

**State v. Kenneth Manzi Kagonyera**  
**00 CRS 65086**  
**Buncombe County**

**State V. Robert Wilcoxson, III**  
**00 CRS 65088**  
**Buncombe County**

**WILCOXSON**  
**DEPOSITION**  
**TRANSCRIPT**



## April 12, 2011 Deposition of Robert Wilcoxson III (RW)

- Kendra Montgomery Blinn, Executive Director (KMB)
- Jamie Lau, Staff Attorney (JTL)
- Aschante M. Pretty, Administrative Assistant (AMP)
- Chris Fialko, Wilcoxson's Attorney (CF)

1	RW	Need me to scoot up?
2	KMB	Sure that's fine. Alright. We are getting ready to begin the deposition for Mr.
3		Robert Wilcoxson. Present in the room are Kendra Montgomery-Blinn, the
4		Executive Director of the North Carolina Innocence Inquiry Commission, Jamie
5		Lau, Staff Attorney for the Commission, Aschante Pretty, Administrative
6		Assistant for the Commission, um Mr. Robert Wilcoxson and his Attorney, Chris
7		Fialko. There is nobody else present in the room, right now it is 1:35?
8	AMP	Yes.
9	KMB	Okay. Mr. Wilcoxson we would like to swear you in.
10	AMP	Can I have you put your left hand on the bible and raise your right. Do you swear
11		to tell the truth, the whole truth and nothing but the truth so help you God?
12	RW	Yes.
13	AMP	Thanks.
14	KMB	Mr. Wilcoxson I'm going to ask you to speak up quite a bit just so that we can
15		hear you.
16	RW	That's why I asked you do you need me to scoot up.
17	KMB	You're fine there as long as you don't mind speaking up. Are you alright with
18		that?
19	RW	Yeah.
20	KMB	Alright, great. Alright just to remind you I think you already know this but we are
21		from the North Carolina Innocence Inquiry Commission. We've been reviewing
22		the innocence claim that you filed with our office. It is going towards hearing at
23		the end of the month. We will be presenting that case you don't have a right to be
24		present at the hearing, neither does your attorney, neither does the Prosecutor. We
25		do not represent you. We do not represent the Prosecution. We are a state agency;
26		our job is to independently investigate the facts of the case. You understand that?
27	RW	Yeah.

1	<b>KMB</b>	I'm going to ask you questions right now this is going to be your deposition which
2		will be similar to your testimony if you were able to be before the Commission.
3		When I ask you questions there's no particular answers I want you to give. I just
4		want you to tell me the truth whatever that is. If you do not remember, please just
5		tell me that you don't remember, if you don't know, please just tell me that you
6		don't know. Please don't tell me what you think I want to hear. Um if you are
7		remembering straight memory as opposed to drawing conclusions, please let me
8		know and we'll try and sort that out. If you're telling me I think this is what
9		happened as opposed to I really remember it, just try to help me make that clear so
10		I understand the difference. Does that make sense?
11	<b>RW</b>	Yes.
12	<b>KMB</b>	Okay. Any questions before we begin?
13	<b>RW</b>	No.
14	<b>KMB</b>	Alright, you are originally from Michigan is that right?
15	<b>RW</b>	Yes.
16	<b>KMB</b>	And is that where you were born and grew up?
17	<b>RW</b>	Yes.
18	<b>KMB</b>	When did you move to North Carolina?
19	<b>RW</b>	Ah I believe around March of '99.
20	<b>KMB</b>	March of '99 and why did you move to North Carolina?
21	<b>RW</b>	I, I wasn't really moving, I was visiting my daughter's mother mother stay down
22		here.
23	<b>KMB</b>	Okay. Did you intend to go back to Michigan?
24	<b>RW</b>	Yeah.
25	<b>KMB</b>	And can you tell me, I'm gonna tell you names of some people and tell me how
26		you know them if you do know them. Kenneth Kagonyera.
27	<b>RW</b>	Co-defendant.
28	<b>KMB</b>	Okay, did you know him before September of 2000?
29	<b>RW</b>	Yes.

1	KMB	How did you know him?
2	RW	Ah dealing with him in the streets.
3	KMB	Okay. Do you consider yourselves as having being friends or acquaintances?
4	RW	Acquaintances.
5	KMB	And had you known him the whole time you had been in North Carolina?
6	RW	Ah most of the time.
7	KMB	And did you know him before you moved to North Carolina?
8	RW	No.
9	KMB	Or before you came to North Carolina?
10	RW	No.
11	KMB	How about Larry Williams?
12	RW	The same. Acquaintance.
13	KMB	I'm sorry.
14	RW	Acquaintance.
15	KMB	An acquaintance.
16	RW	Yeah.
17	KMB	And did you know him before you came you moved to--
18	RW	No.
19	KMB	--Before you came to North Carolina? How about Damian Mills?
20	RW	I know him.
21	KMB	Was he an acquaintance or just somebody that you knew in passing?
22	RW	Ah that's ah Kagonyera's cousin. I met him through him.
23	KMB	If you had seen him on the street before September 18, 2000, would you have known his name?
24		
25	RW	Yeah I would know who he was.

1	KMB	Okay. Did you hang out with him?
2	RW	No.
3	KMB	But you hung out with Mr. Kagonyera and Mr. Williams?
4	RW	Yes.
5	KMB	How about Teddy Isbell?
6	RW	No. I know him.
7	KMB	You just know him? Would you have hung out with him?
8	RW	No.
9	KMB	How about Aaron Brewton?
10	RW	I know him. I didn't hang out with him either.
11	KMB	I'm sorry.
12	RW	I didn't hang out with him either.
13	KMB	Okay. And those people, none of them you knew before you came to North
14		Carolina?
15	RW	Right.
16	KMB	Did you know those people in a drug capacity?
17	RW	In a drug capacity...
18	KMB	In a drug related capacity, either doing drugs with them, exchanging drugs?
19	RW	Um, how does that relate to this case?
20	KMB	Well my understanding is that these people all made confessions that they were
21		involved in drug activity with you and with each other.
22	RW	Nah I just know them.
23	KMB	I'm going to give you some more names.
24	RW	Um huh.
25	KMB	Did you know Robert Rutherford?

1	RW	No.
2	KMB	Had you every met him that you know of?
3	RW	Not that I know of.
4	KMB	Okay. How about Lacy Pickens sometimes also called JJ Pickens?
5	RW	Not that I know of.
6	KMB	Never met him that you know of?
7	RW	Not that I know of.
8	KMB	How about Bradford Summey?
9	RW	Not that I know of.
10	KMB	How about the Bowman family?
11	RW	Um, I knew one of the brothers.
12	KMB	Do you know which one?
13	RW	Um, you know their names?
14	KMB	Shaun or Leon?
15	RW	Leon.
16	KMB	Leon?
17	RW	Um huh.
18	KMB	And how did you know him?
19	RW	He use to stay in the projects, the projects, the area that I was in.
20	KMB	Was that Pisgah View Apartments?
21	RW	Um huh.
22	KMB	And did you, were you friends with him acquaintances or just would recognize --
23	RW	Just knew him.
24	KMB	Just knew him?

1	RW	Um huh.
2	KMB	How about Shaun Bowman, the other brother?
3	RW	Didn't know him.
4	KMB	Had you ever met him that you knew of?
5	RW	Um, one time in passing.
6	KMB	Anything significant about that time that you met him?
7	RW	Nah um, he had a little pit-bull with him. That's how I remember who he was.
8	KMB	Okay. Was that before or after September 18, 2000?
9	RW	That was ah before.
10	KMB	How about their father, Walter Bowman?
11	RW	Never seen him.
12	KMB	Did you know where the Bowman home was?
13	RW	Never even heard of that place at all.
14	KMB	Did you know where Fairview, North Carolina was?
15	RW	No I didn't. I asked the Detective was it in Atlanta somewhere. I didn't know.
16	KMB	Had you ever been to Fairview that you know of?
17	RW	No.
18	KMB	And Pisgah View, the apartments that you stayed in, where what city would you say that was in?
19		
20	RW	Asheville.
21	KMB	It was in Asheville?
22	RW	(Nodding his head yes)
23	KMB	Let's talk about September 18, 2000.
24	RW	Um huh.
25	KMB	Can you tell me what you were doing that day?

1	RW	Um, I had to go to court the following day.
2	KMB	The 19 <sup>th</sup> ?
3	RW	I believe so. I believe that was like a Monday or something.
4	KMB	September 18 <sup>th</sup> was a Monday.
5	RW	September 18 <sup>th</sup> was a Monday?
6	KMB	Um huh.
7	RW	Well I had to go to court the following day.
8	KMB	Okay.
9	RW	So that's ah pretty much when when you out there doing what you are doing, you kind of lay low the day before you go to court. So that was what I pretty much was doing.
10		
11		
12	KMB	Laying low?
13	RW	Yeah.
14	KMB	Can you tell us more about what that was specifically...where you were or...
15	RW	Meaning that, meaning that I just kind of relaxed at home, you know what I'm saying, relaxed at home until it was time later on that night to go to court.
16		
17	KMB	Where, when you say relaxed at home, is this the apartment in Pisgah View?
18	RW	No my uh, off of Brevard Road.
19	KMB	Off what road?
20	RW	Brevard Road.
21	KMB	Brevard Road?
22	AMP	Mmhmmm...
23	KMB	Who else was in that home with you?
24	RW	Uh...me and my daughter's mother, Dea Johnson.
25	KMB	Okay. Was it her home?
26	RW	Lh huh.

