



## The North Carolina Innocence Inquiry Commission\*

### *Commissioners*

Judge Quentin T. Sumner  
Chairman

Charles Becton  
Mel Laura Chilton  
Jacqueline Greenlee  
Heath Jenkins  
Susan Johnson  
William Kenerly  
Wade Smith

Administrative Office of the Courts  
North Carolina Innocence Inquiry Commission  
P.O. Box 2448  
Raleigh, NC 27602  
Phone: (919) 890-1580  
Fax: (919) 890-1937

### *Staff*

Kendra Montgomery-Blinn  
Executive Director  
Michael Epperly  
Sharon Stellato  
Grace Castellanos  
Juanita Betts  
Jamie T. Lau  
Lindsey Guice Smith

North Carolina Innocence Inquiry Commission

Public Record for State v. Gregory Flynt Taylor

Transcript of the Commission Hearing.

The transcript of the hearing can be obtained from the Court Reporter at:

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Day 1

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\* A state agency created by the North Carolina General Assembly in 2006 pursuant to N.C.G.S. § 15A-1460-75.



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## A P P E A R A N C E S

For NC Innocence                      Kendra Montgomery Blinn, Esq.  
Inquiry Commission:                Michael R. Epperly, Esq.  
   Sharon Stellato  
   Grace Wallace  
   Juanita Betts  
STATE OF NORTH CAROLINA  
INNOCENCE INQUIRY COMMISSION  
P.O. Box 2448  
Raleigh, NC 27602  
Commissioners:                      Charles L. Becton, Esq.  
   THE BECTON LAW FIRM  
   Suite 100  
   3011 Wade Road  
   Durham, NC 27705  
   Ms. Mel Chilton  
   Executive Director  
   NC COUNCIL FOR WOMEN/  
   DOMESTIC VIOLENCE COMMISSION  
   422 North Blount Street  
   Raleigh, NC 27601  
   Sean P. Devereux, Esq.

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## A P P E A R A N C E S (CONTINUED)

Commissioners: DEVEREUX & BANZHOFF  
The Jackson Building  
Suite 1100  
22 S. Pack Square  
Asheville, NC 28801  
Ms. Jackie Greenlee, Ph.D.  
Director, Organizational Devt.  
GUILFORD TECHNICAL COMMUNITY  
COLLEGE  
P.O. Box 309  
Jamestown, NC 27282  
Mr. Heath Jenkins  
Chief of Police  
STANLEY POLICE DEPARTMENT  
P.O. Box 279  
Stanley, NC 28164  
William D. Kenerly, Esq.  
District Attorney  
State of North Carolina  
19C Prosecutorial District  
P.O. Box 4599  
232 N. Main Street  
Salisbury, NC 28145

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A P P E A R A N C E S (CONTINUED)

Commissioners: Ms. Barbara Pickens  
Criminal Justice Consultant  
220 Margaret Hoffman Drive  
Mount Holly, NC 28120

Presiding: Quentin T. Sumner  
Senior Resident  
Superior Court Judge  
P.O. Drawer 1215  
Rocky Mount, NC 27801

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1       except that an objection as to the form of a question  
2       must be made at the time such question is asked or  
3       objection is waived as to the form of the question.

4             5.    That the original of this hearing will be  
5       mailed first class postage to the appropriate party.  
6       Notice of filing is hereby waived.

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1           JUDGE SUMNER: Good morning. Let me  
2 welcome all of the Commissioners back to Raleigh  
3 this morning. We are hearing the case entitled  
4 State of North Carolina versus Gregory Flint  
5 Taylor, file number is 91-CRS-71728. This case  
6 originates out of Wake County. Gregory Taylor  
7 was convicted of first degree murder. Portions  
8 of this hearing have been opened to the public  
9 pursuant to North Carolina General Statute 15A-  
10 1468 subsection A.

11           At this time I'd ask that all present in  
12 the room for purposes of the court reporter will  
13 identify themselves for the record. My name is  
14 Quentin T. Sumner, Superior Court Judge from  
15 Nash County.

16           My name is William Kenerly from Salisbury.

17           My name is Sean Devereux, I'm a private  
18 practice attorney in Asheville.

19           Jacqueline Greenlee, Archdale, North  
20 Carolina.

21           Sharon Stellato, Investigator for the  
22 Commission.

23           Kendra Montgomery-Blinn, executive director  
24 for the Commission.



1 JUDGE SUMNER: Let the record reflect that  
2 no Commissioner has indicated any conflict at  
3 this point. I'll confirm -- excuse me, I'll  
4 indicate also that no Commissioner has conducted  
5 any independent investigation pursuant to Rule  
6 6(b)(3) of our Rules also?

7 (NO AUDIBLE RESPONSE.)

8 JUDGE SUMNER: If there are any alternate  
9 Commissioners present at this time, our Rules  
10 indicate that if an alternate Commissioner is  
11 not fulfilling full Commission duties, he or she  
12 may attend hearings of the Commission but may  
13 not participate in any discussion and may not  
14 vote in any proceeding. All alternates are,  
15 however, welcome and allowed to remain and  
16 observe.

17 At this point I'm going to turn this  
18 hearing over to Ms. Kendra Montgomery-Blinn, the  
19 executive director for the Commission.

20 MS. MONTGOMERY-BLINN: Thank you, Judge  
21 Sumner. Good morning, Commission members.  
22 Thank you. Thank you for gathering here for two  
23 days in Raleigh, North Carolina to hear this  
24 case.

1           I would like to take just a minute to thank  
2 all the agencies who have cooperated with our  
3 investigation. This includes the Wake County  
4 District Attorney's office, the Raleigh Police  
5 Department, the North Carolina State Bureau of  
6 Investigation, and thank you also to the North  
7 Carolina Center on Actual Innocence for  
8 referring this case to us.

9           A couple of housekeeping matters just to  
10 make you Commissioners aware of. In this case,  
11 as was mentioned in your briefs, the trial  
12 exhibits are no longer in the court file,  
13 they're now missing. This case had, after trial  
14 it had an appeal, two Motion for Appropriate  
15 Relief hearings, a habeas corpus proceeding, and  
16 it's really impossible for us to pinpoint how  
17 and when those trial exhibits were misplaced.  
18 So we did work with the clerk's office, the Wake  
19 County clerk's office and the City/County Bureau  
20 of Investigation and nobody was able to locate  
21 them. They looked very hard, they searched,  
22 they provided affidavits, they opened up the  
23 ability for us to come in and search. We could  
24 not locate them. We were able to recreate at

1           least the photographic exhibits which were the  
2           bulk of the exhibits, and those were provided  
3           for you in your brief, and that was because the  
4           City/County Bureau of Identification did still  
5           have the negatives from those photographs.

6           So at this time I'm not making any  
7           recommendations to the Commission about the  
8           missing trial exhibits. I think it would be  
9           impossible to pinpoint how they went missing,  
10          what happened, who it was or who was involved  
11          with multiple people after all of those  
12          hearings, and all of the parties were very  
13          cooperative with us. And like I said, I think  
14          we were able to recreate most of them. So I'm  
15          not making any recommendations to you. If you'd  
16          like me to pursue that further, instruct me to  
17          and I will be more than happy to.

18          Also, North Carolina General Statute 15A-  
19          1468(d) states, evidence of criminal acts,  
20          professional misconduct, or other wrongdoing  
21          disclosed through formal inquiry or Commission  
22          proceedings shall be referred to the appropriate  
23          authority. In this investigation we have  
24          uncovered no evidence of professional

1 misconduct. I'm not asking for any, for you to  
2 allow me to make any referrals in that vein. At  
3 the close of the hearing I will be asking for  
4 permission to make a formal referral to the Wake  
5 County District Attorney's office and the  
6 Raleigh, and/or the Raleigh Police Department,  
7 whichever agency you choose if you should  
8 choose. So just please keep that in mind.  
9 You'll be getting that information throughout  
10 our investigation or throughout this hearing.  
11 You've already heard about part of it in your  
12 brief.

13 Now let's talk about the brief.

14 (THEREUPON, A DISCUSSION WAS HAD OFF  
15 THE RECORD WHICH WAS NOT REPORTED BY THE  
16 COURT REPORTER AS MS. MONTGOMERY-BLINN  
17 ADJUSTS THE POWERPOINT PRESENTATION.)

18 MS. MONTGOMERY-BLINN: So talking about the  
19 brief that you all have. I know it was 438  
20 pages. I am very grateful that you all received  
21 it with short notice and went through it in  
22 careful detail; I very much appreciate that.  
23 That brief was meant to cover all that was known  
24 and available before our investigation. So as

1 you know, that covers not only what was  
2 presented to the jury at trial, but what the  
3 police department also found in our  
4 investigation that didn't get presented, what  
5 was uncovered or investigated during those two  
6 Motions for Appropriate Relief, the habeas  
7 corpus proceeding, the Center for Actual  
8 Innocence investigation, so that covered  
9 everything up to our investigation. It was  
10 exhaustive.

11 The only correction that I have for you on  
12 your brief today is on page -- and I'm sorry, I  
13 didn't write down my page number.

14 (Ms. Montgomery-Blinn examines document.) On  
15 page 410 of your brief, that date should simply  
16 read July 30, 2009. Does anybody need an extra  
17 copy of a brief?

18 (NO AUDIBLE RESPONSE.)

19 MS. MONTGOMERY-BLINN: Everybody's got it?

20 (NO AUDIBLE RESPONSE.)

21 MS. MONTGOMERY-BLINN: Okay. We've got  
22 extras if anybody needs one.

23 MR. DEVEREUX: So we change August 6 --

24 MS. MONTGOMERY-BLINN: Instead of August 6

1           it should be July 30. But I have no other  
2           corrections for you that I am aware of in the  
3           briefs. Oh, I'm sorry, it was up here on my  
4           slide.

5                     Are there any questions or discussion,  
6           anything that you need to ask me about the brief  
7           or anything that you need to talk about with the  
8           materials that were covered in the brief?

9                             (NO AUDIBLE RESPONSE.)

10                    MS. MONTGOMERY-BLINN: I did not receive  
11           any email questions or prior questions from any  
12           of you. When I do, I answer them to the  
13           Commission as a whole. I didn't receive any  
14           from any of you. If there are none, I'll move  
15           on at this time.

16                    JUDGE SUMNER: I think it would be fair to  
17           do that.

18                    MS. MONTGOMERY-BLINN: All right. So when  
19           we got this case we began a very detailed and  
20           exhaustive investigation. Like any  
21           investigation, it encompassed a lot of different  
22           things and a lot of different activities on  
23           behalf of the Commission staff. We -- and we're  
24           going to -- this is what is going to be our

1 hearing for two days. We're going to present to  
2 you all of our investigation.

3 We interview the convicted person's  
4 attorneys. As you know, that's something that  
5 we always do and usually do early on. We  
6 conducted forensic testing in this case and  
7 you'll be hearing about that today. We did  
8 witness interviews and depositions, which you'll  
9 be hearing about today and tomorrow. We  
10 interview the former police officers and law  
11 enforcement officers in this case, you'll be  
12 hearing about that today or tomorrow, depending  
13 on how much time we have. We did a lot of  
14 mapping of the crime scene, locations around  
15 there, where people lived, got a lot of maps  
16 printed out from other agencies. We reviewed  
17 other agency files. When we first got the case  
18 we made a lot of motions and were granted court  
19 orders to get complete and accurate files from  
20 everybody, which we did. We located records,  
21 also including locating a number of witnesses,  
22 and we consulted with experts. You will be  
23 hearing from some experts today and experts  
24 tomorrow as well.

1           So let's talk about the attorneys that we  
2 interview. This is the convicted person's  
3 attorneys. As you know, in order for our case  
4 to move into formal inquiry the convicted person  
5 has to waive all of his procedural safeguards  
6 and privileges. This includes a waiver of  
7 attorney-client privilege. We've got here some  
8 handouts for you and I'll talk with you as  
9 you're getting those handouts.

10           Michael Dodd was Gregory Taylor's trial  
11 attorney. We interviewed him and he provided an  
12 affidavit, that's coming around to you. R.L.  
13 Adams was also the trial attorney, co-counsel.  
14 He now is in Atlanta, we interviewed him by  
15 telephone. He said that Gregory Taylor  
16 consistently maintained his complete innocence.  
17 And there is -- I note up here what he said.  
18 Gregory Taylor never made any statement  
19 indicating he was in any way involved in this  
20 murder, nor did he ever implicate Johnny Beck.  
21 And then Tom Loflin was the attorney that did  
22 that exhaustive Motion for Appropriate Relief  
23 and spent a lot of time working with Gregory  
24 Taylor as well. He's an attorney in Durham.

1 He's also provided an affidavit.

2 So the affidavits from Michael Dodd and Tom  
3 Loflin are coming around, and you can read  
4 those. They put them in their own words. Tom  
5 Loflin especially completely rewrote what we had  
6 sent to him to get him started after our  
7 interview with him. So you're seeing that in  
8 their own words.

9 (COMMISSIONERS EXAMINE DOCUMENTS.)

10 MS. MONTGOMERY-BLINN: Commissioners, have  
11 you all had a chance to review those as much as  
12 you need to right now?

13 (NO AUDIBLE RESPONSE.)

14 MS. MONTGOMERY-BLINN: Does anybody have  
15 any questions about those?

16 (NO AUDIBLE RESPONSE.)

17 MS. MONTGOMERY-BLINN: All right. Let's  
18 talk about Eva Marie Kelly. As you know from  
19 your briefs, she was interviewed by the police  
20 two times. The complete transcripts of those  
21 police interviews were provided to you in the  
22 briefs. She also testified at trial, a summary  
23 of that testimony was in the brief, a long  
24 summary. She did testify that she had an

1 agreement with the District Attorney that he  
2 would not oppose granting her two five-year  
3 sentences concurrently if she testified  
4 truthfully. Her Department of Correction record  
5 indicates that she actually served a little less  
6 than four months active and one year and eight  
7 months on parole after that testimony or for  
8 those cases.

9 The Commission has interviewed Ms. Kelly.  
10 It was not easy to track her down, she has a  
11 number of different aliases, but we did  
12 eventually find her and she was willing to speak  
13 with us. This is Ms. Kelly's criminal record  
14 and her aliases. I'll just give you a chance to  
15 look it over. She did -- I believe she  
16 testified about what was current at the time  
17 when she testified at trial. So the statements  
18 that she gave are the first police interview,  
19 which is in your brief on page 281; the second  
20 police interview which is in your brief on page  
21 287; her trial testimony, the summary of that is  
22 in your brief on page 27; and the Commission  
23 interviewed her on August 4, 2009, that  
24 interview was conducted by Sharon Stellato, our

1 staff investigator, and Grace Wallace, our case  
2 manager, was with her.

3 I'm going to call Ms. Stellato to testify  
4 now about that final interview briefly to give  
5 you the information that she told the  
6 Commission, and then Ms. Kelly will come in and  
7 testify. And we do have a handout for you that  
8 Ms. Stellato prepared and I'm going to send that  
9 around. She's going to use it during her  
10 testimony and I think it will just be helpful to  
11 you so that you're not flipping back and forth  
12 constantly between those four different  
13 statements to try to see, you know, what did she  
14 say about timing or those things.

15  
16 THEREUPON,

17 SHARON STELLATO,

18 Having first been duly

19 Sworn, was examined and

20 Testified as follows:

21 EXAMINATION BY MS. MONTGOMERY-BLINN:

22 Q. All right, what is your name?

23 A. Sharon Stellato.

24 Q. And where are you employed?

1 A. The Innocence Inquiry Commission.

2 Q. And what's your position with the Commission?

3 A. Staff investigator.

4 Q. Now, were you assigned to work on this case?

5 A. I was.

6 Q. And what was your role in this case?

7 A. Lead investigator.

8 Q. And when I say this case, I'm talking about the  
9 Gregory Taylor case?

10 A. Uh-huh (yes).

11 Q. Did you, as part of your duties as investigator  
12 on this case, interview Eva Kelly?

13 A. Yes, I did.

14 Q. And were you able to locate Ms. Kelly?

15 A. We had -- we started looking for her in March of  
16 2009 and we found her on August 4, 2009. We  
17 were able to locate her.

