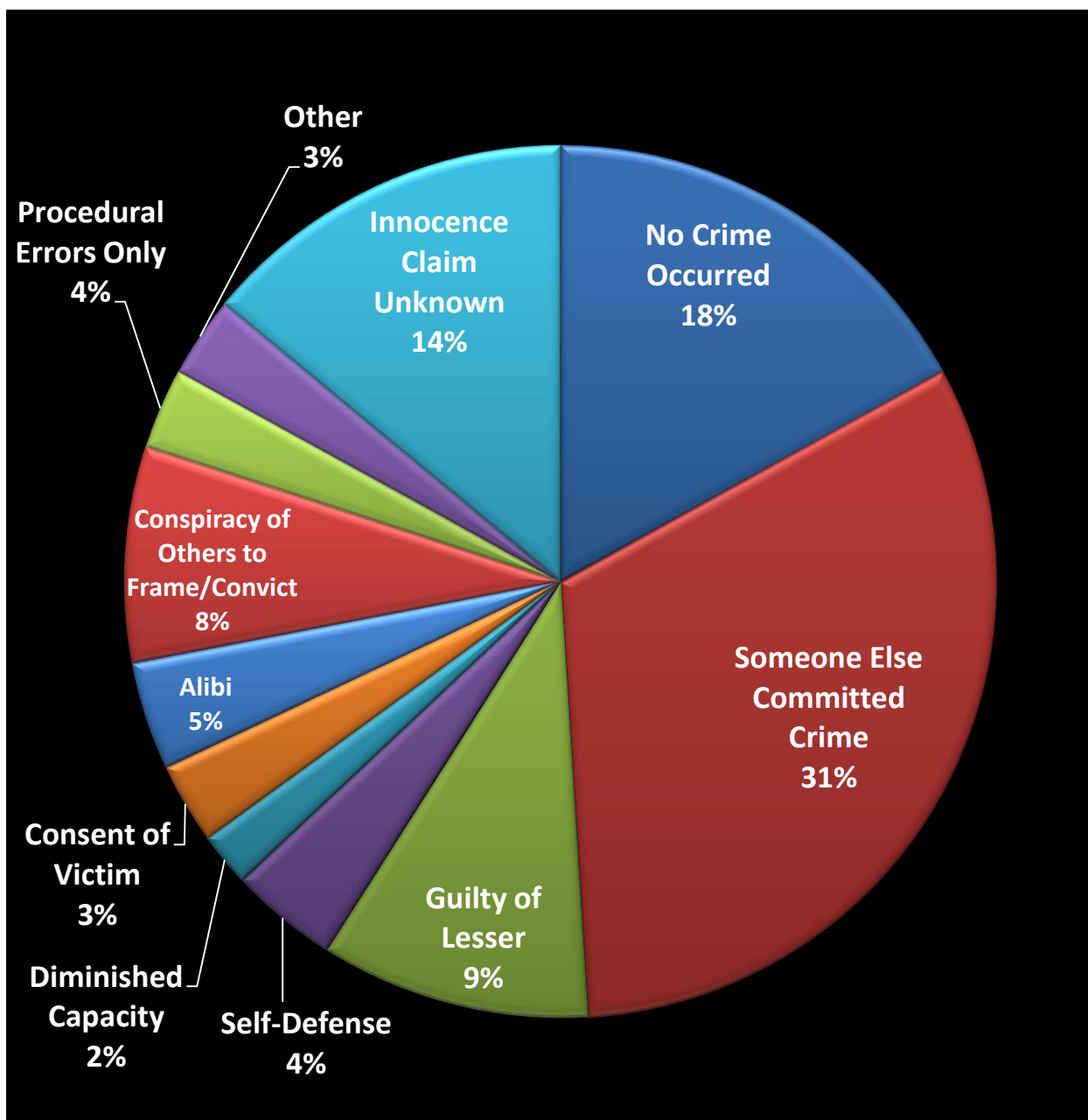
**Seven individuals have been exonerated as a result of the Commission's investigations.