1	KMB	And is that where you were staying?
2	RW	Uh huh.
3	KMB	And did you also stay in Pisgah View as well?
4	RW	That was way before, you know, ...I'd been moved out of Pisgah View.
5	KMB	Okay. So when you first came to North Carolina, you were in Pisgah View...?
6	RW	Uh huh.
7	KMB	And then you moved into Dea Johnson's home?
8	RW	Uh huh.
9	KMB	Who else were you with on September 18 <sup>th</sup> ?
10	RW	Um...me, my cousin...
11	KMB	What's your cousin's name?
12	RW	Corey.
13	KMB	Corey, what's Corey's last name?
14	RW	Parker.
15	KMB	And does he still live in Michigan or is he here?
16	RW	Nah, he's deceased.
17	KMB	Okay.
18	RW	And uh, Larry was with us.
19	KMB	Larry Williams?
20	RW	Uh huh.
21	KMB	And you said Dea Johnson was with you?
22	RW	Dea Johnson...
23	KMB	Was that all day?
24	RW	Yeah.

1	KMB	And what did you guys do, did you ever leave the house?
2 3	RW	Yeah, earlier that day we went to a football game. A little league, uh, I believe like a junior varsity football game...
4	KMB	For like high school kids?
5 6 7 8 9	RW	Right. Think it was a TC Roberson game, went to go see, uh Kenny's little brother play. That's why I had met up with Kenny that, earlier that day, but towards that night I had to go to court. So around...the Monday night football game come on at 9 o'clock. So I, I was home before the opening kickoff. And that's how I remember that day.
10	KMB	So you were in Dea Johnson's house during the football game?
11	RW	Right.
12	KMB	Were you in her house the entire time?
13	RW	Right...I fell asleep before halftime, we both fell asleep.
14	KMB	And when did you wake up?
15	RW	Uh, when I woke up, it might have been like 3 or 4 in the morning.
16	KMB	And what'd you do then?
17	RW	Went to go see this, this girl named Hannah. Hannah Rogers.
18	KMB	You left the house?
19	RW	Right.
20	KMB	Were you um, went you went to go see this girl, where did she live?
21	RW	In Pisgah View.
22	KMB	Okay. Did anybody else go with you?
23	RW	Uh, Corey and uh, Larry.
24	KMB	Were they all at your home during the football game too?
25 26	RW	Right, they wouldn't have been...you know, I was in the house, me and her was in the home.
27	KMB	When you left at 3 or 4 in the morning, did you take the van?

1	RW	No, no, we just, just got in and I left.
2	KMB	In the van?
3	RW	Right.
4 5	KMB	Okay. Had you been driving around that night in the van before you went to sleep?
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	RW	No we, we went to Pisgah View that night. We sat out there for a while, Dea pulled up in front of the van, told me I had to go to court, which I already knew. So, I end up following her, I told her I was gonna meet her at home so I end up following her home. So from, like I said, before 9 o'clock because I, the game was on. And I'm a big football fan, so uh...that's when Washington had this little supposedly this super team with Deon Sanders, Bruce Smith...they paid, paid a lot of money for their defense. So that was like a premiere game to watch, Dallas and the Redskins. That's how I, I actually remember this night, from when I went home. I'm at her home, we sat in the van for a second, watching a movie. So we went in the house to catch the opening kickoff...me and her, they stayed in the van. So me and her went in there, fell asleep before halftime, and when I woke up, they, they came and got me and woke me up. And uh, told me the girl Hannah had some weed. So we went back to the van and left out, went to Hannah's home. When I went in there, uh, she asked me to stay the night. I told her I had to go to court, so I end up getting a little weed and I left. And I went back home.
21	KMB	Back to Dea Johnson's house?
22	RW	Right.
23	KMB	And what time do you think it was when you got back to Dea Johnson's?
24	RW	Um...we was gone no longer than an hour, hour and a half.
25	KMB	Okay. And did you go back to sleep then?
26	RW	Uh huh.
27	KMB	And then did you get up, the next thing you did was get up to go to court?
28	RW	Right.
29	KMB	And did you go to court?
30	RW	Yeah I went to court.
31 32	KMB	Okay. The van that you had, was that for watching movies and doing drugs in? You said you smoked some weed in it.

1	RW	Yeah.
2	KMB	Okay. And obviously for transportation, is that right?
3	RW	Uh huh.
4	KMB	Did you have any other vehicles?
5	RW	Yeah.
6	KMB	Can you tell me about all the vehicles you had access to or owned?
7	RW	I had an uh, Impala.
8	KMB	An Impala?
9	RW	Uh huh.
10	KMB	Is that a Chevrolet?
11	RW	A Chevrolet Impala.
12	KMB	What color was it?
13	RW	Green.
14	KMB	Was it two colors or one color?
15	RW	Green with a white top.
16	KMB	Do you know what year it was?
17	RW	'79.
18	KMB	And were you driving it in September of 2000? Was it working?
19	RW	Nah, I had sold it.
20	KMB	When did you sell it?
21	RW	Um...I don't know the, the exact date, but I remember selling it.
22	KMB	Do you know if it was before or after September 18 <sup>th</sup> of 2000?
23	RW	It was before.
24	KMB	Do you know if it was a day before, a couple weeks before?

1	RW	A couple weeks before.
2	KMB	Do you know who you sold it to?
3	RW	Uh...I can't recall the person's name.
4	KMB	Okay. And the van, can you tell me what, what kind of van was it?
5	RW	Uh Ford...I don't know the name of the van.
6	KMB	Okay. What color was it?
7	RW	Burgundy.
8	KMB	Was it burgundy all over or multiple colors?
9	RW	It was like a, I think it had like a gray side, on the side.
10	KMB	Do you remember what year the van was?
11	RW	I believe it was a '99.
12	KMB	Okay. Any other vehicles?
13	RW	Not that I was driving around in.
14	KMB	Okay, what about Dea Johnson...did she have any that she let you drive?
15	RW	No. She was moving with me.
16	KMB	I'm sorry?
17	RW	She was moving with me.
18	KMB	Okay, so she drove your vehicles when she needed to drive? How about Corey?
19	RW	He wasn't down here but a couple of days.
20	KMB	And did he have a vehicle when he came down?
21	RW	No. Caught the Greyhound.
22	KMB	What, you said that Dea Johnson followed you to tell you to come back to go to court on September 18 <sup>th</sup> , what car was she in?
23		
24	RW	She was in a Altima.
25	KMB	An Altima, what year was that?

1	RW	Um...
2	KMB	If you know.
3	RW	I'm not sure.
4	KMB	Do you know what color it was?
5	RW	Black.
6	KMB	Whose car was that?
7	RW	Her cousin's.
8	KMB	Who's her cousin?
9	RW	Um... Richard Montgomery.
10	KMB	Richard Montgomery?
11	RW	Uh huh.
12	KMB	Did she use that vehicle a lot?
13	RW	Nah, they had just got it. He had just got it, recently.
14	KMB	Have you kept in touch with Dea Johnson?
15	RW	Yeah.
16	KMB	You have a child together, is that right?
17	RW	(nods head for yes)
18	KMB	Is there anything else you were doing on September 18 <sup>th</sup> and on through the night
19		of September 18 <sup>th</sup> ?
20	RW	Nah, that I remember.
21	KMB	Do you have any memory loss from that time period? Any reason that drugs or
22		alcohol made you forget things?
23	RW	No.
24	KMB	Any black holes in your memory?
25	RW	No, not that I know of.