18 Q. Did you go to multiple addresses before you  
19 located her?

20 A. I think we went to two.

21 Q. Okay. And during that time that you were  
22 looking for her, was that something where you  
23 were sort of just looking every now and then or  
24 was the office looking very hard to find her?

1 A. We were actively, actively looking for her.

2 Q. Okay. So when you went to her place on  
3 August 4, 2009, was she there?

4 A. She was.

5 Q. Okay. And did she speak with you?

6 A. Yes, she did.

7 Q. Go ahead and tell us a little bit about that  
8 interview starting with mostly, you know, where  
9 were you, what was her demeanor like, was she  
10 willing to talk to you, who else was present?

11 A. Okay. We went out to her home. We found her  
12 through her husband and we went out to her home.  
13 It was a mobile home on her daughter's property  
14 and only she was at home when we went to talk to  
15 her. She didn't know we were coming and she was  
16 completely agreeable to talk to us. We had  
17 called her husband beforehand to find out if we  
18 had the right person, and he had called her and  
19 told her that we were looking for her. So she  
20 wasn't surprised when we showed up, but she was  
21 really cooperative about talking with us.

22 Q. And who -- when you say we, who from the  
23 Commission staff?

24 A. Myself and Grace wallace.

1 Q. And is that the only people that came?

2 A. Yes.

3 Q. All right. Tell me a little bit about her  
4 demeanor during the interview. Was she willing  
5 to speak with you?

6 A. She was. She was very pleasant. She was a  
7 little uncomfortable. I think she was --

8 Q. What makes you say that she was uncomfortable?  
9 What about her behavior made you think that?

10 A. She was smoking a lot, she was a little bit  
11 shaky, a little bit nervous. She was concerned  
12 how we found her and who else could find her.

13 Q. And did she know about which case you came to  
14 see her on?

15 A. She did.

16 Q. Okay. Was that because you told her or did she  
17 know before you came?

18 A. She knew when I walked in. I told her that I  
19 needed to talk to her and she said, about, I  
20 believe she said, it's something about a case I  
21 testified in. And I said yes. And she said,  
22 murder charge. And I said yes.

23 Q. All right. Go ahead and tell us what Ms. Kelly  
24 told you.

1 A. She was really agreeable to sit down with us.  
2 She told us that the first time that she -- she  
3 remembered it well. Again, it was in 1991. The  
4 first time that she saw the men were -- she,  
5 well, she didn't see them, she saw their SUV, a  
6 white Pathfinder, and it was driving around the  
7 block on E Street. And inside of the vehicle  
8 there was a black male and a white male.

9 Q. This is what she told you on your August 4  
10 interview?

11 A. Uh-huh (yes).

12 Q. Did she say it was a white Pathfinder?

13 A. No, she didn't. She -- we didn't tell her what  
14 vehicle it was. She said it was a blue or a  
15 dark blue SUV.

16 Q. Okay. So she didn't say white Pathfinder?

17 A. I'm sorry, no, she didn't.

18 Q. Okay. And I'm sorry, what time did you say?

19 A. She stated that she saw them the first time  
20 between, she said it was either 10:00, 11:00, or  
21 12:00 a.m.; 10:00 a.m., 11:00 a.m., 12:00 p.m.,  
22 so early, early morning. And then she said when  
23 she later saw them, it was late afternoon.

24 Q. Okay. So she's talking about it being light

1 outside or dark outside?

2 A. Light outside.

3 Q. Okay. And she said she saw them drive around  
4 the block on E Street?

5 A. Yes.

6 Q. Is E Street where she lived?

7 A. She did. She lived at 426 E Street.

8 Q. Okay. And go ahead.

9 A. She stated that she remembered it well, that she  
10 and an individual named Tex, which is a  
11 nickname, were standing on the corner and that  
12 when the SUV pulled around, the white male was  
13 aggressive and was saying, hey, Bitch, do you  
14 want to make some money and get high? She  
15 stated that she didn't like the way that he was  
16 talking to her, she felt threatened by that, and  
17 also she wasn't comfortable going places with  
18 two men so she told them no.

19 Q. Okay. And she said that Tex was with her?

20 A. She did.

21 Q. Did she say anybody else was with her?

22 A. No.

23 Q. And is this, at this point you've read all of  
24 the other interviews that she did and the trial

1 testimony?

2 A. Uh-huh (yes).

3 Q. Is she telling you things that are consistent or  
4 inconsistent with what she's previously told the  
5 police and the jury?

6 A. Inconsistent.

7 Q. All right. Go ahead.

8 A. She said that she had known the victim because  
9 the victim had been coming around her house for  
10 a while and she knew that the victim had  
11 children, and that the victim told her, told Eva  
12 Kelly that she was going to get with these guys.  
13 And Eva Kelly told her that she didn't think  
14 that was a good idea.

15 Q. And is that what she had previously told the  
16 police and the jury?

17 A. It is not. She -- originally in the first  
18 police interview she was not able to identify  
19 the victim. In the second police interview she  
20 didn't know the victim but later she did state  
21 that she didn't, she didn't know anyone in the  
22 photograph who looked like that. And then in  
23 the third -- or in the trial she stated that she  
24 had seen her around the block but that the

1 victim was new to that area.

2 Q. And let's go ahead and go -- sort of back up.

3 And I am looking at your chart now. The timing  
4 that she told you was 10:00 or 11:00 or 12:00  
5 during the day?

6 A. Uh-huh (yes).

7 Q. Is that the same timing that she had talked  
8 about with the police and at trial?

9 A. No. The -- on the chart you'll see that the  
10 first police statement was around 11:00 p.m.,  
11 the second --

12 Q. She said that she saw them around 11:00 p.m.?

13 A. Correct.

14 Q. Okay.

15 A. The second between 11:00 p.m. and 12:00 a.m.,  
16 and at trial she said it was early in the -- she  
17 didn't give a specific time, she said early in  
18 the morning after 12:00 a.m.

19 Q. Okay. And again with the location around the  
20 vehicle, she told you that it was around the  
21 block on E Street, Martin Street, and Lenoir  
22 Street. Is that consistent with what she  
23 previously told the police and at testimony?

24 A. That is consistent. All of the roads that she

1 mentions from the first police statement to the  
2 Commission interview are all in that area.

3 Q. Okay. And this time she told you it was a blue  
4 or dark colored SUV?

5 A. Uh-huh (yes).

6 Q. And previous times she identified it as a white  
7 Pathfinder?

8 A. She did. The first and second police interview  
9 she was shown a photo and identified it by the  
10 photo, and then at trial she testified that it  
11 was a white Pathfinder.

12 Q. Now you've been working investigation for a  
13 number of years. Is it pretty common for people  
14 to be inconsistent after a long period of time?  
15 If you feel comfortable asking that kind of  
16 question.

17 A. I think it depends on, I think it depends on  
18 what they're, what they're saying now.

19 Q. Is it common for people to tell you that they  
20 don't remember something?

21 A. Yes, that is very common.

22 Q. Okay. And then when she told you that the  
23 occupants drove up and cursed and asked her if  
24 she wanted to make money, is that consistent

1 with the things that she had been saying in all  
2 of her previous statements?

3 A. No.

4 Q. It's not?

5 A. Her first police statement she stated that they  
6 weren't asking her for what she calls a trick,  
7 that they just asked her to go party and get  
8 high. The second interview she said that the  
9 black male passenger called her over to the  
10 vehicle and asked her if she wanted to get high.  
11 And at trial she stated that the black male  
12 passenger rolled down his window and asked her  
13 to party, get high, and that he showed her money  
14 and cocaine that was in his lap.

15 Q. And now she says it's the white male driver that  
16 spoke to her?

17 A. Yes.

18 Q. Okay. But she is consistent that they did drive  
19 up in the truck while they were in the truck and  
20 she was standing in the street and talked to  
21 her?

22 A. She is; she is consistent.

23 Q. Okay. And again, you said that she told you  
24 that Tex was with her. Did she say if anybody

1 else was with her?

2 A. She said nobody else was with her.

3 Q. Okay. Previous testimony and police statements,  
4 did she say that Tex was with her?

5 A. When she was first interviewed she said that a  
6 friend was with her, but she didn't provide the  
7 name of who the friend was. The second police  
8 interview was Texas, Whoopie, and possibly  
9 Shelia Crowder were there. And then at trial  
10 Patrick, whoopie, and she states a girl named  
11 Jackie who she's identifying at trial as the  
12 victim.

13 Q. Okay. All right. Did she talk to you about  
14 anything happening inside of her house or seeing  
15 anybody inside of her house?

16 A. She did; yes, she did.

17 Q. Okay. And what did she tell you?

18 A. She said that it was earlier in the day when she  
19 had seen them, and that she went out running  
20 errands and when she came back it was daylight.  
21 She didn't know the time specifically, but she  
22 knew it was in the afternoon. She said it could  
23 have been early that afternoon or even the next  
24 morning she came back to the home with

1 cigarettes and beer and that Johnny Beck and  
2 Greg Taylor were sitting in the kitchen doing  
3 drugs.

4 Q. Did she refer to them by name?

5 A. (Witness examines document.) She refers to them  
6 as the guys.

7 Q. Okay. Go ahead.

8 A. She stated the white male had a syringe in his  
9 arm, and when she told them to leave he was  
10 angry with her and calling her names. She said  
11 that the black male was the shy one of the two  
12 and that he was trying to calm down the  
13 situation, and they both left.

14 Q. Okay. Now, what had she said about that in her  
15 previous statements?

16 A. In the first police interview and the second  
17 police interview she never mentioned seeing the  
18 men outside of the vehicle or in her home. At  
19 trial she testified that she entered her home  
20 that night with a trick -- it was a boarding  
21 home that she was entering -- and that the  
22 victim, the two guys, and whoopie were sitting  
23 in the kitchen doing drugs. When her trick saw  
24 that there were other people in the house, he

1           became nervous and left. She followed him out  
2           to the car and they left together.

3           Q.    Okay. And what did she say happened when she  
4           came back in or what did she say at trial  
5           happened when she came back in?

6           A.    At trial she says when she came back she only  
7           saw the victim and the two men, Whoopie was not  
8           with them. She was walking in and they were  
9           walking toward Cabarrus Street. She saw them  
10          continue walking together, turn the corner, and  
11          then a few minutes later she saw the white  
12          Pathfinder come out of that street.

13          Q.    And she didn't say whether she could see the  
14          victim in the white Pathfinder, right?

15          A.    No, she did not.

16          Q.    And she didn't mention any of this in the two  
17          police interviews?

18          A.    She did not.

19          Q.    And what did she say about that in your  
20          interview?

21          A.    She said that it was only the two men who were  
22          in the home and that she had seen the victim  
23          earlier, that the victim had been over earlier  
24          in her home but had left, and that the victim

1 had went out to the corner of Cabarrus and E  
2 Streets. She said that after the two men left  
3 she was looking out her back window to make sure  
4 that they left and she saw from her back door  
5 the dark colored SUV stop, the victim walked up,  
6 spoke to the driver, and then walked around the  
7 passenger side and got in the vehicle.

8 Q. Okay. And did you talk to her about her  
9 agreement to testify?

10 A. I did.

11 Q. And what did she say about that?

12 A. She said that the detective had -- I believe  
13 it's in the second interview, she says that he  
14 had offered her a deal because she had a pending  
15 charge, but that she told him she didn't want to  
16 get a deal for it, she didn't think that it was  
17 fair that the victim died that way and that she  
18 would testify with or without a charge -- or I  
19 guess with or without getting a deal.

20 Q. So did she tell you that she had an agreement to  
21 testify?

22 A. No, she told me she did not and wouldn't have  
23 taken one.

24 Q. Okay. Is there anything else that she talked

1           about about the facts of this case in your  
2           interview with her?

3           A.   Those are kind of the major things that came out  
4           in the police interviews and at trial that we  
5           were, you know, trying to talk to her about, so  
6           that's really about covers it.

7           Q.   And the rest of your interview was about where  
8           she lived and her family and how she was doing  
9           and the hearing and --

10          A.   And if she could come and be subpoenaed and that  
11          kind of stuff.

12          Q.   Okay.

13                       MS. MONTGOMERY-BLINN: Commissioners,  
14                       do you have any questions for Ms. Stellato?

15                       (NO AUDIBLE RESPONSE.)

16                       MS. MONTGOMERY-BLINN: Does anybody  
17                       have any questions about this chart?

18                       MR. DEVEREUX: If I can just ask,  
19                       she's now saying, Sharon, that -- did I  
20                       understand you to say that she said she saw  
21                       the guys at Ms. Kelly's boarding house  
22                       after the fact or this was all before when  
23                       this victim was believed to have been  
24                       killed?

1 A. She is now saying that it was daylight outside  
2 when she saw the victim leave with the two men.  
3 So I would -- you know, she was killed that  
4 night --

5 MR. DEVEREUX: Right.

6 A. -- so I would assume that it would, it would be  
7 prior to that night.

8 MR. DEVEREUX: Okay; okay.

9 MS. MONTGOMERY-BLINN: Any more  
10 questions, Commissioners?

11 (NO AUDIBLE RESPONSE.)

12 MS. MONTGOMERY-BLINN: I would ask  
13 that Ms. Stellato be released to be  
14 recalled later.

15 JUDGE SUMNER: Thank you, ma'am.

16 MS. MONTGOMERY-BLINN: And the  
17 Commission calls Eva Kelly.

18  
19 THEREUPON,

20 EVA KELLY, (a.k.a. Rose Hitch),

21 Having first been duly

22 Sworn, was examined and

23 Testified as follows:

24 Q. Good morning, Ms. Kelly. Thank you so much for

1 coming down here and helping us out with our  
2 investigation and giving this information or  
3 whatever it is that you remember to the  
4 Commissioners.

5 A. All right.

6 Q. As I told you earlier, my name is Kendra  
7 Montgomery.

8 A. Yes, ma'am.

9 Q. And I'm going to ask you a couple of questions  
10 about what you remember. If I ask you a  
11 question and you really don't remember, then the  
12 honest answer is, I don't remember or you don't  
13 know, then that's the honest answer.

14 A. Okay.

15 Q. And we will completely understand that and we  
16 appreciate that.

17 The people you see sitting around this  
18 table are the Commissioners.

19 A. Hi.

20 Q. And they will ask you questions as well. They  
21 may ask some during the time that I am asking or  
22 afterwards.

23 A. Yes, ma'am.

24 Q. And everybody is just trying to understand what

1           it is you remember, what you saw, what you  
2           heard, and nothing more, okay?

3       A.    Okay.

4       Q.    All right.  And again, thank you so much for  
5           speaking with our investigator in August and for  
6           coming down here today.

7       A.    Okay.

8       Q.    We very much appreciate it.

9                   will you just go ahead and state your name  
10           for the record?

11      A.    Rose Hitch, that's my married name.

12      Q.    Rose Hitch?

13      A.    Uh-huh (yes).

14      Q.    Okay.  In 1991 what name were you using?

15      A.    Eva Marie Kelly.

16      Q.    Eva Marie Kelly, okay.  And Ms. Kelly, do you  
17           live in Wake County now?

18      A.    No, I don't.

19      Q.    What county do you live in?

20      A.    In Johnston.

21      Q.    And where did you live in 1991?

22      A.    In Raleigh on E Street.

23      Q.    What part of Raleigh is that in, do you know?

24      A.    It's East Raleigh, I believe.

1 Q. Okay. And what kind of place were you living  
2 in?

3 A. It was a rooming house.

4 Q. Okay. And you had a room in the house?

5 A. Yes, I did.

6 Q. Okay. And did you know a person named Jacquetta  
7 Thomas in 1991?

8 A. I didn't know her well, but yes.

9 Q. Okay. How did you know her?

10 A. From the streets.

11 Q. Okay. Can you tell us a little bit more about  
12 her or, you know, how well you knew her, how  
13 many times you'd met her, if you knew her  
14 family?

