

The North Carolina Innocence Inquiry Commission



Factual Innocence

- Post-Conviction
- Person is completely innocent of the crime for which they were convicted
 - Crime did not happen
or
 - Someone else committed crime and they were not involved



Henry McCollum

Exonerated Sept., 2014

Photo: News & Observer / Chuck Liddy

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
- Granted with authority of Criminal and Civil Procedure
 - Subpoena power, standing to petition courts, compel attendance of witnesses, issue process, etc.
 - Statutory authority to take custody of evidence and subject it to DNA testing.



What isn't the Commission?

- Do not represent claimants
- No constitutional protections
 - Claimants must waive all trial privileges (even privileges against self incrimination and attorney/client)
- Inculpatory evidence not protected
 - Additional evidence of crime, other's involvement, and new crimes are turned over to law enforcement
- Not political or policy driven
 - Case lists not public
 - No regular media comments
 - No position on policy not directly tied to Commission's operations



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



CASE STATISTICS

Compiled in September, 2014

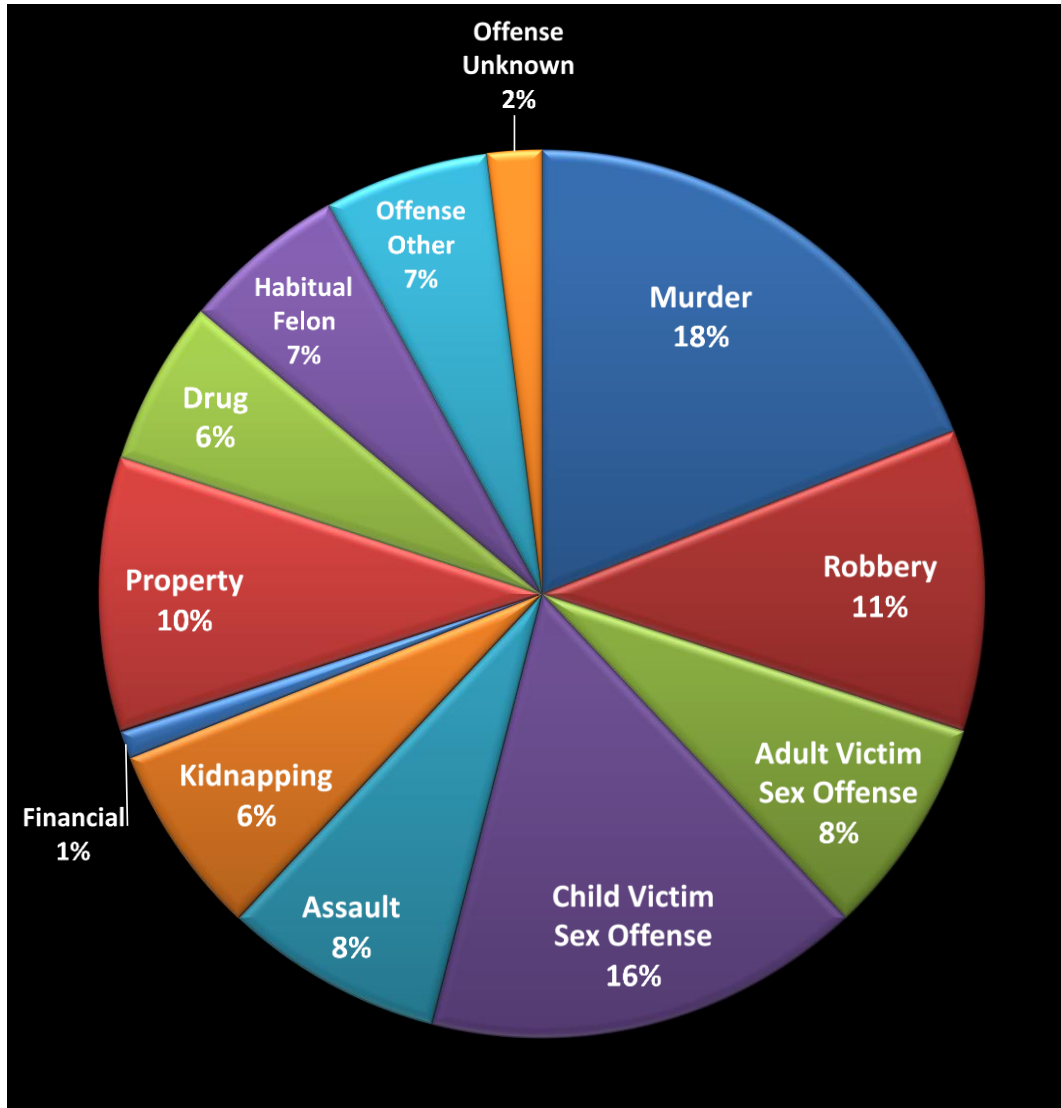
The Commission began operation in 2007

Total Number of Claims Received since Commission's Creation	1601
Total Number of Cases Closed since Commission's Creation	1448
Number of Claims Received in 2014	138
Number of Cases Currently in Investigation	20
Number of Cases Currently in Formal Inquiry	5
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.