Applicant's Convictions



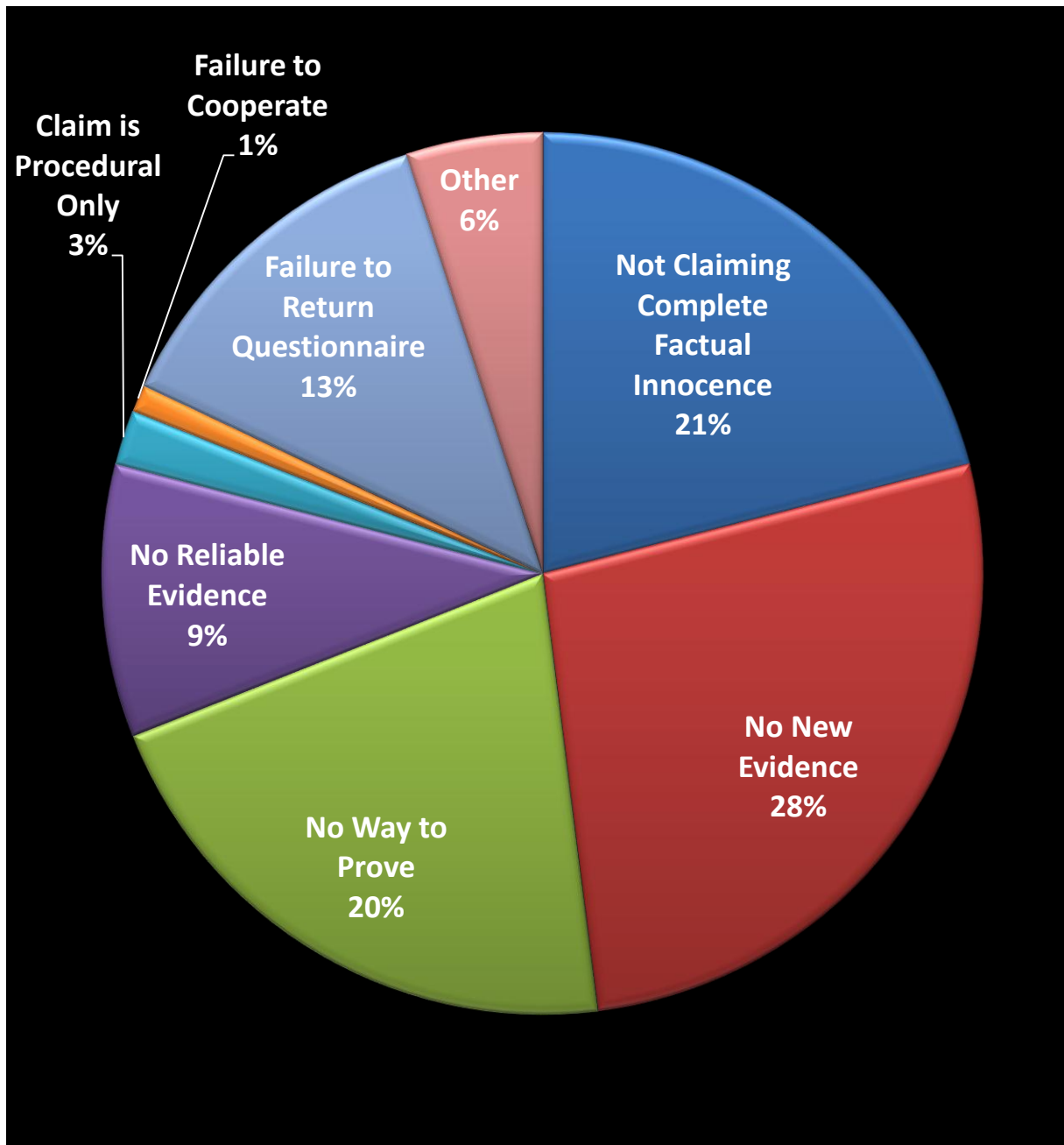
- Some applicant's were convicted of multiple offenses.

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.

Reasons for Rejection



- Some cases were rejected for more than one reason.