15 A. No, I didn't know her family or anything. I,  
16 you know, I just knew her, like I said, from the  
17 streets.

18 Q. Okay. So you just talked to her when you were  
19 out on the street?

20 A. Yes.

21 Q. Do you know if you talked to her, you know, on  
22 multiple occasions or just once or twice?

23 A. Well, whenever I would see her, she would see  
24 me, we'd say hi or whatever, but --

1 Q. Okay. Do you know if she had family?

2 A. She had mentioned she had a family.

3 Q. Did she mention she had children?

4 A. Yeah.

5 Q. I'd like to talk about September 26, 1991, if  
6 you remember that day. Do you remember  
7 activities from that day?

8 A. Some of it, yes; some of it's foggy.

9 Q. Sure, of course.

10 A. A long time.

11 Q. Sure. Well, tell us, what do you remember about  
12 that day?

13 A. Okay. From --

14 Q. Where were you on that day?

15 A. On the streets; on the streets.

16 Q. Okay. Were you around the house you were  
17 staying in on E Street?

18 A. Yeah.

19 Q. Okay.

20 A. In and out of.

21 Q. Go ahead. Who did you see on that day?

22 A. Well, a lot of people.

23 Q. Would you like me to help you get started?

24 A. Yeah; yeah. I don't know where --

1 Q. Do you remember seeing a white man and a black  
2 man that have now been identified to you as  
3 Gregory Taylor and Johnny Beck?

4 A. Yes, ma'am.

5 Q. Okay. What time do you think you first saw  
6 them?

7 A. I believe it was either early in the morning or  
8 late, late the night before.

9 Q. Okay. So when you say that, are you talking  
10 about -- when you talk early in the morning are  
11 you talking about 10 o'clock in the morning or  
12 2 o'clock in the morning? Dark out or light  
13 out?

14 A. Well, the first time I saw them it was, you  
15 know, like evening; nighttime.

16 Q. Okay.

17 A. And they were driving around trying to, you  
18 know, pick up ladies to party with.

19 Q. Okay.

20 A. And I told them no, you know, because I didn't  
21 feel comfortable the way the guy was talking,  
22 you know, do I want to get high, you know.

23 Q. So they came up and talked to you?

24 A. No, they drove; they were driving.

1 Q. They were in the vehicle?

2 A. Yeah.

3 Q. Do you remember which one talked to you?

4 A. The white --

5 Q. The white man talked to you?

6 A. Yes, the white man.

7 Q. Do you know if he was the driver or the  
8 passenger?

9 A. He was the driver.

10 Q. Okay. And what did the car look like?

11 A. It was an SUV type.

12 Q. Okay.

13 A. Yeah, I don't remember if it was pale. It was a  
14 light color. I don't remember if it was blue or  
15 a light gray.

16 Q. Okay. But it was a light color?

17 A. Yeah, a light color.

18 Q. Okay. All right, go ahead.

19 A. I didn't feel, you know, comfortable going to  
20 two men so I told them no. And they kept  
21 insisting, you know, we'll drive around, pick up  
22 another bitch, so, you know, something to that  
23 effect.

24 Q. Do you remember who was with you when they

1           talked to you?

2           A.    There was a girl standing near me, her name was  
3           Tex.  That was her street name, yeah.

4           Q.    Okay.

5           A.    And she said no, she said, come on, Eva, and we  
6           walked away.  And the guy starts hollering  
7           obscenities out the window, you know.

8           Q.    This is the white man was hollering obscenities?

9           A.    Yeah; yeah.

10          Q.    Okay.

11          A.    You know, calling me F-ing bitches, whores, and  
12          that.  So I just went on in the house.

13          Q.    Okay.

14          A.    Okay.

15          Q.    And again, I wasn't clear on the time that  
16          you're talking about this being.

17          A.    It was early evening.

18          Q.    Okay.  Was it still light out or was the sun  
19          setting, or do you have any idea?

20          A.    It was early evening.

21          Q.    Okay.  All right.  And was Jacquetta Thomas  
22          there at that time?

23          A.    No.

24          Q.    Okay.  All right.  And then what happened?

1 A. Okay. I think it's the next day, yeah, maybe it  
2 was early that morning, or I -- yeah.

3 Q. Okay. Sort of overnight then, hours later?

4 A. Yeah. Like through the night, hours later.

5 Q. Okay.

6 A. I was out and I met a person, a trick, and we  
7 went into the house. You know, he parked his  
8 car in a garage parking lot where Pretty's was  
9 across the street and we went into the house.  
10 And I saw -- heard noise up in the kitchen.

11 Q. This is your house, the house you stayed at?

12 A. Yeah.

13 Q. Okay. Go ahead.

14 A. And I thought it was one of the other men that  
15 lived in the house. And when I went back there  
16 were, I want to say three or four people in the  
17 kitchen. There were two girls and, you know,  
18 some of it's come back to me. A girl by the  
19 name of -- oh, what was her name. It was a  
20 black girl and Jacquetta and these two men.

21 Q. And Jacquetta was there?

22 A. Yeah.

23 Q. Okay.

24 A. Okay. They had needles and drugs out on the,

1           there was like a little center table in the  
2           middle of the kitchen. They had drugs and  
3           needles and all that stuff. And I said, you all  
4           have to clean that shit up, you know, and get,  
5           go, leave. So there again, you know, again the  
6           guy with the hostility, you know, is talking to  
7           me, you know, we don't have to go anything  
8           where, you know, you don't own this house. And  
9           no, but I live there. You know, give me that  
10          respect and leave.

11                 So they went out the side door, the kitchen  
12          door. And I don't know where their vehicle was  
13          parked because it wasn't in front of the house,  
14          it wasn't on the side of the house. But  
15          Jacquetta gathered up her stuff and went out the  
16          front. There's like a front door, a porch, and  
17          then down the hallway, the kitchen, and then  
18          there was a door to the side of the house, I  
19          call it the back of the house. And she went out  
20          the front and I told her, be careful. And she  
21          said, yeah, I will. And whoopie was the other  
22          girl that was there.

23          Q.    Okay.

24          A.    And she left out the side door, you know, the

1 back.

2 Q. At the same time as everybody else?

3 A. Yeah.

4 Q. Okay. So all four of them left together?

5 A. No, Jacquetta went out the front of the house,  
6 out the front door.

7 Q. Okay. I'm sorry, go ahead.

8 A. She gathered up her stuff and went out the front  
9 door. So --

10 Q. Okay.

11 A. Okay. Then I went over to -- they had a board  
12 that fit onto braces on the back door of the  
13 house.

14 Q. Okay.

15 A. I went to see where the board was so I could  
16 brace the door back again. And I saw the, it  
17 was a Pathfinder, pull up to the side street on  
18 Cabarrus Street. The back door faced Cabarrus.  
19 And I saw Jacquetta on the corner walk toward  
20 the corner. She turned the corner and then  
21 there was a house, and then the truck pulled  
22 just beyond the house. And I saw her walk up to  
23 the side of the truck and then she talked a  
24 couple minutes and then went around the front

1 end of the truck, and I guess she got in because  
2 it pulled off and I didn't see any more of her  
3 after that.

4 Q. Okay. Was it the same truck that you had seen  
5 earlier?

6 A. Yes.

7 Q. And do you know which side she got in?

8 A. I would imagine it was the passenger's side.

9 Q. Okay. Could you see the men in the truck at the  
10 time?

11 A. No.

12 Q. Okay. But you saw her get into it?

13 A. Yeah.

14 Q. And do you know what time this was?

15 A. No. Really back then I didn't relate to times  
16 or --

17 Q. Okay.

18 A. It was just part of that.

19 Q. Okay; all right. Now, you talked to the police  
20 a couple of times, right, about this case?

21 A. Yes.

22 Q. And then you testified at trial, right?

23 A. Yes.

24 Q. Did you have an agreement in order to testify

1 with the District Attorney's office?

2 A. No.

3 Q. Okay. Did you have any charges pending against  
4 you when you testified?

5 A. Truthfully, I don't remember.

6 Q. Okay.

7 A. I think I might have because I always had  
8 something going on. I wasn't --

9 Q. Sure. And you're doing much better now, right?

10 A. Oh, much better.

11 Q. Good.

12 A. Married and grandchildren and totally straight.

13 Q. Good. Good; good. So you don't think you had  
14 an agreement, you can't remember if you had  
15 changes pending. Do you remember if you were in  
16 jail at the time that you testified?

17 A. I have strained my brain trying to remember if  
18 they came and talked to me in jail.

19 Q. Okay. You just can't remember?

20 A. Or when they caught me, maybe they couldn't  
21 catch up with me to ask me any questions.

22 Q. Okay. That's fine if you can't --

23 A. When they got me in jail, they -- I think maybe  
24 that was what it was.

1 Q. Okay. So you, are you confident that you didn't  
2 have an agreement or you cannot remember?

3 A. I'm confident that I've never had any agreements  
4 with any --

5 Q. Have you ever had an agreement to testify  
6 before?

7 A. No, ma'am.

8 Q. Would you take an agreement to testify?

9 A. No.

10 Q. Why not?

11 A. Well, if you do the crime, do the time. I  
12 mean --

13 Q. Okay.

14 A. I don't feel I should get treated any different  
15 than anybody else. You know, if I done it, do  
16 it.

17 Q. Okay. What kind of board was it at the rear  
18 door that you talked about?

19 A. It was a plank, you know, like -- my landlord  
20 was Bruce Lightner, and it was a house that  
21 really should have been condemned.

22 Q. Okay.

23 A. Okay. He didn't -- there was a lock on the  
24 front door but, you know, he didn't spare any

1 expenses to fix up this house.

2 Q. Okay. So this was like a plank that you put  
3 into brackets to keep the door from opening?

4 A. Yeah; yeah, so it couldn't be --

5 Q. Okay. And was that plank there when you saw  
6 them?

7 A. Yeah.

8 Q. Okay. Now, so you said you do remember talking  
9 to the police two different times before, before  
10 you testified?

11 A. Yeah. I mean, they were asking me questions  
12 about, about this.

13 Q. Right. And did they come out to you where you  
14 lived and talk to you the first time, if you can  
15 remember?

16 A. I don't.

17 Q. Okay.

18 A. I don't remember when, when they started talking  
19 to me. I believe it was within a couple of days  
20 of the, yeah, her disappearance.

21 Q. Now, the first two times that you talked to the  
22 police you did not tell them that you saw the  
23 victim, Jacquetta, with the two men or that you  
24 ever saw her in your house. Do you remember

1           why?

2           A.    I told them what, what I know about it.

3           Q.    Okay.  So did you tell them all that you knew  
4           the first and second time?

5           A.    Yes; yes.

6           Q.    And you wouldn't have had any reason to not tell  
7           them anything?

8           A.    No; no.

9           Q.    Okay.  Now, if at trial you said that you did  
10          not see Jacquetta get into the truck with the  
11          men --

12          A.    well, I did not see her get in, I saw her walk  
13          around to the side and the truck pull away,  
14          so --

15          Q.    Okay.

16          A.    And then I didn't see her anymore after that.

17          Q.    Okay.

18          A.    She would usually come back to E Street if she  
19          didn't make a --

20          Q.    Okay.  Now, at the trial you said you saw the  
21          truck, them all walk up off the corner and then  
22          the truck drive by.  Do you think that would be  
23          more accurate or are you confident about what  
24          you're telling us today?

1 A. No, I'm confident, you know. I mean, I've  
2 thought about it, you know, what had happened.  
3 I guess it all just happened so fast.

4 Q. Okay. And do you remember talking to Sharon  
5 Stellato in August about this case?

6 A. Yes, I do.

7 Q. And was that the first time that anybody talked  
8 to you about this case in a long time?

9 A. Yeah, since, since the trial.

10 Q. Since the trial nobody talked to you about it?

11 A. No, ma'am.

12 Q. And at the time that you talked to Sharon, were  
13 you -- did you feel like you were remembering  
14 things pretty well then?

15 A. Yeah.

16 Q. And have you thought about it more since you've  
17 talked to Sharon?

18 A. Constantly.

19 Q. Constantly?

20 A. Yeah. I mean, yeah. I mean, I've lost sleep  
21 over it.

22 Q. And who else has come out to talk to you about  
23 it since you talked to Sharon?

24 A. Well, the, I believe News & Observer came out on

1 the property and I wasn't there, but I didn't  
2 talk to them.

3 Q. Okay. Have any other investigators come out and  
4 talked to you?

5 A. No.

6 Q. Okay. Has anybody called you and talked to you  
7 about it?

8 A. No.

9 Q. Okay. Who brought you your trial testimony and  
10 asked you to review it, anybody?

11 A. I think it was mailed to me.

12 Q. Mailed to you?

13 A. Not a testimony, it was subpoenas.

14 Q. Okay. Has anybody brought you the transcript of  
15 what you testified about at trial?

16 A. No.

17 Q. Okay. Now, if whoopie -- you're talking about  
18 whoopie was with them in the kitchen, right?

19 A. Yeah.

20 Q. If whoopie said, told the police that she never  
21 saw these men and certainly never saw them with  
22 the victim, is whoopie wrong?

23 A. I would say yes.

24 Q. Okay.

1 A. Unless she didn't remember.

2 Q. Okay. Ms. Kelly, I don't have any more  
3 questions right now, but these Commissioners  
4 probably have a couple of questions for you.

5 A. Okay.

6 Q. And again, I want to thank you for coming in and  
7 talking with us today. I know it's been a long  
8 time, but we really appreciate it.

9 MS. MONTGOMERY-BLINN: Commissioners,  
10 do you have any questions for Ms. Kelly?

11 MR. BECTON: Ms. Kelly, I think I have  
12 a couple. Earlier in response to a  
13 question I understood you to say that you  
14 could not see the men in the truck. You're  
15 at the back door where the plank is, you  
16 say you see a truck?

17 A. Yeah.

18 MR. BECTON: You see Jackie talking to  
19 someone?

20 A. Yes.

21 MR. BECTON: But you could not see the  
22 men in the truck?

23 A. No.

24 MR. BECTON: Could you tell how many

1 people were in the truck?

2 A. No.

3 MR. BECTON: Could you tell if there  
4 was more than one person in the truck?

5 A. No, not, not from the door.

6 MS. MONTGOMERY-BLINN: Any more  
7 Commissioner questions? Mr. Devereux?

8 MR. DEVEREUX: Hello, Ms. Hitch. I  
9 understood you to say that between the  
10 times you saw them that you said it was  
11 through the night and hours later. And  
12 when Jackie went outside and was beside  
13 this vehicle, was it daylight at that  
14 point? I know you said you couldn't  
15 remember exactly what time it was.

16 A. Yeah. It was, it was light.

17 MR. DEVEREUX: Light. And how far  
18 were you? ~~where you were in the kitchen,~~  
19 how far was that from where the vehicle  
20 was?

21 A. Well, my kitchen door would be here  
22 (indicating). Probably the distance of a house.

23 MR. DEVEREUX: Okay.

24 A. Say a little, about where Grace is sitting.

1 MR. DEVEREUX: Okay.

2 A. To the street, the actual street. A yard, yard  
3 length and the street.

4 MR. DEVEREUX: And by that time it was  
5 light enough that you could clearly see  
6 what you've described to us?

7 A. Yeah. I saw Jacquetta walk up to this, this  
8 truck, and it was the same truck that had tried  
9 to pick me up earlier on.

10 MR. DEVEREUX: Okay. Thank you,  
11 ma'am.

12 MS. MONTGOMERY-BLINN: Other  
13 Commissioner questions?

14 MR. BECTON: Was the driver's door  
15 closest to you?

16 A. Yes.

17 MR. BECTON: And you say Jackie walked  
18 around to the other side, to the  
19 passenger's side?

20 A. Yes.

21 MS. PICKENS: And ma'am, did you say  
22 that it was getting light by this time?

23 A. It was light.

24 MS. PICKENS: It was already light

1 outside?