1	KMB	No missing spots that you can't identify what you were doing?
2	RW	Not that I know of.
3	KMB	Did you shoot Walter Bowman?
4	RW	No.
5	KMB	Did you go into the Bowman home?
6	RW	No.
7	KMB	Did you ever go to the Bowman home?
8	RW	No.
9	KMB	Did you go to the Bowman home, but stay outside?
10	RW	No.
11	KMB	Did you ever go to Fairview, North Carolina?
12	RW	No.
13	KMB	Did you ever plan to rob Walt...Shaun or Walter Bowman?
14	RW	No.
15	KMB	Did you have anything to do at all with this case--
16	RW	No.
17	KMB	--the murder of Walter Bowman?
18	RW	No.
19	KMB	Why did you plead guilty?
20	RW	Because um, I was kind of stuck between a rock and a hard place. Meaning that I had some more charges uh, some fleeing to elude charges, stolen property charge, a schedule two charge, and the lawyer that I had at the time, told me that they was gonna boxcar those numbers. Which he said would've come to 15 to 18 years; and I would've still had the murder case to fight. He told me if I take the plea that they would bring it down; they would drop all the other charges and give me 94 to 125 months; which was 7 years 11 months to 10 years 5 months. I had already been in the county for 2 years and some change. So that was telling me I was going home in 5 years. Plus I had a daughter, you know what I mean, a daughter on the way. Because my daughter was still in the womb when I got incarcerated,
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22		
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1		you know, I never had a bond so I never got a chance to be home with her. And
2		there was a chance of me losing my whole entire life to the, to the
3		system...probably catching a life sentence or a death sentence or whatever it may
4		be, and she wouldn't have a father for the rest of her life. So it was either, you
5		know, go with the flow and get as less time as I can, or still remain and claim my
6		innocence but, you have a life sentence...and then my daughter would grow up
7		without a father. So it was like, you know what I'm saying, that I waited, me
8		doing a few years and then just carrying on with my life whenever this is over
9		with or me be having a life sentence and my daughter not having a father at all.
10		That was the reason for me taking the plea. If she wasn't born, I probably would
11		be in here right now with a life sentence. Because I wouldn't have took the plea.
12	KMB	Do you...go ahead.
13	RW	That's why we're in here so long, you know, in the county jail so long. Because
14		everybody else had been ready to take pleas and taken pleas, I was like the last
15		one. Trying to get a court date but they wouldn't give me a court date.
16	KMB	Did you originally want to go to trial?
17	RW	Yeah, I asked a million times to go to trial.
18	KMB	Who did you ask?
19	RW	My attorney, my attorney Jack Stewart. I asked him a million times to go to trial.
20		I even wrote Mike Easley, trying to get a court date. And he told me that he, that
21		he didn't have jurisdiction to grant me a court date, but if anything was to happen
22		inside of my case that he, that I felt was unfair, to get him another letter and he'd
23		personally handle it. But, you know, I ended up taking a plea.
24	KMB	Did you think you would be convicted if you went to trial?
25	RW	I'm saying, the odds were stacked against me. So you know I'm, I'm not ignorant
26		to what's going on, you know what I mean. I understand where I'm from, who I
27		am, what I was doing. You know what I'm saying, even though I was innocent of
28		the crime, I put myself in that situation, of being around people that put, you know
29		what I'm saying, being around. So, you know, it wasn't gonna be a jury of my
30		peers, you know what I'm saying. Then you hear what he got to say, his made up
31		stories...it's basically guilty, you know what I mean. And then I'd be fighting on
32		appeal. And if I lose, like I'm saying, I got a life sentence...then my daughter
33		lose her father. That was the reason for me taking the plea.
34	KMB	If you were doing it over again, would you still plea?
35	RW	If my daughter was born, if I was in the same situation, it'd have to be my
36		daughter, yes. But if she wasn't here, no.

1	KMB	Can you talk to me about the times that the police interviewed you? The police interviewed you a couple of different times, do you remember being interviewed by the police?
2		
3		
4	RW	Um...not really.
5	KMB	I'm sorry, the sheriffs.
6	RW	Can you be uh, more precise?
7	KMB	On September 25 <sup>th</sup> the police came, September 25 <sup>th</sup> 2000, law enforcement officers interviewed you, and you told them that you were not involved--
8		
9	RW	Uh huh.
10	KMB	--But that you'd heard that Vaughn, Trey, and Wilton were the people who did it. Can you tell me more about that and who those people are?
11		
12	RW	I don't personally know those people, a dude named Chops, I believe that was his name, told me...Chops.
13		
14	KMB	Chops?
15	RW	Right. I met him in PVA, Pisgah View. And you know, just some conversation, talking, those were the names that was given to me, by him just in conversation, talking. But I don't know those people, you know what I mean.
16		
17		
18	KMB	Do you know Chops by any other name, or is that the only name--
19	RW	No, that's the only name I knew him by.
20	KMB	So you don't know who Vaughn, Trey, or Wilton are?
21	RW	No, never seen them.
22	KMB	On September, next day, September 26 <sup>th</sup> , 2000, you were interviewed again by law enforcement and denied involvement, and you asked for a polygraph.
23		
24	RW	Right.
25	KMB	Do you remember that interview? Do you want to say anything about those interviews?
26		
27	RW	What's to say?
28	KMB	You said that, when you agreed to plea, you thought you were gonna get about 7 years?
29		

1	RW	My attorney told me that I was gonna get the mitigated numbers, you know he had
2		the mitigated, presumptive, aggravated. But by there being so many people, and
3		me being the last one, I knew the finger was going to be pointed at me, everybody
4		took pleas. So, but we was looking for the mitigated number, which was 94 to
5		125 months. By me having zero, by me having zero points, never having a, a
6		prior crime, you know...I was still in column one. But when I got sentenced and
7		got my numbers, I was sentenced under column two. You know two, uh 151 to
8		189. Well like I said, I was told 79, I mean uh...94 to 125 months, 17 minus 11 is
9		5 months. If I knew I was gonna get the time I got, I probably still would've took
10		the trial because I didn't want to take that time. That seemed like a lot of time to
11		me, at the time because I never had any time before, you feel me? But by me
12		being here and seeing these dudes with the time, I new, I kind of was alright, you
13		know; the plea was okay.
14	KMB	Okay. Let's talk about the polygraph because you asked for that, on September,
15		26 <sup>th</sup> , and you were polygraphed on October 4 <sup>th</sup> , 2000; does that sound right to
16		you?
17	RW	I don't really recall the date.
18	KMB	Do you remember being polygraphed?
19	RW	I remember the polygraph, right.
20	KMB	Submitting to a polygraph exam.
21	RW	Right.
22	KMB	Why did you ask to have a polygraph examination?
23	RW	Because I was 100 percent, because I am 100 percent innocent. I told them I'd
24		give the polygraph, DNA, whatever they asked for.
25	KMB	And you did provide your DNA?
26	RW	Right.
27	KMB	Were you nervous going into the polygraph?
28	RW	Why wouldn't I be?
29	KMB	Why would you be or why wouldn't you be?
30	RW	Why wouldn't I be?
31	KMB	Why wouldn't you be nervous? So you were nervous?

1	RW	Uh huh.
2	KMB	Why were you nervous?
3	RW	I'm saying... look at me, going in there talking to, you know what I mean. That's
4		not something that we do everyday, where I come from...you know what I mean?
5		But like I said, I'm 100 percent innocent, so...why wouldn't I.
6	KMB	Do you know, do you remember what questions they asked you during the
7		polygraph?
8	RW	No.
9	KMB	Do you remember what the results were?
10	RW	They said inconclusive. I remember a couple, a couple of questions. I think they
11		asked me three questions of a, that we knew. Like my name, birthdate, I can't
12		recall the other one; and some other questions. But I know one question was uh,
13		uh...have I ever committed a crime from the age of 12 or 8 or something, that
14		would have gave me a lot of serious time. And I told them no, which I knew was
15		a lie, you know what I'm saying...from 12 years old, up until 21, you know what
16		I mean. But...
17	KMB	So you knew that you had committed a crime?
18	RW	Right.
19	KMB	But you're not talking about the Bowman homicide?
20	RW	No, I'm not talking about that...I'm just...
21	KMB	You're talking about something else?
22	RW	Right, from 12 years old, up until then...it could have been anything you know
23		what I mean. But not that at all. And that was the only question that I answered
24		uh, untruthfully. You know.
25	KMB	Okay. Why do you think that it was in, un, inconclusive?
26	RW	Because of that one question.
27	KMB	Do you remember the questions that they asked you about the Bowman homicide?
28	RW	Not really, but it was basically maybe the same things you asked me a little while
29		ago.
30	KMB	Did you ever see a report from that examination?

1	RW	No.
2	KMB	Who told you that it was inconclusive?
3	RW	My attorney,
4	KMB	Did they tell you right then, or did they tell you later?
5	RW	Later.
6	KMB	What did you think when you heard that?
7	RW	Was it took, you know what I mean? I kinda took it at...honestly I felt like I was
8		being railroaded, so...I aint look for really nothing to fall back in my favor.
9	KMB	Who did you feel was railroading you?
10	RW	Everybody involved.
11	KMB	Your attorneys?
12	RW	Not necessarily my attorney, but at, towards the end it felt like it. But at the
13		beginning, it seemed like he wanted to fight for me, you know what I'm saying,
14		was with me. Because like I told them out the gate, I didn't want no plea. You
15		know what I'm saying, they kept coming to me with pleas, verbal pleas. And I
16		kept turning them down, turning them down, turning them down, turning them
17		down. So you know, I thought he was with me as far as, uh...going to the door,
18		you know, fighting for a trial. Then when it came about, the box car numbers and
19		everything, it was almost like he was pressuring me to take the plea. Said, he
20		telling me I was gonna get 18 years, then I got a good chance of losing and, you
21		know what I'm saying and then my daughter and he's throwing these things, you
22		know what I'm saying. So towards the end, I'm still telling him I wanna fight, it
23		was more like he was leaning on my to take a plea instead of fight the case, you
24		know. And then when I got the time that I got, you know what I'm saying, I
25		wasn't looking for that time when I got to the courtroom. So when I got the time,
26		I asked them to explain what's going on to me, you know what I'm saying...oh
27		don't worry about it, you'll be out in a couple of years. You know what I'm
28		saying, kind of brushed me off, and that was the last time I heard or seen from
29		him. You know, I told my family to get in touch with him, but he never returned
30		calls or, so it was just like...I was just stuck with all these extra years.
31	KMB	Who else did you feel like was railroading you?
32	RW	Uh...the District Attorney, Ron Moore.
33	KMB	Why do you think that?