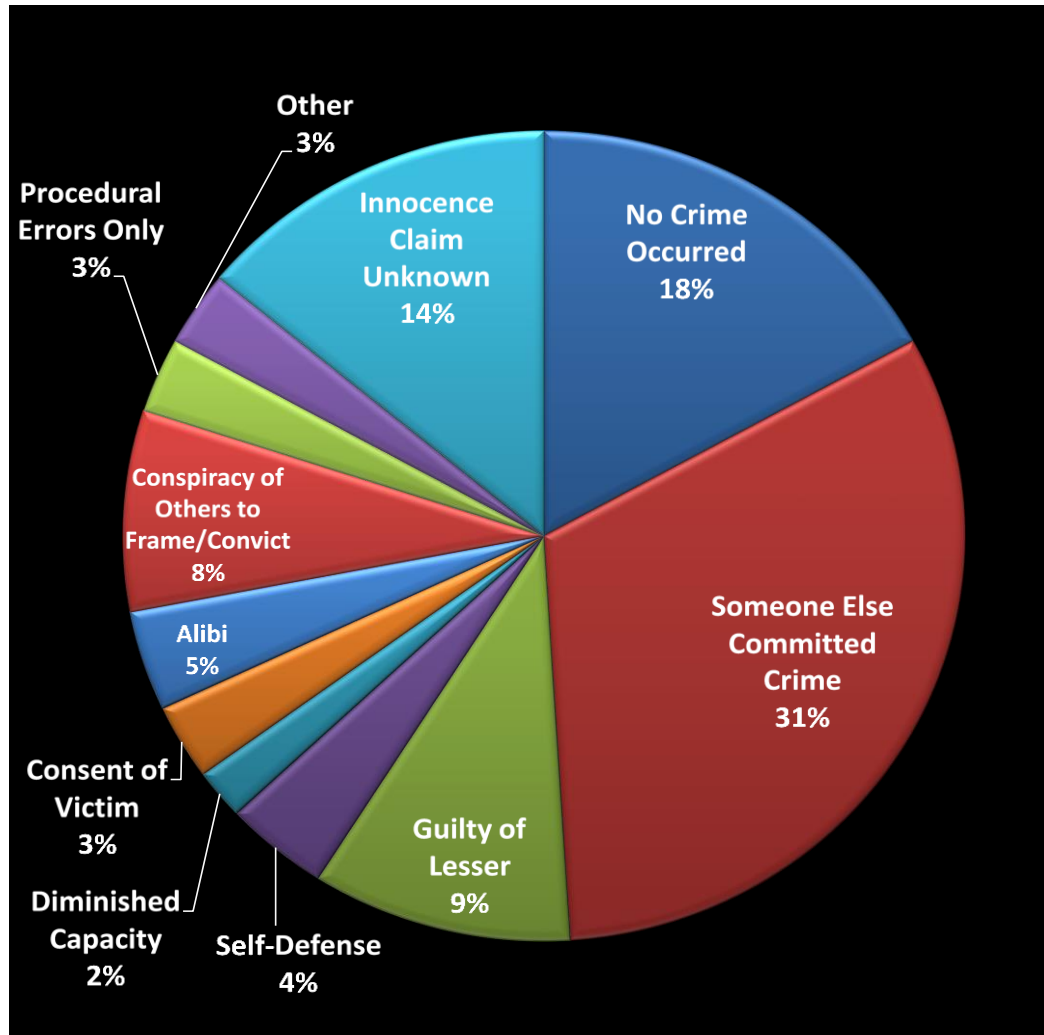
**Seven individuals have been exonerated as a result of the Commission's investigations.