2 A. Uh-huh (yes). Yeah.

3 MS. PICKENS: So it would have been in  
4 the early morning hours, is that correct?

5 A. Yeah.

6 MS. MONTGOMERY-BLINN: Okay. If  
7 there's no more Commissioner questions, I  
8 ask that Ms. Kelly be released.

9 JUDGE SUMNER: Thank you very much,  
10 ma'am.

11 MS. MONTGOMERY-BLINN: Ms. Kelly,  
12 thank you. Your Honor, I'm going to ask  
13 that Ms. Kelly be released from her  
14 subpoena so that she can go back to  
15 Johnston.

16 JUDGE SUMNER: Certainly. You are  
17 released, thank you.

18 A. Okay. Thank you.

19 MS. MONTGOMERY-BLINN: Thank you,  
20 Ms. Kelly, I appreciate it.

21 (MS. KELLY IS DISMISSED FROM THE  
22 HEARING ROOM.)

23 MS. MONTGOMERY-BLINN: Commissioners, do  
24 you have any questions for me or would you like

1 me to recall Ms. Stellato at any point?

2 MR. DEVEREUX: And I'm not sure I  
3 understand the procedure entirely for what's  
4 evidence and what's just discussion, but it  
5 would help me put things in perspective to  
6 recall what time Greg Taylor showed back up the  
7 next morning to pick up his stuck vehicle.

8 MS. STELLATO: It was between 7:25 and  
9 7:45 a.m.

10 MR. DEVEREUX: And what time was the body  
11 discovered?

12 MS. MONTGOMERY-BLINN: Right around -- it's  
13 in the testimony in your brief. It was right  
14 around 6:00 a.m. when Officer -- let me find it  
15 for you, I'll get it exactly right for you.  
16 Officer Kennon. (Ms. Montgomery-Blinn examines  
17 documents.) He says he drove into the cul-de-  
18 sac around 7:30 or 7:40 that morning, Officer  
19 Kennon.

20 MR. DEVEREUX: That's Greg did? Or Officer  
21 Kennon?

22 MS. MONTGOMERY-BLINN: Uh-huh (yes). This  
23 is the officer that first discovered the  
24 victim's body. That's when Officer Kennon says

1           that he drove into the -- let me make sure now.  
2           (Ms. Montgomery-Blinn continues to examine  
3           document.) Yeah. It's also in the little time  
4           line that you have because I think he changes it  
5           a little bit later in his testimony. Yeah,  
6           between 7:30 and 7:40 her body was discovered by  
7           a Raleigh police officer. At between 8:30 and  
8           9:30 Gregory Taylor arrived at the scene to ask  
9           to get his truck. And yeah.

10           MS. STELLATO:    (Confers with  
11           Ms. Montgomery-Blinn.)

12           MS. MONTGOMERY-BLINN:  Any more questions?

13                           (NO AUDIBLE RESPONSE.)

14           MS. MONTGOMERY-BLINN:  I'm sorry, do we  
15           need a break?

16                           (NO AUDIBLE RESPONSE.)

17           MS. MONTGOMERY-BLINN:  Your Honor, the  
18           victim's family is requesting --

19           JUDGE SUMNER:  We'll take a break, about 15  
20           minutes.

21                           (THEREUPON, A SHORT RECESS WAS TAKEN.)

22           JUDGE SUMNER:  We're back in session.

23           MS. MONTGOMERY-BLINN:  Thank you, your  
24           Honor. All right, Commissioners, we are now

1 going to present evidence to you about Ernest  
2 Andrews. Mr. Andrews was interviewed by the  
3 police originally, and that is on, the  
4 transcript of that entire interview is on page  
5 310 in your briefs. He also testified at trial.  
6 The entire transcript of his trial testimony is  
7 on page 30 in your briefs. The North Carolina  
8 Center on Actual Innocence also interviewed him  
9 and the summary of their interview is in your  
10 briefs on page 322.

11 Sharon Stellato, who is our staff  
12 investigator, also worked for the Center for  
13 Actual Innocence a couple of years ago and she  
14 was working with them at the time and was on  
15 that interview. So if you have any questions  
16 about her recollection, you're more than welcome  
17 to ask her.

18 The Commission interviewed him and it was,  
19 again, our staff investigator, Sharon Stellato,  
20 and our case manager, Grace Wallace. They  
21 interviewed Mr. Andrews on August 3, 2009. This  
22 is an old photograph, it's older than 2005, but  
23 it's what DOC had available. This is  
24 Mr. Andrews' criminal record including class II

1 or higher and then the worthless checks, which  
2 usually can be permitted.

3 The Commission has made a couple of  
4 attempts or done everything we can, anyway, to  
5 verify some of the factual information that was  
6 included in Mr. Andrews' trial testimony and  
7 statement to the police, and I'll tell you what  
8 we were able to find out. It does not appear  
9 that the police ever did try to interrogate  
10 Gregory Taylor after his arrest. Mr. Andrews  
11 says that Mr. Taylor was brought into the cell  
12 block, taken back out for interrogation, and  
13 then came back in and made more statements to  
14 him. The police record, the police file is very  
15 extensive and there's no documentation anywhere  
16 that they ever did try to interrogate Gregory  
17 Taylor after the arrest. It's possible that  
18 they did and just did not document it. And the  
19 police officers, we did interview them, but  
20 their memories of the case, they just don't  
21 remember those level of details about the case.

22 MR. BECTON: But you did find an order that  
23 would have allowed them to interview him again?

24 MS. MONTGOMERY-BLINN: There was an order

1 that would have allowed them, that was in there  
2 that would have allowed them to take him out.  
3 It was not signed. It was not signed in the  
4 DA's file, it was not signed in the police  
5 department file. They also would not have  
6 needed an order to take him out and to  
7 interrogate him. But we did find that in there,  
8 but we couldn't find it signed and we couldn't  
9 find any documentation in their notes. And they  
10 were very good about recording all the  
11 interviews that they did, we just didn't see it  
12 anywhere. It does not mean that it didn't  
13 happen, but just so that you know, we did try to  
14 verify that and we were not able to.

15 The old Wake County jail, not the current  
16 one, but the Wake County jail that was in use in  
17 1991 or in September of 1991, they switched over  
18 later on, I believe, in the same year, did not  
19 keep records of what cell block people were in  
20 so Ernest Andrews testified that he was in cell  
21 block E, the same cell block as Gregory Taylor.  
22 All that can be verified with the jail records  
23 are that they were both in the Wake County jail  
24 at the same time. But the records do not show

1 who was in cell block A, who was in cell  
2 block B, and so on. And this was also something  
3 that was litigated, the Motion for Appropriate  
4 Relief. So they also tried back then and  
5 weren't able to tell. We did talk to Allan  
6 Moore, administrative officer for the Wake  
7 County sheriff's office, and he looked to see  
8 even if there was sort of somewhere unofficial  
9 that had documented what cell blocks people were  
10 in, and he was not able to give us any  
11 documentation about that.

12 And then the final thing is that  
13 Mr. Andrews mentions taking a cigarette break or  
14 smoking while they're talking. Inmates were not  
15 allowed to smoke in the old Wake County jail,  
16 but everybody did. It was common knowledge  
17 that, technically, while they were not allowed  
18 to, it was very routine, everybody did. Allan  
19 Moore, as well as other people, verified that  
20 they could easily have had access to cigarettes  
21 while they were in there and smoked during those  
22 interviews.

23 At this time I would like to call the  
24 Commission investigator, Sharon Stellato, to

1 talk about the interview that she conducted with  
2 Ernest Andrews.

3 (MS. STELLATO RETURNS TO THE WITNESS  
4 STAND.)

5 MS. MONTGOMERY-BLINN: Your Honor, is  
6 she still under oath?

7 JUDGE SUMNER: Yes, she is.

8 MS. MONTGOMERY-BLINN: Okay.

9 BY MS. MONTGOMERY-BLINN:

10 Q. Ms. Stellato, I'll just remind you that you're  
11 under oath.

12 when did you or, Ms. Stellato, were you  
13 able to interview Ernest Andrews while working  
14 for this Commission?

15 A. We were on August 3, 2009.

16 Q. Okay. And go ahead and tell us a little bit  
17 about the set up for this interview: where was  
18 it at, who was with you, all of that  
19 information.

20 A. It was myself and Grace Wallace, and we drove to  
21 his home in New Bern. He did -- we did not tell  
22 him that we were coming, we just arrived in the  
23 hopes of catching him there.

24 Q. And was he there?

1 A. He was.

2 Q. And who else was there?

3 A. He -- no one that came out; you know, no one  
4 that we heard or saw. If there was someone  
5 else, I don't know.

6 Q. Okay. Was he willing to speak with you?

7 A. Initially he was not willing to speak with us.  
8 He told us that he didn't have anything to say.  
9 Actually, when I got to the door he asked me,  
10 are you here about the Taylor guy? So he knew,  
11 I guess, that we wanted to talk to him about the  
12 case. After a little while it became clear that  
13 he thought we were a different agency. And when  
14 he found out that I worked for the State and  
15 when he found out, you know, that he could talk  
16 to us, I guess he felt more comfortable talking  
17 to us, he did. And he let us in and then he was  
18 happy to be interviewed.

19 Q. Okay, you say he was happy to be interviewed.  
20 Can you describe the behavior that led you to  
21 that conclusion?

22 A. He was -- he didn't, you know, he didn't let us  
23 in, he didn't want to talk to us when we first  
24 arrived, he wouldn't really answer any

1           questions. But then after he asked me three or  
2           four times if I worked for the State, and after  
3           he found out, I think after he was assured of  
4           that, he opened the door and, you know, have a  
5           seat anywhere and was comfortable talking to us  
6           and friendly.

7           Q.    Okay.

8                         MR. BECTON: Ms. Stellato, I thought I  
9                         recall somewhere that his wife was there.  
10                        Did she -- you just said he was alone.

11           A.    His wife was there in the North Carolina Center  
12           on Actual Innocence interview.

13                        MR. BECTON: Oh, okay. Now I won't be  
14                        confused about that.

15                        MS. MONTGOMERY-BLINN: Right. And I'm  
16                        only asking about the Commission interview.  
17                        However, if Commissioners have any  
18                        questions about that interview, we've  
19                        provided the summary from the Center's  
20                        files, I think that's the summary that  
21                        speaks for itself. But you are welcome to  
22                        ask Sharon what memory she has.

23                        MR. BECTON: No, I just didn't want to  
24                        be confused.

1 MS. MONTGOMERY-BLINN: Okay. Okay,  
2 yeah.

3 MR. BECTON: I had it in my mind that  
4 the wife was there.

5 JUDGE SUMNER: Excuse me, who did he  
6 think you worked for initially?

7 A. I believe that he thought that I worked for the  
8 North Carolina Center on Actual Innocence. He  
9 asked me, are you here about the Taylor guy?  
10 And I said yes. And he said, I've got nothing  
11 to talk to you about. And then he said, I've  
12 already told you everything. And later on, how  
13 I believe that he thinks that is later on during  
14 the interview he says, I thought you were  
15 someone else. Two years ago they came and  
16 interviewed me and that's who I thought you  
17 were.

18 Q. And you explained to him that we are a State  
19 agency?

20 A. I did.

21 Q. Okay. So go ahead and tell us a little bit or,  
22 you know, tell us the highlights of what he told  
23 you in that interview.

24 A. He told me that he was in the cell at the wake

1 County jail with Greg Taylor. He had actually  
2 already been sentenced on his case and he was in  
3 holding waiting to be transferred and that's why  
4 he was there.

5 Q. And was that consistent with the things that he  
6 had told the police at trial and as far as you  
7 could tell from this interview?

8 A. It is.

9 Q. Okay. Go ahead.

10 A. He said that Greg Taylor had been taken out of  
11 his cell, questioned for he doesn't know how  
12 many hours because he was asleep when Greg  
13 Taylor first came back in. When he woke up Greg  
14 Taylor was sitting there and he asked him, what  
15 are you in here for? And Greg Taylor responded,  
16 killing someone. And then Mr. Andrews said that  
17 he believed it was a prostitute.

18 Q. And did he believe that because that's what  
19 Gregory Taylor told him or do you not know?

20 A. He didn't, he didn't -- he just said, I believe  
21 it was a prostitute.

22 Q. Okay.

23 A. He said that he remembered him -- a 4Runner had  
24 come on the TV in the jail, it was a little

1 black and white TV, and that Gregory Taylor had  
2 said, that's my car. He described Greg Taylor  
3 on that day as being, his quote is, his eyes  
4 looked a little impaired or drunk, he might have  
5 been kind of high or impaired.

6 Q. And this is what he told you at your interview?

7 A. Yes.

8 Q. Okay. Go ahead.

9 A. Then he says that the conversation went on and  
10 he asked how the girl died, and Gregory Taylor  
11 said, with a smile on her face. Ernest Andrews  
12 asked, what do you mean by that? And Gregory  
13 Taylor indicated by pulling a finger across his  
14 throat.

15 Q. Okay. What else did Mr. Andrews tell you?

16 A. He went on to say, he said that to this day he  
17 has no idea how the girl died, he doesn't know  
18 if her throat was cut or if she was shot, that  
19 Gregory Taylor did not say that he had killed  
20 her, nor did he say that the other guy had  
21 killed her. He said that he, he being Ernest  
22 Andrews, recalled that his testimony did not  
23 include him saying he knew who did it, he just  
24 knows that they were with her and then she ended

1 up dead.

2 Then we continue, we continue talking, he  
3 said that he felt like maybe Gregory Taylor was  
4 trying to be, at first he used the word brave.  
5 He said that they were in a cell with a lot of  
6 blacks, that Gregory Taylor was scared, and that  
7 he felt like Gregory Taylor was trying to  
8 influence him and making him seem like he was  
9 more than he was. When I kind of pressed him on  
10 this he said he didn't understand it, he didn't  
11 know why he said the things he said, he just  
12 felt like maybe he was boasting, bragging is the  
13 term.

14 Q. Okay. So he, did he tell you if Gregory Taylor  
15 said that Gregory Taylor killed the victim?

16 A. He said he did not say that, he never said that.

17 Q. Did he tell you if Gregory Taylor said that  
18 Johnny Beck killed the victim?

19 A. He said he did not, he did not ever hear that or  
20 say that.

21 Q. He did not hear that?

22 A. Or say that.

23 Q. He didn't, he told you that he had not heard  
24 Gregory Taylor say Johnny Beck killed the

1 victim?

2 A. Yes.

3 Q. Okay. Did he tell you if Gregory Taylor said  
4 who killed the victim?

5 A. No.

6 Q. Okay. And is there anything else that  
7 Mr. Andrews told you?

8 A. The only thing that he said is he remembered  
9 testifying saying that things had gotten out of  
10 hand and that Gregory Taylor had told him that  
11 the three of them were doing drugs together and  
12 that they were going to have sex together and  
13 that it didn't work out.

14 Q. Okay. Gregory Taylor told him that he --

15 A. Gregory Taylor told Andrews that, yes.

16 Q. Okay. And did Mr. Andrews talk to you about why  
17 he came forward to the police or to the District  
18 Attorney's office?

19 A. He made a phone call -- he didn't, he wouldn't  
20 disclose the name of the person he called, but  
21 he made a phone call to someone on the outside  
22 and that person called the detective, and then  
23 the detective came and interviewed him. And  
24 there was actually a note in the police file

1           that the detective had received a phone call  
2           saying Ernest Andrews had information, but it  
3           doesn't say who called.

4       Q.    Okay.  And he didn't say who he called?

5       A.    He actually refused to say.

6       Q.    Okay.  You asked him and he refused to answer?

7       A.    I did.  Uh-huh (yes).

8       Q.    Did he tell you why he called the District  
9           Attorney's office?

10      A.    He said that he was hoping to get a deal.  He  
11           had just been sentenced to five years.  He  
12           didn't.  He says he -- a five-year active  
13           sentence that he believes he did nine or ten  
14           months on.  And by the time he testified at  
15           trial he was on parole, so he did not get a  
16           deal.