1	RW	Because basically, that's what he do. You know what I'm saying, that's what he
2		do. You ask anybody around there, in that system, and they'll tell you that's what
3		he do, you know.
4	KMB	What do you mean?
5	RW	Far as...you don't have a fair chance with Ron Moore. You just don't.
6	KMB	That's what people said or that's what you think?
7	RW	That's what I know.
8	KMB	And that's because of your experiences in this case?
9	RW	That's my--
10	KMB	Or other reasons too?
11	RW	That's my experience in dealing with these people, in general, around the area.
12	KMB	Can you be more specific, or or not?
13	RW	Just hearing, you know just hearing his name and, you know what I'm saying, the
14		cases he had went about and things he had been going through. Just heard he's
15		just a dirty DA basically, you know.
16	KMB	Did you feel like anybody else railroaded you?
17	RW	The whole system really you know. Everybody, like I said, everybody involved.
18	KMB	What about your co-defendants? Many of them made statements that implicated
19		themselves and you.
20	RW	Right.
21	KMB	What do you think about that?
22	RW	All lies.
23	KMB	Do you think that they could've been involved?
24	RW	I don't know.
25	KMB	You said Larry Williams was with you.
26	RW	He was.

1	<b>KMB</b>	So when he confessed, multiple times to law enforcement, and implicated you, he
2		was lying?
3	<b>RW</b>	Completely.
4	<b>KMB</b>	Why do you think he would lie?
5	<b>RW</b>	Because he was scared.
6	<b>KMB</b>	How do you know he was scared?
7	<b>RW</b>	Read the statements.
8	<b>KMB</b>	Can you explain what you mean by that?
9	<b>RW</b>	He changed his statements multiple, multiple times. Uh, one time him, his
10		attorney, my attorney, and myself...I was called down to the interview room and
11		he was there with us. And they was trying to tell him to tell me the story of what
12		happened. And he couldn't even tell me what happened, it was just us four in the
13		room. So his lawyer was basically coaching him what to say. Like every other
14		word, he couldn't explain nothing that was going on. Every other word he was
15		coaching him to say. So I told him and I told his attorney, you can't even speak in
16		front of us four, how can you speak in front of a jury and a crowd, you know what
17		I mean. You telling a lie man, just tell the truth, you know what I'm saying. I just
18		don't want you to get no life sentence, you got a child on the way man. I don't
19		wanna have to testify on you. I said, do what you gotta do...at this time, I'm
20		ready to go to the door with this trial, you know what I'm saying. And none of
21		that as I' reading the statements that nothing's consistent. One persons got me
22		doing this, one persons got me doing that. One persons got me with a gun, one
23		person don't got me with a gun. One got me with a mask, one had seen me with a
24		mask. What am I doing, where am I at? You know, so you know, like I said, I
25		was ready to go to the door, even after reading the statements. Because I felt that,
26		if my lawyer would've actually fought for me, you know what I mean, I could've
27		beat that case. But, in the end I still would've caught the 15 to 18 years. What I
28		was told, but, it was still a no win situation.
29	<b>KMB</b>	Were you scared?
30	<b>RW</b>	Yeah, why wouldn't I be.
31	<b>KMB</b>	How old were you?
32	<b>RW</b>	Uh, 5 months over 21.
33	<b>KMB</b>	21?
34	<b>RW</b>	Uh huh.

1	KMB	And how old was Larry Williams?
2	RW	Uh, I'm not sure...might have been about 17, 16, something like that.
3	KMB	The other co-defendants, you said you don't know whether they were involved or
4		not...
5	RW	I don't know.
6	KMB	But they were lying when they said that you were involved.
7	RW	Completely.
8	KMB	Why do you think they would lie?
9	RW	I don't know, I don't know.
10	KMB	Can I have the sentencing? Do you know who Matt Bacoate is?
11	RW	Uh huh.
12	KMB	Was he involved in your case?
13	RW	I don't, I don't know Matt Bacoate, but he was trying to reach out and talk to me a
14		few times. I knew he worked with Ron Moore. So I wouldn't talk to him, I
15		wouldn't talk to him at all, period.
16	KMB	What do you mean he was trying to reach out and talk to you?
17	RW	He kept sending word that he wanted to talk to me.
18	KMB	How did he send word to you?
19	RW	Uh, through my girl, through other females that was coming to see me. Through
20		uh, just through the streets basically, you know. And I knew he had this uh
21		program, I think called Life on Life Terms him and Ron Moore was working on.
22		And that's basically getting people to tell on people and you stay out of prison
23		basically, you know what I mean. So, out the gate...
24	KMB	And is that what you heard about that program?
25	RW	That's what I know about that program. I know people in that program, you
26		know. Well knew of people in that program, you know what I'm saying, so.
27		There was really nothing for me to say to him. Because I didn't know anything,
28		so I, I'm not gonna make up a story and implicate myself if I don't know
29		anything. You know what I'm saying?

1 2	KMB	And, and the word that he was sending to you was just that he wanted to talk to you?
3 4	RW	Right. That he can help me and, how can you help me? You know, and you work for the DA. How can you help me?
5	KMB	And was that all through word of mouth, or did he send you letters?
6 7 8 9 10	RW	Uh, no letters but he was trying...he was talking to my daughter's mother, you know, sending word through her visit, other females that was coming to see me. Uh, this other female that I knew, her mother was in contact with him. So he would send word through her, you know come see me. But I would never, you know, agree to see him.
11	KMB	Do you know if he ever talked to your attorney?
12	RW	I'm not sure.
13 14	KMB	Can I have the sentencing? Do you know anybody who went by the name of Engine?
15	RW	(laughs) Engine?
16	KMB	Uh huh.
17	RW	Nah.
18 19	KMB	Okay. You laughed, is that because you had an idea or because you just never heard that?
20	RW	Nah, I never heard that before.
21 22	KMB	Okay. Alright, Mr. Wilcoxson I am looking at, um, the transcript from when you were sentenced.
23	RW	Uh huh.
24	KMB	And you spoke to the family.
25	RW	Right.
26 27 28 29 30 31 32	KMB	And I'd like to read what you said and then I'll let you take a look at it if you'd like to. This is what you said, you said to Mr. Bowman's family: I want to tell you I'm sorry for everything that happened. There's really nothing I can say, but apologize and ask for mercy from you and the judge. Like I say, I have a daughter too so I understand how you all feel. Whatever happened, it happened the way it went down. Sometimes you've got to pay the costs, what you're dealt, we both were dealt the wrong hand. We've got to deal with what we've got to

1		deal with. I've got to serve the time, and ya'll have got to take a loss. I'm sorry
2		through my heart, I'm sorry Ms. Bowman.
3		
4		I'll let you read it if you'd like to. Can you--
5	RW	I remember.
6	KMB	You don't need to read it? Okay. Uh...can you tell me about that?
7	RW	Yeah, I had wrote something to give to the judge, you know what I'm saying, to
8		be read. And it was basically telling him why I took the plea. And my attorney
9		told me not to give him that because they would reject my plea, the uh...offer for
10		the plea. And like I was explaining exactly what I explained to ya'll exactly why
11		I took the plea. And I just told him straight, straight from my heart what was
12		really going on. And why I took the plea, the pressure I felt or whatever. So
13		when I showed my attorney that, he told me not to do that. He told me to, that if I
14		have to, make up to express uh some uh, what's the word I'm looking for? Um,
15		regret you know, like basically just take the blame, you know what I'm saying.
16		Because it would look better on, better to the judge than me just not saying
17		anything or or like being nonchalant about what's going on, you know what I'm
18		saying. So its basically better for me to say I apologize for your loss, you know, it
19		was political correct, basically. For me to tell it, that's almost the exact word he
20		told me to say to them, you know what I'm saying.
21	KMB	Was it written down and you read it or...
22	RW	No it wasn't written down, it was just basically talking to me. You know, when it
23		was time for me to speak. You know, I had been in there for so long and had
24		never said anything. Didn't have a chance to say anything and what I wanted to
25		say, I stayed up all night just thinking about what I wanted to say. And when I
26		finally showed him what I had, he told me not to give that to him because they
27		would reject my plea, you know what I'm saying.
28	KMB	Do you still have that what you wrote down?
29	RW	No, I gave it to him. I gave it to him and he just came back like you know, you're
30		not, you're not gonna give that to him so I basically just kind of just, just kind of
31		told them from the heart. Being that I understood that they lost a loved one, you
32		know what I mean, regardless of me being innocent or not innocent, you still lost
33		your loved one. You know what I mean, so I understand ya'll pain...but
34		understand my pain too. My family's gonna lose a loved one too. And I can't say
35		that I'm innocent, which I wanted to tell them that I'm innocent, you know,
36		because what I was told when I, they would reject the plea. And if I knew I was
37		gonna get the time that I got, I would've said it anyway, because I was expecting
38		94 to 125 months instead of 151 to 189. See what I'm saying, so basically what I
39		told them is basically what he told me, you know what I'm saying. Uh, take on
40		some of the blame, you know, show regret. So I just kinda, just gave them what

