

**Supreme Court
State of North Carolina
Raleigh**

Chief Justice
I. Beverly Lake, Jr.
(Retired)

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Raleigh, North Carolina 27609
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April 13, 2010

Dear Innocence Inquiry Commission Members:

I write first to thank you for your exceptional service as members of the Innocence Inquiry Commission (IIC) and to the cause of justice in North Carolina. Your commitment of professional expertise and personal time is greatly appreciated by me and by the citizens of our State.

As you know, as Chair of the North Carolina Actual Innocence Commission, I oversaw the in-depth and informed discussions which lead to the drafting of the legislation which established the IIC. I am proud that North Carolina has embraced the concept of an independent truth-seeking forum and is the first State in the nation to take this important step. I do, however, have some serious concerns that the internal operations of the Commission are contrary to the intent of both the drafting body and the supporting legislative sponsors.

It is my understanding that the full Commission is scheduled to meet at the end of this month. I request that I be given an opportunity to speak to the full Commission regarding several areas of concern, including the following:

With Regard to the Gregory Taylor Investigation, based on conversations with Mr. Taylor's defense attorneys:

- The inappropriate treatment of the 1991 bench notes prepared by Agent Duane Deaver and the misleading nature of his testimony before the eight-member Commission. When the IIC Executive Director, Ms. Montgomery-Blinn, was questioned about the bench notes by Taylor defense counsel, her responses ranged from not understanding the content of the bench notes to stating that the evidence was not important.
- The fact that the bench notes were made available to IIC staff, were known to IIC staff, and were discussed by IIC staff with SBI Lab staff over a year before the September 2009 hearing. By ignoring this critical evidence, the IIC staff delayed Greg Taylor's release from prison by well over a year.
- The fact that the content of the bench notes was known to the IIC staff when they informed defense counsel that prior to Craig Taylor's alleged confession, the staff had been unable to find any new evidence to support Greg Taylor's claim of innocence.
- The refusal by IIC staff to accept materials from Mr. Taylor's attorneys through discovery from the Wake County District Attorney's office which clearly demonstrate that the District Attorney's office had knowledge of Craig Taylor's false confessions prior to the IIC hearing in September 2009.
- The inability of the Commission staff to establish rapport with or gain the trust of key witnesses in the Greg Taylor case.

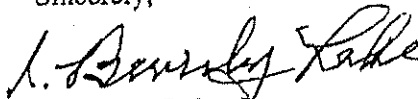
With Regard to Commission Operations

- The inappropriate use of State funds and waste of time and resources to review applications to the Commission, 98% of which were rejected and were never worth the Commission's time. The specific intent of the study commission which drafted the IIC legislation and the General Assembly representatives that introduced the ratified legislation was that all claims would be screened by The North Carolina Center on Actual Innocence (NCCAI) and its associated Innocence Projects and that the IIC would likely receive only ten to fifteen cases a year for investigation. Both the study commission and the General Assembly representatives were assured that the IIC would not duplicate the claim screening process that is already handled efficiently by others who are experienced in identifying the claims that, due to the limitations of the typical post-conviction process, require the extraordinary powers of the IIC. It was never intended that the IIC would use State funds to investigate claims that can be addressed by NCCAI, North Carolina Prisoner Legal Services, or North Carolina defense attorneys through the standard Motion for Appropriate Relief process.
- The unacceptable delay in the investigation of claims of innocence previously identified by North Carolina attorneys as requiring the extraordinary powers of the IIC in order to reach the truth regarding innocence or guilt.
- The inappropriate use of State resources to conduct full hearings before the eight-member Commission for cases where it is clear the standard of "sufficient evidence to merit judicial review" has not been met. For example, the McNeil case should never have been presented to the full Commission.
- The lack of confidence of the defense and prosecution bars in the competence and objectivity of the Commission staff.

It was originally my hope that I might also present you with IIC statutory proposals that I intend to present to members of the drafting body of the IIC legislation. However, I am mindful of time constraints, and I will therefore submit a written summary of the proposals to you for your consideration and input at a later time.

Thank you again for your most valuable service. I look forward to hearing back from you. My e-mail address is _____ and that may be the most convenient way for you to reach me. With kindest personal regards, I am

Sincerely,



I. Beverly Lake, Jr.
Chief Justice, retired

cc: Chief Justice Sarah Parker
Chief Judge John Martin
Representative Rick Glazier
Senator Dan Clodfelter
Mr. Joe Cheshire
Mr. Maitri "Mike" Klinkosum
Ms. Kendra Montgomery-Blinn