17      Q.    Okay.  Did he talk to you at all about who else  
18           was in the cell block and who else might have  
19           heard the conversation?

20      A.    He said in this interview that Gregory Taylor  
21           was only talking to him and kind of because he  
22           was the white person in there and that there  
23           were a lot of other blacks in there and that  
24           Gregory Taylor was uncomfortable and looking to

1 brag, which was inconsistent. In some of the  
2 other interviews he had stated that there were  
3 more than one, more than one person sitting  
4 around and at times that there were other people  
5 that asked Gregory Taylor the questions, not  
6 him.

7 Q. Okay. But this time he told you that it was  
8 just him and Gregory Taylor?

9 A. He did.

10 Q. Okay. And the words that you've been using,  
11 those are his words, blacks and brag and --

12 A. Yes.

13 Q. All right. Is there anything else from his  
14 interview aside from, you know, talking about  
15 coming here and where he is and what he's doing  
16 now, any other case fact?

17 A. The only thing that he says, he does say that  
18 the only thing he remembers is that they were  
19 partying and things got out of hand. He now  
20 says looking back hearing about the case that he  
21 doesn't understand why Gregory Taylor got  
22 convicted, that it couldn't have had anything to  
23 do with his testimony.

24 Q. Okay. Is there anything else?

1 A. No.

2 MS. MONTGOMERY-BLINN: Commissioner,  
3 do you have any questions for Ms. Stellato?  
4 Yes, Mr. Becton.

5 MR. BECTON: At the time you  
6 interviewed him did he discuss whether Greg  
7 Taylor said the victim's throat was cut or  
8 whether the police told Gregory Taylor that  
9 the victim's throat was cut?

10 A. He says that when Gregory Taylor came back in  
11 after being interrogated, he, Andrews, asked  
12 Gregory Taylor how did the victim die. And  
13 Gregory Taylor responded, in quotes, with a  
14 smile on her face. And then he asked, what does  
15 that mean? And he demonstrated with his finger.  
16 So he doesn't say if the police told Gregory  
17 Taylor that or if Gregory Taylor was stating he  
18 had done it and that's how she died; he doesn't  
19 say.

20 MR. DEVEREUX: Gregory Taylor was  
21 shown a crime scene photograph, wasn't he,  
22 in that first interview?

23 A. Yes, he was.

24 MR. DEVEREUX: The ones that showed

1 the injuries to --

2 A. Yes, he was.

3 MS. MONTGOMERY-BLINN: Any other

4 questions, Commissioners?

5 (NO AUDIBLE RESPONSE.)

6 MS. MONTGOMERY-BLINN: Okay. I'll ask

7 that Ms. Stellato be released.

8 JUDGE SUMNER: You may.

9 MS. MONTGOMERY-BLINN: The Commission

10 calls Ernest Andrews.

11

12 THEREUPON,

13 ERNEST ANDREWS,

14 Having first been duly

15 Sworn, was examined and

16 Testified as follows:

17 BY MS. MONTGOMERY-BLINN:

18 Q. Hi, Mr. Andrews.

19 A. Hey.

20 Q. How are you?

21 A. Fine, thank you.

22 Q. Thank you so much for coming all this way. I  
23 know you had a very long drive to get here. And  
24 thank you for helping us with our investigation.

1 As I told you earlier, my name is Kendra  
2 Montgomery, and I'm going to ask you a number of  
3 questions about what you remember. These are  
4 the Commissioners here sitting around the table,  
5 they're also going to ask you some questions or  
6 probably will. If I ask you a question and you  
7 cannot remember the answer to it, then the  
8 truthful answer is, I cannot remember. Please  
9 don't try to tell what you think I want to hear  
10 or what you think happened, only what you can  
11 remember. And if I ask you a question and you  
12 just don't know the answer to it, please just  
13 tell us, I don't know, that's the truthful  
14 answer.

15 A. Yes, ma'am.

16 Q. All right. Can you go ahead and tell us your  
17 name?

18 A. Ernest Andrews.

19 Q. And Mr. Andrews, where do you live?

20 A. 1404 Helen Avenue, New Bern, North Carolina.

21 Q. In New Bern. And where are you employed or how  
22 are you employed?

23 A. Well, I'm, I fill in for drivers that can't make  
24 a run. I'm unemployed at the present, for the

1 last year.

2 Q. Okay. So is it for truck driving, is that what  
3 you're talking about?

4 A. Yes, ma'am.

5 Q. Okay. Mr. Andrews, I'd like to talk about 1991.  
6 Can you remember where you were living in 1991?

7 A. I still lived in New Bern.

8 Q. Okay. At any time in 1991 were you in custody?

9 A. Yes, ma'am, I was in Wake County jail. I think  
10 that was in '91.

11 Q. Okay.

12 A. And North Carolina Department of Corrections.

13 Q. Okay. Do you think you were in the Wake County  
14 jail on September 27 of 1991?

15 A. It would have been in September.

16 Q. Okay. What were you in jail for, Mr. Andrews?

17 A. Embezzlement.

18 Q. And had you already been sentenced?

19 A. Yes, ma'am.

20 Q. And you went on to serve your time on that  
21 charge in the Department of Corrections?

22 A. I did.

23 Q. Do you remember meeting a person named Gregory  
24 Taylor in the Wake County jail?

1 A. I do.

2 Q. Okay. How did you meet him?

3 A. We were in a bull pen type cell, situation, and  
4 I think I had been sleeping and woke up.

5 Q. Can you speak just a little bit louder?

6 A. I think I had been sleeping and woke up to -- he  
7 was sitting there and I just asked him what he  
8 was in there for. And he said they had picked  
9 him up for the, either killing or murder of a  
10 prostitute, I believe.

11 Q. He said they had picked him up for the murder of  
12 a prostitute?

13 A. Yes, ma'am.

14 Q. Okay. Do you remember roughly what time of day  
15 this was?

16 A. Not really.

17 Q. Okay. Can you tell us a little bit about --  
18 what was this, you said you were in a bull pen.  
19 what do you mean by that? what did it look like  
20 in there?

21 A. It's just a, that's just a front part of maybe  
22 four or five different cells, kind of like a  
23 little space. You got four or five cells here  
24 and a little area out in front of them where you

1           generally get your food.

2           Q.    And you were out in that area?

3           A.    Yes, ma'am.  well, jail was overflowed.

4           Q.    Do you know which cell block you were in?

5           A.    No, ma'am.

6           Q.    Okay.  Do you know how many other people were in  
7           this cell block with you?

8           A.    Probably 20 at least.

9           Q.    Okay.  And this is when you spoke with him and  
10          he told you what he was in for.  Did you talk  
11          with him more at that time?

12          A.    Probably two, maybe two, three hours or so;  
13          through that day anyway.

14          Q.    Okay.  Throughout the day?

15          A.    Yes, ma'am.

16          Q.    Did he ever leave the cell block and come out,  
17          come back, if you remember?

18          A.    I'm not sure about that.

19          Q.    Okay.  Were other people talking with him or was  
20          it just you and him talking?

21          A.    well, before I met him I have no idea if he  
22          talked to anyone else, but I don't recall him  
23          talking to anyone so, you know, I don't really  
24          know.

1 Q. Okay. What are some of the things that or what  
2 did he tell you?

3 A. Well, I asked him what he was there for and he  
4 told me they picked him up for the, the murder  
5 or killing, whatever, as a suspect to this  
6 murder and that -- I said, well, how did the  
7 murder happen, I think, something along those  
8 lines. Anyway, it came up to where he stated  
9 that she died with a smile on her face.

10 Q. Had you ever heard that phrase before?

11 A. No, ma'am, because I asked him, I said, what do  
12 you mean, a smile on her face? He said her  
13 throat was cut. Well now, I don't know if her  
14 throat was cut or not. I've never had any  
15 information on this case whatsoever. I have  
16 been told that her throat was not cut.

17 Q. Who told you that?

18 A. Some lady with some commission that was handling  
19 this case.

20 Q. How long ago was that?

21 A. A couple years.

22 Q. Okay.

23 A. To the best of my -- it was at my home, she came  
24 to my house. Which, like I say, I have no idea

1           whether it was or not.

2       Q.    The police, did the police talk to you?  The  
3           police didn't tell you that?

4       A.    The police never told me that.

5       Q.    Okay.  The prosecutor never told you that?

6       A.    No, ma'am.

7       Q.    Okay.  That's the first time you'd heard that?

8       A.    whether it was cut or whether it wasn't cut.

9       Q.    You don't know?

10      A.    I don't know.  I don't even know that the lady  
11           was killed with a knife; I have no idea.

12      Q.    I appreciate your honesty with us.

13      A.    All I was told is that there was a knife  
14           involved from -- don't get this misconstrued  
15           now.  Mr. Taylor did not say he had a knife.

16      Q.    Okay.

17      A.    He said there was a knife there.

18      Q.    He said there was a knife there?

19      A.    To the best of my recollection now.

20      Q.    Okay.

21      A.    It's in the testimony, whatever I said.  And  
22           that things just got out of hand, so --

23      Q.    He said things got out of hand?

24      A.    Yes, ma'am.  But he never stated and I never

1           stated, to the best of my knowledge, that he did  
2           any stabbing. I'm telling you what he had told  
3           me.

4           Q. Right.

5           A. And later on that day the news came on and there  
6           was a vehicle there, which he stated, well,  
7           that's my vehicle. It was a SUV like a  
8           Pathfinder or a 4Runner.

9           Q. Okay.

10          A. which I don't know if that was his vehicle or  
11          not.

12          Q. Right. But he told you it was?

13          A. But he said it was.

14          Q. Okay.

15          A. well, what was it doing there, you know? I  
16          didn't ask him that but the Raleigh Police said  
17          they had found evidence.

18          Q. This was on the news?

19          A. No, ma'am. This was when I was talking to the  
20          Raleigh Police detective.

21          Q. When they interviewed you?

22          A. Yes, ma'am.

23          Q. Okay.

24          A. That they had found evidence in that vehicle, in

1 a vehicle. I'm not going to say the one that  
2 was showed on TV because, you know, I don't  
3 know. And basically --

4 Q. Did they say the evidence was inside the  
5 vehicle?

6 A. Yes, ma'am.

7 Q. They told you that when you spoke to them?

8 A. Some detective, I don't remember his name.

9 Q. Okay. And when it came on the news and  
10 Mr. Taylor said, that's my vehicle, what else  
11 did he say to you?

12 A. I'm not positive from there.

13 Q. Okay.

14 A. We're talking 19, 18-19 years ago.

15 Q. Sure. Do you remember if he told you if he was  
16 with anybody else that night?

17 A. Seemed like it was we got -- there was another  
18 person, I understand, that was arrested, which I  
19 do not know.

20 Q. Now, did you hear this from Gregory Taylor or  
21 from the police?

22 A. From Gregory Taylor.

23 Q. Okay.

24 A. And I also understand that this other person was

1 never tried or never got any sentence.

2 Q. Who told you that?

3 A. The same person that told me that he -- that  
4 this lady's throat was not cut.

5 Q. So a couple of years ago?

6 A. Yes, ma'am.

7 Q. Okay.

8 A. He didn't, you know -- I don't recollect the  
9 guy's name. It seemed like I had told, I think  
10 that young lady sitting next to you, it was  
11 maybe Becton or something like that.

12 Q. Okay.

13 A. But I'm not positive about that.

14 Q. Do you know if -- you said Gregory Taylor was  
15 Caucasian?

16 A. Yes, he is -- well, he -- yeah.

17 Q. The person that he was talking about, do you  
18 know if that person was Caucasian or African-  
19 American or --

20 A. My understanding is African-American.

21 Q. And did you hear that from Gregory Taylor?

22 A. From Gregory Taylor.

23 Q. Okay. But you never saw this person?

24 A. I never saw this person.

1 Q. what else --

2 A. Don't even know if he exists.

3 Q. Right. what else did Gregory Taylor tell you  
4 about that person?

5 A. That they had went there to -- I'm assuming he  
6 was talking about this guy --

7 Q. Right.

8 A. -- meaning they went to party and have a good  
9 time and things just got out of hand; that was  
10 it.

11 Q. He said things got out of hand?

12 A. Yes, ma'am.

13 Q. So did he say that he was with the victim or  
14 with the person who died with the smile on her  
15 face?

16 A. That he was --

17 Q. when he said they went to party and have a good  
18 time, did he say that he was with her or just --

19 A. No, I can't really --

20 Q. You don't know?

21 A. I can't say he said that, you know.

22 Q. Okay.

23 A. I'm just saying that he said they went there  
24 to -- so I'm -- I hate to use that word assume.

1 I just have to assume that he meant him and the  
2 other guy and her.

3 Q. Okay. And he said things got out of hand?

4 A. Yes, ma'am.

5 Q. What else did he say about that?

6 A. Basically that was about it, that I can  
7 remember.

8 Q. Okay. Did he tell you what he meant by things  
9 got out of hand?

10 A. Arguing.

11 Q. Arguing?

12 A. That's right.

13 Q. Anything else about that?

14 A. I don't want to say that he did or didn't, but  
15 it should be in the testimony.

16 Q. Okay. Did Gregory Taylor ever tell you that he  
17 picked up the woman to have sex with her?

18 A. He said he -- I'm not -- the lady was picked up  
19 to -- I'm not saying that they picked them up,  
20 but the best I can --

21 Q. He told you --

22 A. The best I can remember is she was picked up for  
23 sex and partying.

24 Q. Okay. And Gregory Taylor told you that?

1 A. Told, yes, ma'am.

2 Q. And he didn't tell you for sure that it was him  
3 that picked her up?

4 A. No, ma'am.

5 Q. You just assumed that?

6 A. Yes, ma'am.

7 Q. Okay; all right. Do you remember if the lady  
8 that was killed, was she black or white? Do you  
9 remember?

10 A. I understand she was African-American, which I  
11 do not know.

12 Q. Okay. And who did you learn that from? How did  
13 you learn that, was that from Gregory Taylor or  
14 somebody else?

15 A. No, ma'am, that was -- I don't recall. It could  
16 have been from the news, I'm not positive about  
17 that.

18 Q. Okay. But not -- do you know it wasn't from  
19 Gregory Taylor or you just --

20 A. I can't say it wasn't, I really can't.

21 Q. Okay. And that's -- and when you can't  
22 remember --

23 A. It does -- wait a minute. I'll say that it's  
24 kind of like he said she may have -- that he may

1           have said this because I do know that the way he  
2           was talking, the jail cell was full of African-  
3           Americans and I think maybe only he and I were  
4           the only two Caucasians or white, whatever you  
5           want to call it, there. And I have no idea why  
6           he said, told me this, but I didn't pry it.  
7           Just like this person that's supposed to have  
8           come forward saying that they did it. If they  
9           did, then this Taylor boy needs to be released.  
10          I mean, I don't know why either one of them is  
11          saying what they did.

12        Q.    Right. Well, and we understand that you don't  
13              know, we just want to ask you what you remember.

14        A.    Right.

15        Q.    When he said that she died with a smile on her  
16              face --

17        A.    Yes, ma'am.

18        Q.    -- did he tell you who did that to her?

19        A.    No, ma'am.

20        Q.    He did not?

21        A.    No, ma'am.

22        Q.    Did he ever tell you that he was in the vehicle  
23              with her and this other person followed her out  
24              of the vehicle?

1 A. I can't recall that.

2 Q. Okay. Did he ever tell you that the other  
3 person came back into the vehicle and said,  
4 she's not going to party anymore?

5 A. That, that's -- that I'm not real positive  
6 about, but I think that was said.

7 Q. You think that was said?

8 A. I think that was said.

9 Q. Okay. By?

10 A. By Gregory Taylor because I never met this other  
11 person.

12 Q. Okay. When he told you that she died with a  
13 smile on her face, do you remember telling  
14 Ms. Stellato that you felt like maybe he was  
15 bragging or boasting?