1		he told me say basically.
2	<b>KMB</b>	And the part where you say we both were dealt the wrong hand...is that what
3		you're talking about where you were saying...
4	<b>RW</b>	Right, Right.
5	<b>KMB</b>	You feel bad that they've lost somebody, but your family--
6	<b>RW</b>	I feel bad that she lost somebody and I feel bad that I'm being dealt this hand that
7		I was being dealt, so I had to play what I was played and you know we had to
8		play, what y'all was played. You know, I feel bad that ya'll lost somebody, but
9		I'm losing...my family losing me too, for no reason at all. You see what I'm
10		saying...so we gonna lose, my daughter gonna lose me for the next what I'm
11		thinking 7, 8, 9 years. And you know, ya'll lost ya'll loved one but I'm 100
12		percent innocent is what I wanna tell you. You know what I'm saying. I, I knew
13		one of the, one of the sisters she used to smoke, you know what I'm saying. And
14		she was there and she know me you know, not, not know me know me...
15	<b>KMB</b>	One of the Bowman family?
16	<b>RW</b>	Right. A older, she's a older woman, she know me, but she don't know me, know
17		me. But she know I, know I had no reason to do none of that. I was basically
18		okay, I was good off, you know what I mean. So I was basically just talking to
19		her and to the mother you know what I mean, because like I said...all I can do is
20		just tell you sorry. You know what I'm saying, basically from sorry that I'm
21		going through this and I'm sorry that you going through this, you know. But I
22		was, I was told to tell them that I regret this and I'm mournful for that and, but
23		really for what, I ain't do nothing. I'm mournful for being put in this situation.
24		I'm mournful for having to do this time for something I didn't have nothing to do
25		with. You see what I'm saying, why should I be mournful and sorry for
26		something I had nothing to do with? So I was told to say that, so you know I
27		just...basically doing what I was told.
28	<b>KMB</b>	You told me about the vehicles that you owned and had access to, and one time,
29		before being charged with this, you were in the van and you ran, drove away from
30		police; is that right?
31	<b>RW</b>	Mmhmm...
32	<b>KMB</b>	And they did, did ultimately charge you with that; that was one of the charges that
33		was part of your plea deal. Is that right?
34	<b>RW</b>	I'm not sure.
35	<b>KMB</b>	Why, did you know ahead of time that you were a suspect in this murder?

1	RW	No.
2 3	KMB	Let me back up and ask you. When did you first hear that Walter Bowman had been killed?
4	RW	Uh...maybe a day or two later.
5	KMB	After the murder?
6	RW	Right.
7	KMB	And how did you hear about it?
8 9	RW	A girl named Tangy, this girl named Tangy came over to the van and told uh...Kenny, told Kenny, he was in the van...
10	KMB	Kenneth Kagonyera?
11 12 13 14 15 16 17 18 19 20 21 22 23 24	RW	Right. Told him, told him in the van that they say he might have had something to do with it. So I looked back, you know what I'm saying, look at him and see how he's gonna react to it because I don't know, you know what I'm saying. And he like, no, what you talking about...you talking crazy, you know what I'm saying. So she looked at me and say they, say they don't know if you had nothing to do with it. But they say if he had something to do with it, you probably had something to do with it too. Because, you know, 9 times out of 10 you'd see us together. So that's when I told her, I pushed her off the van and I told her get away, get the hell away from me. You ain't talking about nothing and rolled the window up on her, you know what I'm saying. And I turned around and looked at him like what's she talking about? He like, man I don't know what she talking about. And I left it at that, you know what I'm saying. If you don't know what she's talking about, ain't no need of me to further push the issue. Because I don't know what she talking about, and just left the issue at that.
25	KMB	And you didn't know whether he was involved or not?
26	RW	At all.
27	KMB	And you still don't know?
28	RW	Still don't know at all.
29	KMB	And, did you hear more about it on the streets?
30	RW	Um...
31	KMB	Before you were picked up?

1	RW	It wasn't really going around that you involved in this, or you might be involved
2		in that. You know, something happened so it's a small, you know, the town's
3		very small...you can probably go all around, all the way around it in 40 minutes,
4		you know what I'm saying...so anything that happen, you gonna hear about it. So
5		when, you know, it was just going around, the situation happened, but they wasn't
6		saying who was involved, who they thought was involved. You know what I'm
7		saying, at the time, a few of the dudes I don't even talk to period. Like Man, I
8		don't talk to him period. Teddy, he's a smoker, you know what I'm saying...I
9		don't really deal with him period. So I, I wasn't around them to be hearing
10		different things and people coming to them saying. Like if I would've been
11		around them, I might've been hearing people like they say you involved in this,
12		they say you involved in that. And I could've been putting 2 and 2 together, but
13		I'm not around them to hear this, so I don't know.
14	KMB	When did you first learn that you were a suspect in the murder?
15	RW	Um...when I seen his, the brother. I spoke to the brother, I saw the brother.
16	KMB	One of the Bowman brothers?
17	RW	Right.
18	KMB	Do you remember if it was Leon or Shaun?
19	RW	Leon, I never even spoke to Shaun at all, period. I seen him before.
20	KMB	He's the one that told you, you were a suspect?
21	RW	Nah, he basically was telling me what happened with the situation and I brought it
22		to him, like yo...they saying that I might have, they think I might have something
23		to do with it. And he was like nah, I know you ain't got nothing to do with this.
24		So, I said yo, we need to get my name clear. And that's when we all started going
25		about...called my mother...
26	KMB	You and Leon did this?
27	RW	Right. I called my mother and had her come down, and that's when I went to
28		them and asked them to just you know just...
29	KMB	Come down from Michigan?
30	RW	Right. So we, I could basically turned myself in to speak with them about what's
31		going on. I'm hearing my name involved in this murder, so if I had nothing to do
32		with it, I don't, don't nobody know me down here. I could've been gone, I went
33		home one time. I could've stayed home. I came back...
34	KMB	Between the murder and your arrest you went home once.

1	RW	Right.
2	KMB	--and you came back to North Carolina?
3	RW	Right, came back. I came back.
4	KMB	And so you turned yourself in, knowing that you were a suspect in the murder?
5	RW	Right. That's, that was the reason for me turning myself in. I went and got my
6		mother, that was the reason for me turning myself in. And that's how the
7		polygraph came about, and giving samples, and all the other things.
8	KMB	Okay. So back to that police chase in the van, why did you run from police then?
9	RW	I mean, they got behind me and turned the lights on.
10	KMB	Was Larry Williams with you or Kenneth Kagonyera?
11	RW	Kenneth.
12	KMB	So you say they got behind you and turned their lights on, are you saying it was
13		just instinct?
14	RW	It was an instinct, but at the same time uh, I was dirty, you know. I was holding
15		so.
16	KMB	Drugs?
17	RW	Right. So when they got behind us, it was basically instinct, you know.
18	KMB	Did you know you were a suspect in the murder at that time?
19	RW	No, not at all. I didn't even understand why they got behind us, you know what
20		I'm saying, in the first place like that. So...
21	KMB	You didn't know why they were trying to pull you over?
22	RW	Right. Because the way they came, they just came out of no where and got behind
23		us. Wasn't doing nothing wrong, you know what I mean, they just got behind us.
24		So when they hit the lights out of no where, instinct just kicked in, you know.
25	KMB	What guns did you have access to in September of 2000?
26	RW	I don't remember. I can't recall.
27	KMB	Did you have access to guns in September of 2000?

1	RW	September? What time was that? What was the date of that chase? That high
2		speed chase?
3	KMB	You certainly can, I don't know that I have it off the top of my head and I'm not
4		sure I have it all in here. (speaking with JTL)...it was about a week after. The
5		23 <sup>rd</sup> , we think September 23 <sup>rd</sup> .
6	JTL	Or the 22 <sup>nd</sup> .
7	RW	Yeah.
8	KMB	You had access to guns at that time? Do you remember how many?
9	RW	Uh...one.
10	KMB	What kind?
11	RW	A .45.
12	KMB	Did you have access to any shotguns?
13	RW	No.
14	KMB	Did you know if Kenneth Kagonyera had a shotgun?
15	RW	I don't know.
16	KMB	You don't know?
17	RW	I don't know.
18	KMB	Have you had a chance, or have you talked to any of the co-defendants, any of
19		your co-defendants since you pled guilty?
20	RW	No.
21	KMB	Have you been incarcerated with any of them?
22	RW	When uh...me and Kagonyera shipped together from county. We was together,
23		maybe a couple, or few weeks. But it wasn't really no conversation between us.
24	KMB	Was that at Central, during processing?
25	RW	Right.
26	KMB	Central prison?

1	RW	Right.
2	KMB	Since then, have you been in--
3	RW	Not at all.
4	KMB	--The same facilities as any of them that you know of?
5	RW	Not at all. I haven't seen, I don't know where none of them is.
6	KMB	Any phone calls or letters...
7	RW	Nothing.
8 9	KMB	Okay. What about prior to the plea, while you were in custody in the Buncombe County Detention Facility. Were you in the same cell block as any of them?
10	RW	Um...me and Larry was in the cell block, maybe a month or two.
11	KMB	Did you talk about the case?
12	RW	Nah.
13	KMB	Why not?
14	RW	Cause I ain't know nothing, he said he ain't know nothing. Left it at that.
15	KMB	Did you have your discovery yet?
16	RW	No.
17	KMB	Were you in the same, uh, the cell block or unit, I'm not sure of the term was--
18	RW	Unit.
19	KMB	--as any of the other guys?
20	RW	No.
21 22	KMB	Did you have a chance to talk to any of them in passing, through keyholes, through lunch lines, anything like that?
23	RW	Nah, I was getting like, little, little notes and things from people.
24	KMB	Notes from your co-defendants?
25	RW	Right.