Applicant's Convictions



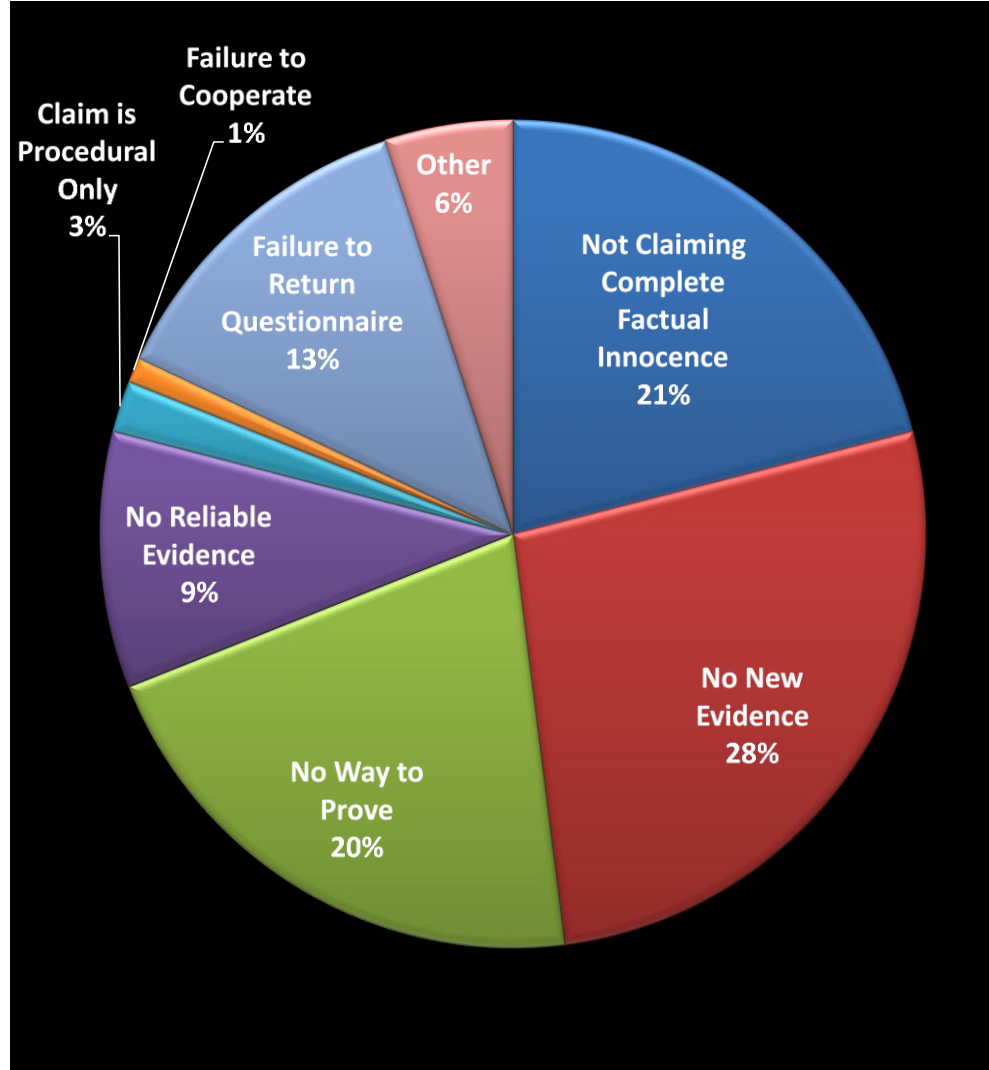
- Some applicant's were convicted of multiple offenses.

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.

Greg Taylor Exoneration

- 1991 Murder Case
- Commission Hearing, September, 2009
- Three-Judge Panel, February, 2010
 - Innocence proven through DNA testing, witnesses, serology
- Exonerated after 17 years in prison



Greg Taylor hugs his daughter after he is declared innocent

AP photo/Shawn Rocco

Kenneth Kagonyera and Robert Wilcoxson Exonerations

- 2000 Murder Case
- Commission Hearing, April, 2011
- Three-Judge Panel, September, 2011
 - Innocence proven through DNA, confession, jail records, and vehicle expert
- Exonerated after 11 years in prison



Kenneth Kagonyera hugs his grandmother and Robert Wilcoxson is embraced by his father after they leave jail.

Photos Ashville Citizen Times / Erin Brethauer



Willie Grimes Exoneration

- 1985 Rape Case
- Commission Hearing, April 2012
 - Fingerprint evidence uncovered and matched to an alternate suspect.
- Three-Judge Panel, September 2012
 - The prosecution joined in the motion to exonerate and apologized to Mr. Grimes.
- Exonerated after 24 years in prison



Willie Grimes during the three-judge panel hearing

Photo from The Hickory Daily Record

Leon Brown and Henry McCollum Exonerations

- 1983 Rape and Murder
- Brown sentenced to life and McCollum sentenced to death.
 - Both originally sentenced to death
- Brown applied to Commission in 2009
 - Case accepted for formal inquiry in 2010
 - Extensive DNA testing with no matches to Brown or McCollum.
 - 2014 CODIS hit to another man convicted of similar crime.
- Both men exonerated September 2014, after 31 years in prison.



McCollum and Brown with their sister the day of their release.

Photo News & Observer/ Chuck Liddy



Willie Womble Exoneration

- 1975 Murder Case
- Commission Hearing,
June 2014
 - Co-defendant confession
 - Alibi evidence
 - Original Confession Discredited
- Three-Judge Panel, October, 2014
 - Parties stipulated that evidence uncovered by the Commission was uncontroverted and DA stated he Womble was unquestionably innocent.
- Exonerated after 38 years in prison



Willie Womble as he walked out of prison

Photo by ABC 11

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