16 A. Well, I don't know if it was boasting. I may  
17 have used the word boast, I probably did use the  
18 word boasting with her, but I'm -- for a lack of  
19 really knowing a word of maybe not so much as --  
20 kind of like maybe wanting you to think that  
21 he's okay or something. I don't know the word  
22 I'm actually --

23 Q. Okay.

24 A. But it's kind of like a boast.

1 Q. Okay. Do you think that your memory of this  
2 case is accurate today?

3 A. As far as from what I've told you, I do.

4 Q. You're telling us the truth today?

5 A. I'm telling you the truth today as far as I can  
6 recall from 18, 19 years ago.

7 Q. Do you think your memory of this was better in  
8 1993?

9 A. Well, I'm -- feel probably better, sure, that it  
10 was. I mean, you're speaking a year or two  
11 versus almost two decades.

12 Q. Okay. And after Mr. Taylor told you these  
13 things you contacted somebody. Why did you do  
14 that?

15 A. To speak with the Raleigh Police Department.

16 Q. The Raleigh Police Department?

17 A. Yes, ma'am.

18 Q. How did you contact them?

19 A. Through at that time a friend of mine.

20 Q. Okay. Are you going to tell us who that friend  
21 is?

22 A. I just as soon not.

23 Q. Okay. And why --

24 A. I mean, I see no issue. This person knows

1 nothing except the Raleigh Police Department.

2 Q. Right. How did you contact that friend?

3 A. By telephone.

4 Q. Okay. And you said what to that friend?

5 A. To contact the Raleigh Police Department, that I  
6 didn't remember the boy's first name at the  
7 time, that there's a murder that happened maybe  
8 a day or two ago, I don't remember exactly how  
9 long, and that this gentleman has made some  
10 statements, which I don't know if he was guilty  
11 or not, but why -- you know. And she called and  
12 I guess two or three, maybe the next day, I  
13 don't know, the Raleigh Police Department came  
14 to somewhere over near Garner where there's a  
15 holding cell where jail personnel at that time  
16 to be transferred to DOC. And carried me to  
17 over here at the Raleigh Police Department,  
18 questioned me, then took me back.

19 Q. Okay. And that's when they told you that there  
20 was some kind of evidence inside of the vehicle?

21 A. Yes, ma'am.

22 Q. And did they tell you a little bit more about  
23 the case then too?

24 A. You mean like --

1 Q. You said they might have been the ones that told  
2 you the victim was black, you can't remember.

3 A. No, I can't remember that.

4 Q. Okay.

5 A. But I mean, the only thing that was stated,  
6 yeah, we think he did it, you know. I don't --  
7 that he's involved. I'm not going to say that  
8 he did it.

9 Q. They told you they thought he was involved?

10 A. Yes, ma'am.

11 Q. And why did you want to contact the Raleigh  
12 Police Department?

13 A. Well, I had a sentence, at one time I thought it  
14 might would help me, which it did not.

15 Q. All right.

16 A. And I served my time out and then was paroled.  
17 Plus I guess you could say that if there is a  
18 murder involved, the person needs to be found.  
19 But I'm beginning to wonder now if I saw an eye  
20 witness deal if I would even want to say  
21 anything.

22 Q. Is there anything that I have not asked you that  
23 you can remember?

24 A. No, ma'am.

1 Q. Okay. I don't have any more questions right  
2 now, but I think my Commissioners may have a  
3 couple of questions for you.

4 JUDGE SUMNER: Mr. Andrews, did  
5 Mr. Taylor, did anybody overhear the  
6 conversation between the two of you?

7 A. All I would say -- I wouldn't say that they  
8 heard or were listening. I would say that  
9 people were around.

10 JUDGE SUMNER: Nobody joined in the  
11 conversation?

12 A. No; no, sir. As I stated, the best I remember,  
13 we were the only two Caucasians there and, I  
14 don't know, he seemed -- I don't know, I never  
15 saw him talk to anybody else. But shortly after  
16 that, I mean like when I say shortly, I mean  
17 maybe the next day, I'm not even positive about  
18 that, I was transferred out.

19 JUDGE SUMNER: He went into no other  
20 details other than what you've told us here  
21 this morning?

22 A. Sir?

23 JUDGE SUMNER: He went into no other  
24 details about this matter other than what

1                   you've just told us about, sir?

2       A.     Not to the best of my recollection, sir.

3                   MR. BECTON:  Were you two whispering

4                   or talking in a normal voice?

5       A.     Well, probably not as loud as you and I are  
6             talking but, I mean, it's kind of like this  
7             volume here maybe (indicating).  Well, yeah,  
8             this here happened, about like that, you know.  
9             Lower than we're speaking.

10                  MR. BECTON:  With approximately 20

11                  people in the cell who was the closest  
12                  person to you or he at the time you two  
13                  were talking?

14       A.     Well, I have no idea about that.  I mean, most  
15             of the people were at least eight feet away.  As  
16             far as to place a person, it could be another  
17             someone in jail, is all I could tell you.  I  
18             have no idea of the other people name.

19                  MR. BECTON:  Do you recall how long --

20                  let me ask it differently.  Do I understand  
21                  that you were asleep at the time he was  
22                  brought to the jail?

23       A.     I was asleep or --

24                  MR. BECTON:  Dozing?

1 A. -- dozing, yes, sir.

2 MR. BECTON: And when you awoke, he  
3 was there by your feet?

4 A. Yes, sir. The jail was overflowed, did not have  
5 a cell. Cells were already taken so I was on  
6 the floor like probably five, six more people,  
7 which he had perched himself, you know, right  
8 next to where I was at.

9 MR. BECTON: Do you know how long he  
10 had been there before you awoke?

11 A. No, sir.

12 MR. BECTON: And after you awoke, how  
13 long was it before he told you what you've  
14 testified to that he told you?

15 A. Probably within a two-hour range.

16 MS. GREENLEE: Mr. Andrews.

17 A. Yes, ma'am.

18 MS. GREENLEE: Approximately how large  
19 was the space in which you were in with the  
20 other 20 people?

21 A. Maybe the size of the inside part of this  
22 perimeter around the table, maybe a little  
23 larger. well, a normal cell was probably maybe  
24 10 feet wide because it was double bunk, meaning

1 on each side of the cell. And I think there was  
2 only maybe four bunk cells. I would say 10 feet  
3 wide by maybe 20, 25, 30 feet long at the most.  
4 I have no idea actually, but that's about  
5 basically.

6 MR. BECTON: When the TV streamer came  
7 on and you saw the vehicle, was there a  
8 discussion on the TV about the murder of a  
9 black prostitute?

10 A. I really don't know, sir. All I remember is  
11 seeing the vehicle and he said, and that's my  
12 vehicle. There was some news, but I didn't hear  
13 it. There's also a lot of chatter that you  
14 have, a lot of chatter amongst 20, 30 inmates.

15 MR. BECTON: Okay. Had Gregory Taylor  
16 already talked to you about when you  
17 testified about before that TV streamer  
18 came on or was this after?

19 A. That was -- he had talked to me before the --  
20 well, the vehicle. I don't know what you mean  
21 by streamer.

22 MR. BECTON: Well, I thought that was  
23 something on TV you saw. Before you saw  
24 the vehicle on the TV had --

1 A. He talked to me before the vehicle appeared.

2 MR. BECTON: Okay. That was my  
3 question.

4 A. Yes, sir.

5 MR. BECTON: Did he talk to you about  
6 what happened after the vehicle appeared?

7 A. Just that that was his vehicle. There's my  
8 vehicle.

9 MS. PICKENS: During your conversation  
10 with Mr. Taylor were there other people  
11 awake or were the other inmates asleep  
12 during your conversation? You said while  
13 you were watching television there was  
14 chatter going on. But when you woke up and  
15 you saw him there, were there mattresses on  
16 the floor of the cell?

17 A. Ma'am, I've been to so many jails, I couldn't  
18 tell you, to be honest with you. It seemed like  
19 there was a mattress, but I'm not positive. I  
20 do know we had blankets. And I don't say I've  
21 been to so many jails with honor either, I mean,  
22 it's just fact. But as far as other people,  
23 there was, like I say, everybody is right there  
24 around the bull pen. I'm sure some people were

1 sleeping or in their bunk.

2 MS. PICKENS: But some of the people  
3 out in the day area where you and  
4 Mr. Taylor were, they were awake --

5 A. Yes, ma'am.

6 MS. PICKENS: -- while you were having  
7 your conversation, you just don't know  
8 whether they heard?

9 A. That's true. I mean, it's just like -- well, I  
10 won't say anything because I don't know that for  
11 a fact.

12 MR. BECTON: Mr. Andrews, I'm looking  
13 at page 403 of your transcript and reading  
14 from line 19. And one of them said, well,  
15 how did she die? And he said, with a smile  
16 on her face.

17 A. Yes, sir.

18 MR. BECTON: So were there other  
19 inmates also talking to Mr. Taylor and you?

20 A. Not to my knowledge, none of them talking to me.  
21 I --

22 MR. BECTON: Do you recall testifying  
23 that as you were there on the floor and you  
24 and Mr. Taylor started talking, he said he

1           was charged with murder or had been  
2           arrested for murder, that there were  
3           several of us sitting around and one of  
4           them said, well, how did she die? And he  
5           said, with a smile on her face.

6        A.    I think I'm the one that asked him how she died.

7                        MR. BECTON: Does what I just read  
8           refresh your recollection as to whether or  
9           not anyone else participated in any  
10          conversation that you and Mr. Taylor had?

11       A.    No, sir. I mean, you know, like I say, there  
12       were just people there around. What they heard  
13       or asked, I don't know. I mean, I just know  
14       there was a confrontation -- I don't know that.  
15       I know there was a confrontation between him and  
16       the inmates later. I don't know that, I was  
17       told that by the Raleigh Police Department.

18       Q.    Mr. Andrews, you told us at the, when I was done  
19       asking you questions that one of the reasons you  
20       came forward was because of you thought it might  
21       help you with your sentence. And you said the  
22       other reason was that, you know, if there was a  
23       murder, it needs to be solved. But you're also  
24       saying that you don't know that Gregory Taylor

1 was the person that murdered this lady?

2 A. No, ma'am. I have no idea who murdered the  
3 lady. I don't think I ever stated that  
4 Mr. Taylor did murder the lady.

5 Q. Okay. So when you're saying if there's a  
6 murder, it needs to be solved, you just thought  
7 that it might be useful for the police to know  
8 that he'd been talking about it?

9 A. Right, that's all.

10 Q. Okay. And do you ever recall telling a private  
11 investigator years ago that two people were with  
12 you when you talked to Gregory Taylor and they  
13 were asking him questions as well?

14 A. I'm not positive about that, ma'am.

15 Q. Okay.

16 A. When Gregory Taylor and I were speaking there's  
17 other people there. I cannot remember what  
18 other people may have asked him. And a private  
19 investigator what, six -- when was this, do you  
20 know?

21 Q. In the '96? (Ms. Montgomery-Blinn examines  
22 document.) Oh, in 1991.

23 A. I don't know, ma'am. I can't recall that. I  
24 can't say that today.

1 Q. Okay. Do you remember a man named Duck?

2 A. Duck?

3 Q. Uh-huh (yes). Does that sound familiar?

4 A. I've heard -- I don't, I don't know. I can't  
5 say I know a man named Duck. There was a -- it  
6 seem like there was possibly -- he could have  
7 been another jail mate, I don't know.

8 Q. You just cannot remember?

9 A. No, ma'am, I can't remember.

10 Q. Okay. All right.

11 MS. MONTGOMERY-BLINN: Any more  
12 questions? Yes, sir.

13 MR. JENKINS: Did I understand you to  
14 testify that Mr. Taylor mentioned something  
15 about a knife?

16 A. Yes, sir. And like I said earlier, I don't even  
17 know if a knife was involved, I'm just saying  
18 that. I mean, there had to be a knife involved  
19 if the lady was stabbed or cut, I would assume.

20 MR. JENKINS: And did I understand you  
21 to say that he had mentioned something  
22 about the person that was being -- or the  
23 news clip that you saw in the jail, was  
24 there a conversation about sex being

1                   involved with anybody?

2       A.     That was before the vehicle, sir.

3                   MR. JENKINS:   Okay.  Can you tell me  
4                   again what exactly was said about that?

5       A.     That this lady was picked up -- I don't know if  
6                   it's -- when you use the word picked up, if --  
7                   if they're on the street, I don't recall picked  
8                   up on the street, you know, or whatnot, of  
9                   arranged, prearranged -- was picked up for sex  
10                  and partying.  Now, that's the -- that's all I  
11                  can recall.

12                 MS. PICKENS:  Mr. Andrews, by any  
13                  chance do you remember when you were  
14                  interviewed the first time, taken from your  
15                  jail cell to the Raleigh Police Department  
16                  and interviewed by the detectives at the  
17                  Raleigh Police Department, did they share  
18                  any photographs from the crime scene or of  
19                  the victim or any case information?

20       A.     No, ma'am.  To the best of my recollection, I  
21                  don't think I've ever seen anything other than  
22                  the vehicle.  I mean, I don't know that that was  
23                  the vehicle, I'm -- I saw a vehicle on TV he  
24                  said was his, I don't know.  But the police

1 department or no one has ever showed me any  
2 pictures, to the best of my recollection. Only  
3 the picture I've ever seen was to see if, like  
4 is this Gregory Taylor. That was two years  
5 later. If Mr. Taylor walked through that door  
6 today, I wouldn't know him.

7 MR. BECTON: Do you recall now his  
8 size at the time?

9 A. Sir?

10 MR. BECTON: How tall he was or what  
11 he weighed at the time, do you recall?

12 A. I would -- I'm probably about 5'7", so I'm going  
13 to say he's, he was probably, just guessing,  
14 somewhere maybe between 5'10", 6 foot. I would  
15 say, as far as a weight, maybe 180 or -- he was  
16 -- as far as size and proportion to weight, they  
17 were not what I would say out of proportion.

18 MR. BECTON: Okay.

19 JUDGE SUMNER: Was your sole purpose  
20 of contacting the police to solve a murder  
21 or to get some help for your case?

22 A. Get some help for my case, sir, hopefully. I'd  
23 already been sentenced.

24 MS. MONTGOMERY-BLINN: Any other

1 questions, Commissioners?

2 (NO AUDIBLE RESPONSE.)

3 MS. MONTGOMERY-BLINN: Would you like  
4 me to show Mr. Andrews a photograph of  
5 Mr. Taylor from his arrest file?

6 JUDGE SUMNER: I think that would be  
7 fine, yes.

8 MS. MONTGOMERY-BLINN: May I approach  
9 the witness, your Honor?

10 JUDGE SUMNER: Yes.

11 Q. Mr. Andrews, I'm going to hand you a photograph.  
12 Ignore this. Does this refresh your  
13 recollection about the vehicle and does this  
14 refresh your recollection about what Mr. Taylor  
15 looked like and, if so, please tell us.

16 A. (Witness examines document.) The vehicle, like  
17 I say, it was a Pathfinder or a 4Runner. That  
18 resembles it. And I would say it kind of favors  
19 him, but I'm not positive.

20 Q. Right. Okay.

21 A. I haven't seen this gentleman since the trial so  
22 I wouldn't know, but he does favor the picture  
23 of what I recall that he looks like. And the  
24 others, I have no idea what they are.

1 MS. MONTGOMERY-BLINN: May I approach  
2 the witness, your Honor?

3 JUDGE SUMNER: Yes, ma'am.

4 Q. Thank you, Mr. Andrews.

5 MS. MONTGOMERY-BLINN: Does anybody  
6 else have any questions for Mr. Andrews?

7 (NO AUDIBLE RESPONSE.)

8 MS. MONTGOMERY-BLINN: Any other  
9 questions for Mr. Andrews?

10 MR. KENERLY: The person at the trial  
11 was the person you had the conversation  
12 with, right?

13 A. That was --

14 MR. KENERLY: Regardless of what he  
15 looks like now or how you remember it?

16 A. Right.

17 MS. MONTGOMERY-BLINN: Your Honor, I  
18 ask that Mr. Andrews be released from his  
19 subpoena and allowed to return to New Bern.