1	KMB	Do you know what they were saying?
2	RW	I don't know why we in here, period.
3	KMB	What kind of, I mean what were the notes saying?
4	RW	I don't know why we in here.
5	KMB	I'm sorry?
6	RW	I don't know why we are in here.
7	KMB	Oh, that's what the note said, I don't know why we're in here. Do you remember
8		which ones sent you those notes?
9	RW	Um...Kenny. Kenny might've sent one.
10	KMB	Do you still have those notes?
11	RW	No.
12	KMB	Did you give them to your attorney?
13	RW	I'm not sure. I told him, I'm pretty sure I told him about them though.
14	KMB	Okay. Did you send notes to anybody?
15	RW	No.
16	KMB	Did you, were you given your discovery from your attorney to review while you
17		were in custody?
18	RW	Uh huh. (nods yes)
19	KMB	Prior to the time that you pled, did you review those documents?
20	RW	Uh huh. (nods yes)
21	KMB	Do you remember if there was any media coverage about the homicide?
22	RW	I'm not sure.
23	KMB	Do you remember if anybody was talking about it in jail?
24	RW	Yea, the whole jail was talking about it.
25	KMB	The whole jail was talking about it? Can you tell me a little bit more about what
26		you mean by that?

1	RW	Like I said, it's a small town. Anything happen, it's big news...so. They
2		basically knew more about the case than I did.
3	KMB	When you say they knew more about the case than you did, what do you mean?
4	RW	Mean, just jail talk, assumptions and uh, whatever they perceived it, you know.
5		Could've been, I don't know, things like that, you know. He could've done it, he
6		couldn't have...he could've been there, he couldn't have been there; things like
7		that.
8	KMB	People were trying to talk to you...I'm sorry, go ahead.
9	RW	Go ahead.
10	KMB	No, you go ahead.
11	RW	I was finished.
12	KMB	Okay. People were trying to talk to you about your case?
13	RW	Right.
14	KMB	Did you ever, in jail, take credit for it?
15	RW	No.
16	KMB	Ever try to up your credibility a little bit by saying you had done it?
17	RW	Nah.
18	KMB	Do you know who Glenda Belton is?
19	RW	Um, what do they call her?
20	KMB	I'm sorry?
21	RW	What do they call her?
22	KMB	Glenda Ann Belton, is the only name that I know for her.
23	RW	I'm not sure.
24	KMB	Okay. She talked to law enforcement on October 25 <sup>th</sup> and told them that you had
25		tried to pass her a gun and said that it was hot. And I'll let you take a look at this
26		statement. I think you've probably seen it before.
27		
28		Okay, while you're reviewing that, we're gonna pause to switch the tape.

1	RW	Okay.
2	KMB	You can keep reviewing that while we switch this tape, the audio recorder will
3		remain on. It is currently 2:20. Okay, yeah go ahead.
4		
5		Okay, looks like it is 2:21 and we've got the tape back on. Mr. Wilcoxson is still
6		reviewing that statement and just let me know whenever you're ready, take all the
7		time you need.
8		
9		Do you remember this?
10		RW
11	KMB	Do you remember this woman?
12	RW	Yeah, I know who she is.
13	KMB	Okay. How do you know her?
14	RW	Because she smoked dope.
15	KMB	Did you know her by a different name?
16	RW	Uh, Gia...Gia or something like that, it was called. But I remember from my
17		attorney bringing that statement to me.
18	KMB	Okay. So you know who this lady is?
19	RW	Yeah, by my attorney bringing me that exact statement.
20	KMB	Okay. And do you remember talking to her, like she says you did?
21	RW	No.
22	KMB	What about trying to sell her a gun, or give her a gun?
23	RW	No.
24	KMB	And drugs?
25	RW	No.
26	KMB	So is this a lie?
27	RW	Completely, to get out of whatever probation violation she was going through.
28	KMB	So that's why you think that she would lie?

1	RW	Yeah.
2	KMB	So none of this is true, other than that you know who she is?
3	RW	None of it. Why would I try to give a crack-head a gun?
4	KMB	Okay. Let me ask you about some more statements. Thank you. The next one is
5		Derrico Jordan, do you know that man?
6	RW	Uh huh. (nods yes)
7	KMB	You do know who he is...okay. And, I think you've seen this statement before as
8		well, but I'd like to give you a chance to review it. He said that you confessed to
9		him, your involvement in the case.
10		
11		Have you ever seen this before?
12	RW	Yeah.
13	KMB	And you said you do know this person?
14	RW	Yeah, I know of him.
15	KMB	How do you know him?
16	RW	He was in the block with me.
17	KMB	Okay. Did you know him by this name or a different name?
18	RW	Yeah, by that name.
19	KMB	Okay. Is any of this true?
20	RW	No, complete lie.
21	KMB	All of it?
22	RW	All of it.
23	KMB	Other than that you know who he is?
24	RW	All of it.
25	KMB	Why do you think Mr. Jordan would lie?
26	RW	Because he was looking at a drug case. He had a federal, he was under federal,
27		uh, detention. Him and the other dude Ricky Ricardo. The thing happened was,
28		them two was, we was all sitting together and once my lawyer told me about one

1		of the dudes at the table, to stop conversating with him. When I came back down
2		and sat at the table with him, I heard him talking about getting people to get time
3		cause, I think it was the 4K, 4K some program he was talking about. So, once I
4		heard them talking about getting on people's cases and things, I backed up from
5		them. Once I backed up from them, they made me a victim. They made up a
6		story and said that me and Ricky, because they had to have two people, you see
7		what I'm saying, they had to have two people. One person wouldn't be credible
8		enough, so they had to have two people, in which he got with Ricky, Ricky got
9		with him. So they got they little story together...but it, I believe Ricky's story is a
10		little bit different than that one. But they both saying they was in the same
11		conversation or something. I remember when I got the statements, they they
12		moved me off the block, you see what I'm saying. But they kept mentioning
13		some type of, 4K, 4K something program...
14	KMB	4K?
15	RW	A 4K-I...something like that. Uh, basically, help yourself program. In the
16		fed...with the feds.
17	KMB	With the federal?
18	RW	Right. That's what him, and the other dude Ricky...that's named in there, both
19		was federal detainees. I think Ricky was in there for a bank robbery and he was in
20		there for some drugs or something; they had his mother too. They had Derrico's
21		mother so...
22	KMB	Her mother, his mother was in custody?
23	RW	His mother, right.
24	KMB	Okay.
25	RW	And I think his uncle had just beat a federal case, the same case. But he ended up
26		taking the plea and then getting some extra time off to get his mother off, he had
27		to set some people up. I was told that, by him, you know what I'm saying.
28	KMB	By Derrico Jordan?
29	RW	Right. So I...
30	KMB	And... go ahead.
31	RW	I guess after my attorney told me don't talk or deal with one of the dudes that was
32		inside their little group, because it was the same...he, I don't know if he was
33		supposed to tell me that or not, but that was a same client, he had a client that was
34		inside that little group. And he was coming back, telling him things, you know
35		what I'm saying. So when he came to see me, he told me to stay away from this
36		dude. So once I came back and I sat back and started listening to what they was

1		really talking about, I, I didn't know the little names the little 4Ks and all the little
2		stuff they was saying about the federal, what was going on with the federal
3		system. But, once I started sitting back and after my attorney, uh, basically hit me
4		to what's going on, I backed up from them. You know what I'm saying, because
5		that, that wasn't...for one, his story don't have, read his statement and read the
6		rest of everybody else's statement: I never wrote statements saying a damn one of
7		them boys did anything. So for him to say that I told him that everybody's going
8		down with me, where did I say everybody's going down with me at? Who did I
9		say, yeah he done this, he done that, he done this trying to pull everybody in. I
10		still took a plea, still didn't write a statement, you see what I'm saying. So how
11		am I saying everybody's going down with me? His statement contradicts
12		everything that went on.
13	KMB	And you said that you'd overheard people talking about it. Was that Derrico
14		Jordan and Ricky?
15	RW	Right.
16	KMB	That you said you overhead the two of them talking about it together.
17	RW	Right, right, right.
18	KMB	And, you've mentioned Ricky, I'd like to hand you this statement. I've got it
19		from Ricky Rizz, I think you said Ricky Ricardo...
20	RW	Ricky something.
21	KMB	Is that the same person that we're talking about?
22	RW	Yeah.
23	KMB	And if you'll just take a look at that. And I've marked that as State's Exhibit
24		#4...
25		
26		Have you seen this one before too?
27	RW	Uh huh. (nods yes)
28	KMB	And is that just what you were talking about?
29	RW	Basically. If you look at both statements, they just saying I'm trying to have
30		Larry change his story. Larry saying he's innocent, to give me a aiibi. Larry
31		saying he's guilty. I don't know how to change a story to say, well alibi for me
32		and Larry saying he's guilty.
33	KMB	So they're inconsistent?

