

NORTH CAROLINA:

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

WAKE COUNTY:

NO. 91-CRS-71728

STATE OF NORTH CAROLINA

v.

GREGORY FLYNT TAYLOR

DECISION OF THREE-JUDGE PANEL PURSUANT TO NCGS 15A-1469

THIS MATTER came on for hearing before 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 NCGS 15A-1469(a) on February 9, 2010, at a special session of the Wake County Superior Court to hear evidence relevant to the North Carolina Innocence Inquiry Commission's recommendation in the case of State v. Gregory Flynt Taylor, 91 CRS 71728.

The Three-Judge Panel ("the panel") heard evidence on February 9, 10, 11, 12 and 15, 2010. The State of North Carolina was represented by C. Colon Willoughby, Jr., District Attorney for the 10th Judicial District and Tom Ford, Assistant District Attorney. Gregory F. Taylor, ("Taylor") the convicted person was present at all times and was represented by Joseph B. Cheshire, V, Maitri "Mike" Klinkosum, and Christine Mumma.

The evidence consisted of the sworn testimony of fifteen (15) persons, including Taylor, the convicted person, who appeared as witnesses at the hearing, stipulations of the State and Taylor, the transcript of the first trial, transcript of the MAR hearing, affidavits of Taylor's prior counsel, and two hearing notebooks containing more than 100 separate exhibits. The evidence was concluded on the afternoon of February 15, 2010.

The hearing was recessed on Tuesday, February 16, 2010, in order to provide the panel members with the opportunity to review and consider the evidence submitted by the State and Taylor during the five days of the hearing and other documentary evidence previously submitted including, but not limited to, the trial transcript and transcript of the MAR previously held in this matter.

On Wednesday, February 17, 2010, the hearing resumed and both the State and Taylor, through counsel, made closing statements to the panel members. Thereafter, the panel members recessed in order to consider whether Taylor, the convicted person, has proved by "clear and convincing evidence that he is innocent of the charge" of first degree murder of Jacquetta Thomas on September 26, 1991.

NCGS 15A-1460(1) provides:

"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 some credible, verifiable evidence of innocence that has not previously been presented at trial or considered at a hearing granted through postconviction relief.

NCGS 15A-1469 provides that the 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.

NCGS 15A-1470 provides 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 NCGS 15A – 1460 et. seq. and all of the evidence presented and the arguments of counsel for the State and Taylor, the convicted person. This matter is ripe for disposition.

Decision:

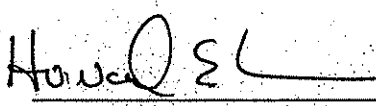
Judge Howard E. Manning, Jr. rules that Gregory F. Taylor has proved by clear and convincing evidence that Gregory F. Taylor is innocent of the charge of first degree murder of Jacquetta Thomas on September 26, 1991.

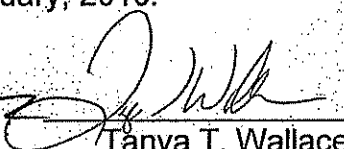
Judge Tanya T. Wallace rules that Gregory F. Taylor has proved by clear and convincing evidence that Gregory F. Taylor is innocent of the charge of first degree murder of Jacquetta Thomas on September 26, 1991.

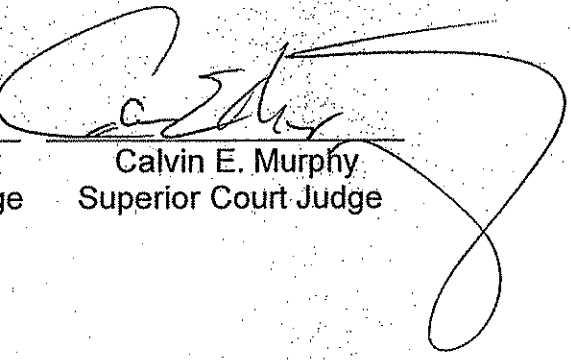
Judge Calvin E. Murphy rules that Gregory F. Taylor has proved by clear and convincing evidence that Gregory F. Taylor is innocent of the charge of first degree murder of Jacquetta Thomas on September 26, 1991.

In view of the decision by the panel and pursuant to NCGS 15A-1469, **IT IS ORDERED** that the relief sought by Gregory F. Taylor, the convicted person, is granted and the charge of first degree murder of Jacquetta Thomas on September 26, 1991 against Gregory F. Taylor is dismissed.

This the 17th day of February, 2010.


Howard E. Manning, Jr.
Superior Court Judge


Tanya T. Wallace
Superior Court Judge


Calvin E. Murphy
Superior Court Judge