20 JUDGE SUMNER: Thank you very much,  
21 sir. You're free to go.

22 A. Thank you, sir.

23 Q. Thank you, Mr. Andrews.

24 A. And -- never mind.

1 Q. No, please.

2 A. I was going to say, whatever the outcome of this  
3 was, I would really love to know.

4 Q. We'll give you a call and let you know.

5 A. Thank you.

6 Q. Thank you, Mr. Andrews.

7 A. Yes, you all have a good day.

8 Q. All right now.

9 (MR. ANDREWS IS DISMISSED FROM THE  
10 WITNESS STAND.)

11 MS. MONTGOMERY-BLINN: Commissioners, do  
12 you have any questions for me to recall  
13 Ms. Stellato or any questions for me at this  
14 time about Mr. Andrews?

15 MR. BECTON: Do we have a height and  
16 weight?

17 MS. MONTGOMERY-BLINN: We do. We are  
18 looking at it right now. We'll get that for you  
19 in just --

20 MR. BECTON: A driver's license or --

21 MS. MONTGOMERY-BLINN: We will have it for  
22 you in just a second if Ms. Stellato can be  
23 excused. I will continue the presentation  
24 while she -

1 MS. PICKENS: You can tell from the tape -

2 MR. BECTON: I can tell from the tape

3 measurer.

4 MS. MONTGOMERY-BLINN: Oh. Is that all

5 that you need or would you like more?

6 MR. BECTON: I just wanted to see --

7 MS. MONTGOMERY-BLINN: We can get it from  
8 DOC if you need it. Those photographs that are  
9 passed around were the photographs that the  
10 police took.

11 All right. Forensic testing. As you  
12 already know from your briefs there was quite a  
13 bit of testing conducted pre-trial in this case.  
14 That was conducted in 1991 and then some more  
15 was conducted in 1992 and 1993. It was  
16 discussed at the trial. We have analysts from  
17 1991 here today to answer any questions you have  
18 about that 1991 testing and to explain it. The  
19 Commissioner also had extensive testing  
20 conducted at both the State Bureau of  
21 Investigation and Laboratory Corporation. The  
22 results of those testing are not conclusive.  
23 They do further our investigation, but the  
24 results of the testing are not conclusive in

1           this case. It's important for the Commission to  
2           understand what testing was conducted and what  
3           it means. And the Commission staff is  
4           confident, as are the analysts, that we have  
5           exhausted all available testing. However, as  
6           your hearing testimony about that, please, if  
7           there is something that you would like us to do,  
8           talk to us about it or let us know.

9           I'm going to tell you a little bit about  
10          the sequence of testing that was conducted on  
11          behalf of the Commission. The first thing that  
12          we had tested was that sperm fraction that had  
13          been found in the victim's underwear in 1991.  
14          It was also -- another one was found in the  
15          vaginal swabs more currently. What we wanted to  
16          do with this of course was see initially if it  
17          did match Gregory Taylor or Johnny Beck, we  
18          could instantly close our case and would have  
19          been able to close it two years ago and refer it  
20          to the District Attorney's office. It did not  
21          match Gregory Taylor or Johnny Beck, it did not  
22          match any other samples that we submitted, any  
23          other known DNA samples from people that we  
24          submitted. It was run through CODIS, which is a

1 DNA databank, and did not get any matches there.  
2 Those analysts are here and they'll be able to  
3 talk to you more about the significance or, you  
4 know, what means match, what means excluded, all  
5 of that.

6 The next thing we tested was the hairs that  
7 were found on the victim's face. This was  
8 testified about at trial and they weren't able  
9 to determine anything about the hairs. They did  
10 try to do ABO on the semen at the time, or the  
11 sperm fraction at the time of the trial and were  
12 not able to get any results from that. The  
13 hair, again, was talked about at trial, that it  
14 was found on her face. Nobody knew -- they  
15 weren't able to do any testing to figure out  
16 whose hair it was, the discussion at the trial  
17 that it was likely her hair. We had that hair  
18 tested at, under mitochondrial testing at  
19 LabCorp because the State Bureau of  
20 Investigation cannot do mitochondrial testing.  
21 And LabCorp was able to get a full profile out  
22 of that hair and the result was they could not  
23 exclude the victim or her maternal relatives.  
24 The analyst from LabCorp will be here today to

1 explain all of that to you in more detail and  
2 answer any questions you have about what that  
3 means.

4 The next thing we tested was the items that  
5 were found inside of Gregory Taylor's vehicle.  
6 Gregory Taylor has consistently maintained that  
7 the victim was never in his vehicle at any time,  
8 as has Johnny Beck. If we could place the  
9 victim inside of Mr. Taylor's vehicle, we would  
10 close the case, even if that meant that he was  
11 simply an accessory, that's not complete factual  
12 innocence by our statutory definition. So we  
13 tested the items that the police had collected  
14 and preserved that were inside of his vehicle.  
15 We were never able to get the victim's DNA on  
16 any of those items. The items, the DNA that was  
17 located on those items belonged to Gregory  
18 Taylor. This included cigarette butts and cans.  
19 And again, the analyst that did that testing  
20 will be here and they can talk to you more about  
21 an answer, more questions about that. Items  
22 were able to be compared to Gregory Taylor and  
23 Johnny Beck with positive results.

24 Then we tested the substance found on the

1 outside of the vehicle and this was discussed  
2 quite a bit at trial, that blood-like substance  
3 that was found on the outside of the vehicle in  
4 1991. The bulk of that substance was able to  
5 react positively for blood under preliminary  
6 tests, so we tried to subject it to the current  
7 testing available today to see if it would help  
8 us understand the time line better in this case,  
9 if it could further our investigation. And the  
10 analyst will be here to tell you all about those  
11 results. They really are inconclusive today.  
12 We did not get anything that sheds a whole lot  
13 of light on our investigation today. And again,  
14 you're going to hear all about that with that  
15 blood-like substance found on the outside of the  
16 vehicle, you know, if we'd been able to test it  
17 and it had been, turned out to be the victim's  
18 blood, it would not have proven the guilt of  
19 Mr. Taylor, but it would have helped us at least  
20 further the time line of understanding when she  
21 was murdered, and it would have helped us sort  
22 of be able to put things in place, and so that's  
23 why we tried very hard to get some results out  
24 of that.

1           The next thing that we did was test the  
2           victim's clothing. So we did all of this sort  
3           of sequentially knowing that at any point  
4           results could close the case and we wouldn't  
5           have to continue on, so this is two years worth  
6           of testing. We tested the victim's clothing.  
7           The newest, the most current DNA technology is  
8           now able to reveal DNA profiles out of very  
9           small amounts of skin cells that are left on  
10          clothing. So we had the victim's clothing  
11          tested with the theory that the killer or  
12          killers most likely touched the victim's  
13          clothing at some point during the assault that  
14          night. And we had portions of her clothing  
15          tested that were most likely to be touched, this  
16          would be the waistband area of the pants, the  
17          shirt that was ripped open, the underwear, the  
18          things that were pulled down. And the results  
19          were never conclusive. We were never able to  
20          get a very good, very strong profile. We got  
21          fragments of profiles, fractions of profiles.  
22          Sometimes people can't be excluded, sometimes  
23          they can. The analysts will be here, this was  
24          done at both the SBI and LabCorp, to give you

1 more information about that, to give you the  
2 statistical information about that that I'm  
3 certainly not qualified to even attempt to  
4 explain to you.

5 As you hear about the testing from the  
6 analysts, be aware that through our  
7 investigation we would come across somebody that  
8 could potentially be considered an alternate  
9 suspect or at least somebody to consider, maybe  
10 a person of interest, and we would obtain their  
11 DNA. Either they'd give it voluntarily or we  
12 would do a motion and had a court order granted  
13 to swab them for DNA, and we would send that  
14 into the lab to be compared. So you'll be  
15 hearing other peoples' names as the analysts are  
16 talking about the testing. We're going to talk  
17 about all of those people in more detail later  
18 on.

19 The testing -- and again, I want to just  
20 let you know that we had testing conducted at  
21 both LabCorp and SBI, and the reason is we  
22 started with LabCorp because of the hair, we  
23 knew we wanted to test the hairs on the victim's  
24 face, that's mitochondrial testing that LabCorp

1 cannot do. But then when LabCorp was done with  
2 that, we needed to have the SBI test the sperm,  
3 or LabCorp had tested the sperm but only SBI can  
4 run it through CODIS, the databank. Then we  
5 moved it back to LabCorp at SBI's suggestion  
6 when we were testing the clothing because  
7 LabCorp can do more with very degraded, old  
8 samples. So that's why you're going to see this  
9 evidence moving back and forth based on what the  
10 different labs are able to do. They were really  
11 helpful with sort of telling us, try this over  
12 at LabCorp, they might be able to get more  
13 results, or this needs to go over to the SBI.  
14 So you're going to see analysts from both labs  
15 here.

16 And I am now ready to call Special Agent  
17 Dwayne Deaver from the State Bureau of  
18 Investigation. He conducted the 1991  
19 presumptive blood testing. Before he comes in  
20 do the Commissioners have any questions for me?

21 (NO AUDIBLE RESPONSE.)

22 MS. MONTGOMERY-BLINN: Okay.  
23 Commissioners, I will tell you as Agent Deaver  
24 is coming in that we do not have a CV for him,

1 he does not have a current one. The other  
2 experts, we will be passing around their resumes  
3 or Cvs for you to look at as I'm qualifying them  
4 during their testimony. But Special Agent  
5 Deaver has not been in court for a long time and  
6 he didn't have one readily available.

7

8 THEREUPON,

9 DWAYNE DEAVER,

10 Having first been duly  
11 Sworn, was examined and  
12 Testified as follows:

13 EXAMINATION BY MS. MONTGOMERY-BLINN:

14 Q. Good morning or afternoon, Special Agent Deaver.  
15 Am I using the correct title for you, Special  
16 Agent?

17 A. I'm actually Assistant Special Agent in Charge.

18 Q. That's a long title, I will try to get it every  
19 time.

20 A. You can just call me Deaver, if you wish.

21 Q. Okay. Thank you. Tell me, how are you  
22 employed, sir?

23 A. I'm presently employed with the North Carolina  
24 State Bureau of Investigation. I have been

1           there for 23½ years. I'm assigned to the  
2           behavioral analysis unit.

3       Q.   All right. And can you tell me a little bit  
4           about your educational background?

5       A.   I have a bachelor of science degree from North  
6           Carolina State University in the area of  
7           zoology, which is pre-med. I was hired with the  
8           State Bureau of Investigation in 1985 to be a  
9           serologist. I did the forensic training program  
10          to be a forensic serologist at that time and  
11          then started doing case work. During that time  
12          I was also asked if I would become a blood stain  
13          patter analysis expert, which I did.

14      Q.   And what time was that when you started blood  
15          stain?

16      A.   It was probably somewhere around 1987.

17      Q.   In 1991 what capacity were you working at in the  
18          State Bureau of Investigation?

19      A.   I was a forensic serologist assigned to the  
20          laboratory and blood stain pattern analyst.

21      Q.   How many times do you think you've testified?

22      A.   I have no idea.

23      Q.   Many times?

24      A.   Many, many times.

1 Q. Okay. Do you feel like you're still qualified  
2 to talk about testing that you would have  
3 conducted in 1991 and blood stain recognition  
4 you would have done in 1991?

5 A. Yes. In reviewing my reports some things came  
6 back, I may have not remembered specifically a  
7 few things, but certainly.

8 Q. Okay.

9 MS. MONTGOMERY-BLINN: Your Honor, I'd  
10 ask that Assistant Special Agent in Charge  
11 Dwayne Deaver be qualified as an expert to  
12 testify in serology and blood stain pattern  
13 analysis?

14 JUDGE SUMNER: He's qualified.

15 MS. MONTGOMERY-BLINN: Thank you, your  
16 Honor.

17 Q. Do you remember working on the Gregory Taylor  
18 case?

19 A. Yes, I do.

20 Q. Maybe you didn't call it by that title, but you  
21 know which case I'm talking about?

22 A. Yes, I do.

23 Q. Okay. Did you issue two reports or complete two  
24 reports on that case?

1 A. I did.

2 Q. And do you have those reports with you or would  
3 you like me to provide you with those?

4 A. No, I have them.

5 Q. Okay. Let's talk about the first report, the  
6 November 7, 1991 report for the blood stain  
7 pattern analysis. And it looks like on that  
8 report, it says that you went out to the crime  
9 scene on September 26, 1991 between 1:20 p.m.  
10 and 2:25 p.m., is that correct?

11 A. That's correct.

12 Q. And can you go ahead and just tell us what you  
13 wrote in this report?

14 A. Well, just simply a, just kind of a summary of  
15 what, what I did, and that was where I was in  
16 the 1500 block of South Blount Street.  
17 Investigators were present. I remember  
18 specifically CCBI crime scene investigators were  
19 present and they just showed me around the,  
20 around the crime scene at the time. If I  
21 remember correctly, I was asked to go out there  
22 primarily because of blood stain pattern  
23 analysis, and it just seems like from my memory  
24 that the people who were there had been trained

1 in blood stain pattern analysis also and were  
2 just asking me to see if I saw something  
3 different from what they saw.

4 Q. Okay. And what did you see?

5 A. I just saw some blood stains just to the west of  
6 the body, I believe is what I describe.

7 Q. Dripping stains were noted to the west of the  
8 body?

9 A. That's correct.

10 Q. And then did you write, no stains of interest  
11 were noted on the victim's body?

12 A. That's correct.

13 Q. And does that mean that you saw blood, but that  
14 the blood stains didn't further investigation in  
15 your mind?

16 A. Well, what that generally means is that there's  
17 nothing I can particularly tell about the blood  
18 stains that will provide additional  
19 investigative information to the people who are  
20 working the case.

21 Q. Okay. And is there anything else that you noted  
22 that's not in your report for that particular  
23 instance?

24 A. No.

1 Q. Okay. You have nothing to add to that report?

2 A. No.

3 Q. Okay. And then did you complete another report  
4 that was actually dated the same day,  
5 November 7, 1991?

6 A. That's correct.

7 Q. And was this you and Special Agent Taub?

8 A. Yes. The reason that special Agent Taub was  
9 included in this report was because I apparently  
10 was not present for some of the typing to be  
11 read, and so he was the one who did the  
12 electrophoresis, which is part of the typing.  
13 And he read it and so he had to cosign the  
14 report because he might have to testify to those  
15 types.

16 Q. And do you feel confident testifying about  
17 what's in this report?

18 A. Yes, I do.

19 Q. And this is work that you did that's in this  
20 report?

21 A. That's correct.

22 Q. Okay. Now, I'm looking at that report right  
23 now. Do you have it in front of you as well?

24 A. I do.

1 Q. Okay. And it lists all the items that were  
2 submitted, and that takes about a page, I guess  
3 a small part of a page and another part of  
4 another page, does that sound right?

5 A. Yes.

6 Q. Okay. And then you talk about the analysis that  
7 you conducted. And it looks like --

8 MS. MONTGOMERY-BLINN: And  
9 Commissioners, I'll just let you know that  
10 this report is in your brief, it was  
11 introduced at trial, this particular  
12 report.

13 Q. It looks like the first thing you did was looked  
14 at a piece of tissue paper and you've noted that  
15 that revealed human blood that was consistent  
16 with the victim's blood from blood typing tests.  
17 Can you just tell us briefly, what does that  
18 mean?

19 A. I'm sorry, say that again.

20 Q. The first thing that I'm looking at here is  
21 examination of item number 45, which was the, is  
22 the, a piece of tissue paper, reveal the  
23 presence of human blood. Can you tell me, what  
24 does that mean?