1	RW	Exactly.
2	KMB	Are they both lies, completely?
3	RW	Both. Completely.
4	KMB	Other than that you knew those people and talked to them?
5	RW	Right.
6	KMB	Did you talk, you said you talked to them before you knew--
7	RW	Right.
8	KMB	--That they were doing informant work. Did you ever talk to them about your
9		case?
10	RW	No.
11	KMB	What kinds of things did you talk about?
12	RW	Just the streets, girls, cars, you know what I'm saying, where y'all from--
13	KMB	But never about what you were charged with?
14	RW	Never.
15	KMB	And you stopped talking to them, even about that.
16	RW	Yeah, period...cut them all the way off completely.
17	KMB	Did you ever know them to give any information about any other inmates?
18	RW	Like I said, I was hearing them going back and forth with these little, uh, whatever
19		little codes that, for these programs. But I didn't know what the programs were,
20		you know what I'm saying, until my lawyer actually told me what was going on
21		with these programs. And then he named a couple of these dudes, because
22		another dude that was uh, one of his clients used to run with them in the little
23		pack. You know, we used to workout together, pushups, things like that. That's
24		how I ended up talking to them in the first place. So, um once he explained to me
25		what these programs was, where I come from we don't do that, you see what I'm
26		saying. If you, if you, if you done something, you done it...hold your weight, you
27		know what I'm saying. Don't bring nobody else in or none of that, you know
28		what I mean. So, ain't no point the finger this, point the finger that if you ain't
29		done nothing, you know what I mean. So, when I heard that, at the time you
30		know, I automatically, instinct again, back up from these type of dudes, because
31		that's not the type of dudes that I'm used to being around, you know. So once I
32		backed up from them, that made me a victim, you see what I'm saying. If I

1		would've stayed, stayed beside them and kicking and everything, them statements
2		would've never popped up, you see what I'm saying. But once I backed up from
3		them...
4	<b>KMB</b>	Do you know the names of any other people that they snitched on or informed on?
5	<b>RW</b>	No.
6	<b>KMB</b>	Okay. I've got one more for you. Do you know who Tyrell Dickey is?
7	<b>RW</b>	No.
8	<b>KMB</b>	Okay. I'm gonna let you take a look at this one and see what, if you remember
9		anything about it.
10		
11		Have you seen that one before?
12	<b>RW</b>	Yes, I've seen that one before.
13	<b>KMB</b>	Do you know this person?
14	<b>RW</b>	I don't know who that guy is.
15	<b>KMB</b>	Have you ever been to his house?
16	<b>RW</b>	No.
17	<b>KMB</b>	Is this a lie?
18	<b>RW</b>	Completely.
19	<b>KMB</b>	Do you have anything to say about this?
20	<b>RW</b>	If you brought that dude in here right now, he wouldn't even know who I was. I
21		wouldn't know who he was, we'd probably walk past each other.
22	<b>KMB</b>	Have you ever met him that you know of?
23	<b>RW</b>	No, don't even know that name, never even heard that name. Then with them
24		other statements, you got uh, they said that I tried to get Jerome Williams to hide a
25		gun or something like that, it was on the phone why Jerome wasn't ever picked
26		up?
27	<b>KMB</b>	I'm sorry?
28	<b>RW</b>	Why wasn't Jerome ever picked up? Why wasn't he charged for, you know what
29		I'm saying; that's aiding and abetting, aiding and...Whatever, aiding and assisting
30		or something. Why wasn't he charged with none of that, never picked up or

1		questioned or anything. If I told them, if I told them something like that, they got,
2		all them...all them, all them phone conversations are tapped. They tell you that
3		when you first pick up the phone.
4	<b>KMB</b>	From the jail you mean?
5	<b>RW</b>	From the jail, every jail, even the ones in here...all your conversations are being
6		recorded. They tell you that. So if that was the case, they would've picked up
7		that recording, that record...that's a murder case, you see what I'm saying.
8		Anything involved in that, they gonna, they gonna get it. So if somebody told
9		them that this dude is involved in something, he saying this over the phone...they
10		gonna have those records. They gonna go pick that man up. He the only one
11		supposed to know where the gun is right; why not pick him up? All of this is a
12		complete lie.
13	<b>KMB</b>	Do you know if you were ever shown on TV?
14	<b>RW</b>	Yeah, I believe I was.
15	<b>KMB</b>	You think you were? Did you see that or you just heard about it?
16	<b>RW</b>	Um...I believe that the night I was arrested I seen, I seen my picture up.
17	<b>KMB</b>	Did they have TV in the jail, do you know?
18	<b>RW</b>	Yeah.
19	<b>KMB</b>	Do you remember if you saw it from the jail?
20	<b>RW</b>	Nah I...nah I didn't, I didn't see it in jail. I seen it in the street.
21	<b>KMB</b>	In the street.
22	<b>RW</b>	But I did get a news clipping, it was in, uh, the newspaper like uh the front page
23		of one of those newspapers.
24	<b>KMB</b>	Did the news people come to the jail?
25	<b>RW</b>	I never spoke to them, I don't know.
26	<b>KMB</b>	How'd you get the clipping?
27	<b>RW</b>	In a motion.
28	<b>KMB</b>	Okay, from your attorney--
29	<b>RW</b>	Uh huh.

1	KMB	--with discovery?
2		
3		Oh, when you went, you said that you talked to uh Mr. Kagonyera when you were
4		being transported to Central, is that right? For processing at Central is it--
5	RW	Right.
6	KMB	When you guys were on the bus, did you talk about your case at all?
7	RW	I asked...I asked him, why would he lie on me basically, you know what I mean?
8		And he told me, uh, you know, he got a way to get us out of this. He got some
9		people he gonna tell on this, or something like that, you know what I'm saying.
10		I'm like well, I ain't got nothing to do with that shit...why you put me in this, you
11		know basically. Why you drag me in this? And he was like, yo man I'm sorry,
12		you know during, during sentencing...all of them kept telling me I'm sorry, I
13		didn't mean to put you into this...they crying, all of 'em. I'm saying, they sitting
14		next to me crying. You know, I'm probably the only one that wasn't crying. I'm
15		looking at them and they started telling me I'm sorry, I'm sorry, I ain't mean to do
16		this, I ain't mean to do this, I'm sorry, I'm sorry. You know what I'm
17		saying...and I had got a letter from my mom and she told, basically told me to
18		basically just leave them alone, you know what I'm saying. Because my attitude
19		towards them when I seen them, we was gonna have a problem, you know. But I
20		got a letter from my mom, telling me to leave them alone because I was putting in
21		my motion for appropriate relief and trying to get an appeal going through and she
22		basically told me that it wouldn't look good if something was to happen between
23		us...so I just stayed away from them. And that was like the last time I seen them.
24	KMB	You said you had a motion for appropriate relief?
25	RW	Uh huh.
26	KMB	Did you file that?
27	RW	Yeah.
28	KMB	What happened with it?
29	RW	Basically, it was turned down. I kind of filed it on my own, so I didn't know, you
30		know.
31	KMB	What did you do, what have you done since you were convicted, to try to prove
32		your innocence?
33	RW	Basically nothing.
34	KMB	Why not?

1	RW	Time is moving, time is moving. I'm close now, you know what I mean. So you
2		know.
3	KMB	Did you write to Prisoner Legal Services?
4	RW	Yeah. I wrote them as a, when I first got there, when I first fell, you know...I did
5		a lot of things when I first fell. Always writing them, writing a few people trying
6		to get, NAACP, trying to get a lot of people involved. But everybody kept telling
7		me, basically they can't do nothing for me. I'm stuck, I'm stuck, I'm stuck...
8	KMB	That was when you were first convicted?
9	RW	Right.
10	KMB	That you wrote to...
11	RW	Right. Everybody, anybody I could think of, you know what I'm saying. I wrote
12		a million letters, you know. Basically telling my story from the beginning to end.
13		You know, and basically everybody kept telling me you know, you in the system
14		now...there's nothing I can do for you, nothing we can do for you, nothing we can
15		do for you. So that kind of, made me just, you know.
16	KMB	You just accepted it?
17	RW	Nah I never accepted it, but what can you do, you know? If I accepted it, I
18		wouldn't be talking to ya'll right now.
19	KMB	Why did you decide to apply to the North Carolina Innocence Inquiry
20		Commission?
21	RW	I, when I first heard about it I was, what I heard from the beginning was uh, they
22		didn't accept pleas, like we took a plea, it wouldn't, it wouldn't, it wouldn't
23		operate for us, you know what I mean. So that's why I never wrote ya'll myself,
24		personally. So when Jamie came to see me, I kind of found out otherwise, you
25		know what I mean. So I asked him, how do you get involved and he told me just
26		to apply. I don't know, I write a letter out and I think that I would like ya'll to
27		look in to my case. You know what I'm saying, I done that you know. So now,
28		we're at this stage you know. You told me just be honest, so I'm gonna give you
29		everything that I can give you...anything, you know what I mean.
30	KMB	So that was the first time you realized that you could apply--
31	RW	Right.
32	KMB	--to our agency--
33	RW	Right.

1	KMB	--was when Mr. Lau came to interview you about Kenneth Kagonyera's claim?
2	RW	Right.
3	KMB	Okay. And you asked him how to apply and he told you to write?
4	RW	Myself right.
5	KMB	And is that what you did?
6	RW	Exactly.
7	KMB	Do you remember that the Sheriff's department, uh, seized the door to your van?
8	RW	Um...
9	KMB	Do you remember them doing some testing on the door to your van?
10	RW	I never heard nothing about no testing or nothing. All I, all I knew was what they,
11		whatever they was looking for in that van, wasn't there, you know what I'm
12		saying. It couldn't have been involved, you know what I'm saying.
13	KMB	What do you mean?
14	RW	Whatever, whatever they say they was looking for in that van, it couldn't have
15		been involved because the van was outside my house...as far as I know, until I
16		fell asleep, you know what I'm saying. So, they could take the van all the way
17		down to a needle and a thread, there's nothing in there, you know what I mean. It
18		couldn't have been.
19	KMB	Do you know what kind of testing they did on the van?
20	RW	I don't know, it uh...I think I, I guess uh, hair samples and blood samples or
21		something like that I guess.
22	KMB	They took hair and blood samples from you?
23	RW	They took that, I volunteered that, you know what I'm saying. So I guess
24		that...I'm assuming that's what they tried to get from the van.
25	KMB	Did you know that they were testing the door of your van for blood?
26	RW	No.
27	KMB	Did you know that the preliminary indications were positive for blood on the door
28		of your van?

1	RW	No I didn't know that.
2 3	KMB	Do you think there's, do you know any reason why there could be blood on the door of your van?
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	RW	I don't know, like I said, I went to sleep before halftime of the game, you know what I'm saying. In between me being asleep, the game started at 9, halftime might be around 10, you know what I'm saying...by 10, 10:30 I might've been asleep. I might've been gone by then. I ain't gonna get back up until maybe 3, you know what I'm saying. We leave then, so from 10 to 3, I don't know where the van was, you know what I'm saying. I don't know what was going on, I was asleep. When I wake, when I woke up I was awakened by Larry and them telling me that Hannah had some weed and if they would have never come in the house telling me she had some weed, she wanted me to come over there...I wouldn't have never got up in the first place, you know what I'm saying. And the reason why my daughter's mother didn't know that I had left was because I had eased from up under her. She was pregnant, you know what I'm saying, I eased from up under her. And that's the reason why she probably said that I never left. She never knew because I came home when I came back home she was still asleep and I just got back in the bed, you know what I'm saying. So, basically her missing me not knowing if I was gone, is the same thing that if that van might've left that area with me, because I was asleep; I don't, I don't know.
21 22	KMB	Do you know any reason why, even prior to September 18 <sup>th</sup> , just any time, you might've gotten some blood on the door of that van?
23	RW	No.
24	KMB	Do you know any reason anybody else might've gotten blood on there?
25	RW	No.
26 27	KMB	Can you think of anybody having a nose bleed, wiping their hand, having a cut, anything--
28 29	RW	No. I don't know, unless it was there before I uh, before I even got it, you know what I'm saying. I don't know.
30	KMB	And how long had you had the van prior to the murder?
31	RW	Not even a week.
32 33	KMB	Okay. Is there any reason that Walter Bowman, the victim of the homicide's, DNA could be in your van?
34	RW	I don't know, I doubt it. Not that I know of,

1	KMB	No reason that you could've gotten his DNA?
2	RW	No reason.
3	KMB	You would've never met him that you know of?
4	RW	Never.
5	KMB	You were not at the Bowman house?
6	RW	Never.
7	KMB	His DNA, not on your van?
8	RW	Not that I know of. As far as I knew of him being a, as a person Walter Bowman, I heard he was a smoker, you see what I'm saying. He smoked dope. What am I doing trying to rob a crack-head? You know what I'm saying, so. That's all I knew of him as far as after the situation, after me being locked up in here, about these certain individuals, what's going on with these dudes. I don't know none of them, none of them
9		
10		
11		
12		
13		
14	KMB	So there's no reason his DNA should be on your van?
15	RW	No.
16	KMB	And you know what I'm talking about when I say DNA...
17	RW	not that I know of.
18	KMB	You know what that means?
19	RW	Uh, anything concerning him period.
20	KMB	Okay.
21	RW	As far as me being, him being anywhere near that van period, that I know of, he shouldn't have been.
22		
23	KMB	Okay. You're aware that Robert Rutherford made a statement to a federal agent?
24	RW	No I wasn't.
25	KMB	You're not aware of that?
26	RW	Nah, I found this out later on.
27	KMB	Okay, you are aware now?

1	RW	Just recently, right.
2	KMB	When did you first find out about that?
3	RW	Recently. When this, when this case, when ya'll started to come see me.
4	KMB	Not until...
5	RW	Not until...
6	KMB	The last couple of months then?
7	RW	Right, not until after Jamie came.
8	KMB	You didn't know during the time that you were um, early on in your
9		incarceration?
10	RW	No.
11	KMB	Nobody ever sent it to you or talked to you about it?
12	RW	No, nothing.
13	KMB	You never heard it from any of your co-defendants?
14	RW	Nobody, nothing.
15	KMB	Do you know that there was a CODIS DNA hit on a person named Bradford
16		Summey, from the bandanas?
17	RW	No, I didn't know that.
18	KMB	Did you know that before just now or did you...
19	RW	Nah, I found that out after, concerning when Jamie first came to see me, since
20		then I found...
21	KMB	So not until the last couple of months?
22	RW	Right.
23	KMB	Did your attorneys talk to you about that before you were sentenced?
24	RW	No.
25	KMB	I mean, I'm sorry, recently?
26	RW	Did he...

1	KMB	I'm sorry, you never got a letter from anybody telling you this information.
2	RW	Nobody. Nothing. Like when uh, when he basically introduced me to, to him.
3		He basically gave me you know, an overview of what he understood what was
4		going on. And...
5	KMB	So when you first talked to your attorney, Mr. Fialco...
6	RW	Right.
7	KMB	That you have now, that you just have been assigned, is when you started to
8		understand these?
9	RW	What's going on, and I was like, yo...hold on, let me get a pen right quick, I need
10		to write these names down to see can I find out about these dudes. Because I
11		never heard they names or nothing. And when I find out, it said something about
12		2005 or 2004 or something...I'm like damn, it's 2011, ain't nobody reached out
13		and told me nothing.
14	KMB	So you did not know...
15	RW	At all.
16	KMB	until Mr. Fialco explained it to you?
17	RW	At all, at all.
18	KMB	Or until the Commission became involved?
19	RW	Right.
20	KMB	Now you, we've talked a couple times about how you voluntarily gave your
21		DNA...
22	RW	Right, right.
23	KMB	to be compared.
24	RW	Right.
25	KMB	And that was sent, do you know where that got sent when you gave your DNA?
26	RW	Um...I don't know, I gave them whatever they asked for.
27	KMB	Do you know what it was being compared to? We're talking about back in 2000
28		and 2001.

1	RW	I uh... I suppose, I guess blood around the scene or something. I don't even know, whatever... whatever DNA they found.
2		
3	KMB	Do you know if it was compared to bandanas and gloves?
4	RW	I don't know... I assume that whatever they found. If they found a bandana and gloves, I assume that it was compared to the bandana and gloves.
5		
6	KMB	Did anybody talk to you about...
7	RW	No.
8	KMB	the results of that comparison?
9	RW	Ain't nobody said nothing to me about no results or nothing. But I knew, like I say, I'm 100 percent innocent, so I really didn't care. I knew they were gonna be negative, 100 percent negative. So, as far as uh, ask for the results, what was the result, that was the least thing on my mind. Because I knew it was gonna be 100 percent negative. I was never there. I never had nothing to do with it, I don't care how many gloves they check, how many bandanas they checked, or whatever doors they took off the panels, you know what I'm saying. I wasn't there. So if, if possible, I'd do a lie detector test right now. So, you know what I'm saying. It's... I have nothing to hide, basically.
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18	KMB	So do you know the results of that comparison now?
19	RW	No. Still don't.
20	KMB	Did anybody talk to you about that before you pled or before you were sentenced?
21	RW	No.
22	KMB	What do you think proves that you were innocent?
23	RW	Conflict of stories... all the conflict of stories. And I know, like I say, the only person that basically can speak up for me, was my daughter's mother.
24		
25	KMB	Dea Johnson?
26	RW	Right. And the girl Hannah where uh, I, you know, I showed up at her house later on that night.
27		
28	KMB	What's Hannah's last name?
29	RW	Hannah Rogers. But other than that you know, it's like our story against whoever's story, you know what I mean, so.
30		

1 2	KMB	Do you have anything you'd like to ask me or anything that I haven't asked that you want to add?
3	RW	Not that I can think of right now.
4 5	KMB	Do you think I've asked everything that was in your mind? I guess that's a pretty big question.
6	RW	Yeah.
7	KMB	Is there anything that I did not ask you, that you think I need to ask?
8	RW	Not that I can think of.
9 10	KMB	Okay. Is there anything that you would want to tell the North Carolina Innocence Inquiry Commission, the Commissioners?
11	RW	That I'm innocent. Thank ya'll for looking into this case.
12	KMB	Do you have any questions for me?
13	RW	No.
14 15	KMB	We're gonna conclude the deposition at this time. It is 2:50. While we've still got it on...is it still on?
16	AMP	No.
17 18 20	KMB	Okay, but the audio's still on, that's fine. So I was just gonna tell Mr. Fialco that if you want to waive a copy, getting a copy of this deposition or would you like a copy of it?
21	CF	I would like a copy.
22	KMB	Okay. Let me just write that down real quick. Okay, we're done.