1       A.    Well, the tissue paper I describe in my notes as  
2            being blood stained.  And what would have  
3            happened is that we would have taken cuttings  
4            from that and then done typing tests.  At the  
5            time, this is pre-DNA testing, and what would  
6            have happened is a series of proteins and  
7            enzymes would have been tested for their  
8            particular genetic type.  And that's how we  
9            would differentiate pieces of evidence at the  
10           time to be able to determine who might be the  
11           donor of that.  It took a great deal of sample  
12           to do that at the time and the testing was kind  
13           of crude in comparison to what you have now in  
14           DNA.

15                 But in that particular case I was able to  
16           complete a complete testing procedure on that  
17           and it gave me a type all the way across that I  
18           could compare.  In every area that we tested it  
19           was consistent with the victim's blood to a  
20           certain percentage of the population, which I  
21           really don't even remember what that is at this  
22           time.

23                         MS. MONTGOMERY-BLINN:  Commissioners,  
24           if you're looking in your brief, this is

1 page 172.

2 Q. And you said that that type of blood typing test  
3 is not conducted anymore, it's been replaced  
4 completely by DNA tests?

5 A. As far as I'm aware.

6 Q. Okay.

7 A. I have not been in the laboratory since 1993,  
8 I've been assigned to field duties since that  
9 time.

10 Q. Okay. And the next thing I see in the report is  
11 analysis of a cutting from the panties, item  
12 37D, revealed the presence of semen.

13 A. That is correct.

14 Q. So you said that this was -- in order to do this  
15 you cut a portion of the panty?

16 A. Yes. You visually look, visually and physically  
17 look for staining in the panties. Sometimes  
18 with a gloved hand you can tell crusted sections  
19 or you could see stained sections. And then  
20 that would be cut out much in the same way as  
21 the blood sample was cut out, but first you  
22 would do confirmatory tests to see if semen is  
23 present. And the first thing that you would do  
24 is look under the microscope to see if sperm is

1 present. In this case there was none.  
2 Additional chemical testing was done to look at  
3 enzymes and proteins that are specific to semen.  
4 The fact that sperm is not present is not  
5 indicative entirely that semen is not present.  
6 There can be a variety of reasons for that. In  
7 this case no sperm was present, however, I was  
8 able to determine through the protein typing  
9 that the proteins from semen were present, if  
10 that makes sense.

11 Q. And were you able to get any results from the  
12 ABO blood typing on that?

13 A. No, nothing at all was able to be typed on that  
14 sample.

15 Q. So you were never able to compare that to  
16 Gregory Taylor or Johnny Beck or anyone else?

17 A. No.

18 Q. Okay. And again, as far as you know, is this  
19 type of testing now replaced by DNA testing?

20 A. Yes.

21 Q. Okay. Now, it looks like the next thing that  
22 you did was examination of a cigarette butt.

23 MS. MONTGOMERY-BLINN: Commissioners,  
24 this was a cigarette butt found inside of

1                   the vehicle.

2       Q.   And it looks like you tested that one for saliva  
3           and got a positive reaction?

4       A.   That's correct. To be able to determine that  
5           saliva is present an enzyme, amylase, is tested,  
6           and I did get a positive result for amylase.

7       Q.   And were you able to get any results from the  
8           ABO blood typing on that?

9       A.   Sorry, just a second. (Witness examines  
10          document.)

11      Q.   Sure. Your report says reactions for ABO group  
12          AB.

13      A.   Yes.

14      Q.   And Gregory Taylor in that chart above it is an  
15          ABO group AB?

16      A.   That's correct. He's also an AB secreter, which  
17          what that means is that, that not only would his  
18          blood type be found in his blood, but it would  
19          also be found in his body fluids so that if you  
20          looked for saliva or his semen, you would expect  
21          to find his ABO type.

22      Q.   The next items that you examine are 16, 18, and  
23          46. And number 16 was the automobile fender  
24          liner. And it says in your report that gave

1 chemical indications for the presence of blood.

2 Tell me what chemical indications mean.

3 what chemical was used?

4 A. A presumptive chemical or a chemical used for  
5 presumptive testing for blood is  
6 phenolphthalein, very commonly used both in the  
7 field and the laboratory to test a suspected  
8 sample or stain. In this case the plastic piece  
9 from the automobile was tested. There were  
10 several visible stains on it and I was able to  
11 achieve a -- we're talking about 16, right?

12 Q. Yes, the fender liner.

13 A. -- yeah, a positive result for phenolphthalein  
14 on that.

15 Q. And when you say that's presumptive, can you  
16 just define what you mean by presumptive?

17 A. It is a test that is used to -- really what it's  
18 used for is if a stain gives a positive test,  
19 then it would be used to continue testing of  
20 that stain. Beyond that you would have to  
21 determine if it in fact is blood by a  
22 confirmatory test, in this case it's called  
23 Takayama. And then you would determine if it  
24 was human blood, another test, and then you

1 would start typing on that.

2 Q. Were you able to do that in this case?

3 A. No, I was not.

4 Q. And how come that is?

5 A. Well, a sample, a sample was taken and other  
6 tests were performed, but beyond the  
7 phenolphthalein I got no result.

8 Q. Okay. And that's for the fender liner?

9 A. That's correct.

10 Q. All right. And then the next one is number 18  
11 which is a thread sample taken from the edge of  
12 the fender above the tire and the rim. And is  
13 this the same thing, chemical indications for  
14 the presence of blood?

15 A. That's correct. And I don't know what happened  
16 with testing on that. If you'll hold just a  
17 second.

18 Q. Sure.

19 A. (Witness examines document.) Same thing on  
20 that, Takayama test was negative.

21 Q. Okay. And when we talk about a thread sample,  
22 can you just tell us briefly what that means?

23 A. At the time one of the methods for taking  
24 samples of blood was to take 100 percent cotton

1 cloth, to boil it to get all the chemicals out  
2 of it, and then it was teased into threads. And  
3 we would take sterile water and wet the thread,  
4 and then we would soak the stain up onto the  
5 thread to be used for typing analysis. That was  
6 very common to be done by crime scene analysts  
7 in the field and also by laboratory technicians.

8 Q. Okay. And the next one you did was also a stain  
9 thread sample. This is item number 17, this is  
10 taken from the front passenger A frame. And  
11 this one on the presumptive test you've written  
12 or noted, failed to reveal the presence of  
13 blood.

14 Can you tell us what that means?

15 A. Let me check that very quickly. (Witness  
16 examines document.) Testing from the  
17 presumptive stage all the way through failed to  
18 reveal anything, any positive results. And I  
19 have a note here that it actually looked like a  
20 portion of insect.

21 Q. A portion of an insect?

22 A. Yeah.

23 Q. Okay. The next one I see is item number 46,  
24 this is the victim's pants with belt. And it

1           says that this -- the first thing it says about  
2           this is that it did give a chemical indication  
3           for the presence of blood. Is that the same  
4           chemical you've just been talking to us about?

5           A. That's correct.

6           Q. Okay. And were you able to do any further  
7           testing, the Takayama test on the pants with the  
8           belt?

9           A. (Witness examines document.) No.

10          Q. Okay. Now, the next thing you talk about is a  
11          blood stain examination of the pants, the item  
12          number 46. This says, failed to reveal any  
13          stains on the outside of the pants and several  
14          small stains on the inside of the left leg.

15                 Is this you now doing the blood stain  
16          analysis work that you're trained in?

17          A. Yes. I was asked to take a look at those pants  
18          for any blood stains and then to make a  
19          determination if I could as to how they came to  
20          be.

21          Q. And were you able to make any determinations  
22          about that?

23          A. No, I was not.

24          Q. Was it just too small of an amount or just not

1 patterned in any way that was recognizable?

2 A. Both of those would be correct.

3 Q. Okay. And this was done through a visual  
4 examination?

5 A. That's correct.

6 Q. Okay. Do you know if there were any items that  
7 were tested that are not in your report,  
8 anything else from your bench notes?

9 A. No.

10 Q. Is there anything else that you need to tell the  
11 Commission about the testing that you did in  
12 this case?

13 A. Yes. A couple of things I would just make note  
14 of here in reference as I reviewed these reports  
15 again yesterday. As a blood stain pattern  
16 analyst I spend a lot of time teaching juries  
17 what blood stain pattern analysis is all about.  
18 Many times we have a very skewed view of what  
19 blood staining is, mainly produced in television  
20 and movies. In this type of case a lot of times  
21 people will look at what they consider to be a  
22 bloody scene and feel like that perhaps the  
23 individuals who were involved in that should be  
24 bloody. I would say from this particular case

1           that that would be a mistake. And in most  
2           cases, in many times the individuals who have  
3           perpetrated the crime do not get blood on them.  
4           That's something very different from what people  
5           mostly feel. In this case that's what I was  
6           particularly looking at, would I feel like the  
7           individuals who committed this crime get blood  
8           on them, and my opinion would be no. The blood  
9           was very slight in comparison to what we see  
10          there and in comparison to what we see many  
11          times. I will tell you from my experience that  
12          many times there have been extremely bloody  
13          scenes where the individuals did not get blood  
14          on them either. And so in contrast to that,  
15          certainly this would be in keeping with my, with  
16          my opinion on that.

17                 And the thing to think about here on this  
18          is the injuries that occurred to the victim,  
19          both beating and also stabbing, that they don't  
20          create blood splatter in, what I generally say,  
21          an explosive manner. The blood just doesn't  
22          come out in that manner. The body has to be  
23          injured, those injuries are internal, and unless  
24          additional impacts, what I mean by that is some

1 impact occurs to that bloody area, there will  
2 not be blood spatter or blood coming in contact  
3 with the individual. And so the -- no one could  
4 be excluded from having committed this crime  
5 because they don't have blood on them.

6 The next thing is that blood typing on  
7 this, it was my experience when I was in the  
8 laboratory that, for whatever reason, sandy  
9 materials or materials that had been bloody in  
10 sand, and a lot of those down at the coast  
11 specifically, for whatever reason, the sand  
12 would prevent typing. Generally after  
13 phenolphthalein, that's when it would end. All  
14 of this material has a great deal of sand on it,  
15 that's a very sandy area. And so the reasons  
16 for not being able to continue typing probably  
17 were whatever the sand causes.

18 Additionally, it should be noted that at  
19 that time our materials or the materials that  
20 were submitted to us would be typed as far as we  
21 could type them. We would continue typing and  
22 we would use up, most of the time we would use  
23 up the sample completely. In this case all of  
24 the things I had I used up as far as I could,

1 did as much typing as I could. And so the  
2 materials were basically gone when I got through  
3 with them.

4 MS. MONTGOMERY-BLINN: Commissioners,  
5 do you have any questions?

6 MR. BECTON: What areas of the truck  
7 other than the fender were tested for  
8 blood?

9 A. I don't know that. Just what I received. The  
10 CCBI agents would have looked at other areas and  
11 did the search, crime scene search on the truck.

12 Q. But what you tested, Special Agent Deaver, was  
13 the fender liner, the thread sample taken from  
14 the fender liner, the thread sample taken from  
15 the A frame; those are the three areas that you  
16 tested, is that correct?

17 A. That were submitted to me, yes.

18 MR. BECTON: That was 16, 17, and 18?

19 A. I believe that's correct. 16, 17, 19, that's  
20 correct.

21 MR. BECTON: And as I understand it,  
22 16 and 18 gave a preliminary indication of  
23 blood, but you could not do test number  
24 two --

1 A. That's correct.

2 MR. BECTON: -- to show that it was  
3 blood or test number three to show if it  
4 was blood, even if it were blood, it was  
5 human blood?

6 A. That's correct.

7 MR. BECTON: And item number 17, the  
8 fender liner, I'm sorry, you could not even  
9 find, you didn't even find a preliminary  
10 showing of blood, am I correct?

11 A. That's right, on 17.

12 Q. Is that the one that you've noted looked like a  
13 portion of an insect?

14 A. That's correct.

15 MS. MONTGOMERY-BLINN: Are there any  
16 other questions?

17 (NO AUDIBLE RESPONSE.)

18 MS. MONTGOMERY-BLINN: Commissioners,  
19 if you believe that you'll need to recall  
20 Agent Deaver, we can keep him under  
21 telephone standby; if you don't, I'll ask  
22 you to release him from the subpoena?

23 JUDGE SUMNER: I'm going to release  
24 him from the subpoena, unless there's

1 objection from any Commissioner?

2 (NO AUDIBLE RESPONSE.)

3 JUDGE SUMNER: All right. Thank you,  
4 sir.

5 A. Thank you.

6 Q. Thank you so much.

7 JUDGE SUMNER: Ms. Blinn, this is  
8 probably a most appropriate time to take a  
9 break here.

10 (THEREUPON, THE LUNCHEON RECESS WAS  
11 TAKEN FROM 12:50 P.M. THROUGH 1:37 P.M.)

12 JUDGE SUMNER: We're gong to resume  
13 this meeting. Ms. Blinn.

14 MS. MONTGOMERY-BLINN: All right, the  
15 Commission calls special Agent Russell  
16 Holley.

17  
18 THEREUPON,  
19 RUSSELL HOLLEY,  
20 Having first been duly  
21 Sworn, was examined and  
22 Testified as follows:

23 EXAMINATION BY MS. MONTGOMERY-BLINN:

24 Q. Good afternoon.

1 A. Afternoon.

2 Q. Can you please tell us your name?

3 A. My name is Russell Holley.

4 Q. Where are you employed?

5 A. I'm an agent with the North Carolina State  
6 Bureau of Investigation.

7 Q. And how long have you been working for the State  
8 Bureau of Investigation?

9 A. Since June of 1997.

10 Q. And what's your educational background?

11 A. I have a bachelor of science degree in biology  
12 from the University of South Carolina. I  
13 started working with the State Bureau of  
14 Investigation in 1997. I went through their  
15 body fluid identification training in 1997. I  
16 attended the Special Agents Academy for the  
17 State Bureau of Investigation in 1998, and I  
18 started analyzing evidence in criminal cases for  
19 the State Bureau of Investigation in 1998.

20 Q. And is your title special agent?

21 A. It is.

22 Q. Okay. And have you testified before at trial?

23 A. I have.

24 Q. I believe we actually have your CV. How many

1 times do you think you've testified before,  
2 Agent Holley?

3 A. Between 50 and 55, somewhere around there.

4 Q. Okay. And when you testify are you normally  
5 qualified as an expert?

6 A. Usually, yes.

7 Q. And what field is that in?

8 A. Forensic serology.

9 Q. The Commissioners are getting a copy of your CV  
10 right now just to take a glance over. I'll be  
11 asking you questions and then the Commissioners  
12 might ask you questions during my questions or  
13 afterwards.

14 A. Okay.

15 Q. while they're taking a look at those --

16 MS. MONTGOMERY-BLINN: May I approach  
17 the witness, your Honor?

18 JUDGE SUMNER: Yes, you may.

19 Q. Agent Holley, I'm going to hand these to you,  
20 and just take a look at them. I'm not sure if  
21 you -- and we'll discuss those, I'm not sure if  
22 you've seen them before.

23 A. (Witness examines documents.)

24 MS. MONTGOMERY-BLINN: Your Honor, I

1 ask that Special Agent Russell Holley be  
2 considered by the Commission an expert in  
3 forensic serology?

4 JUDGE SUMNER: He's duly qualified.

5 Q. Agent Holley, I've handed you two old reports  
6 and I understand that they're not reports that  
7 you did, but I'm asking you if you could just  
8 take a look at those. The first one is  
9 January 6, 1992, and that's a report from Agent  
10 Revis. Now, I completely understand that you  
11 cannot answer any questions about this, but that  
12 report, does it say that Agent Revis examined  
13 the suspect's clothing, the inside of the truck,  
14 the tapings from the victim's body, the victim's  
15 clothing, pubic hair combings from the victim  
16 and the two suspects, and that that did not  
17 reveal a transfer of hairs between the suspects  
18 and the victim?

19 A. (Witness examines document.) Yes, that's what  
20 it says.

21 Q. Okay. The results of the analysis say,  
22 examination of the above listed evidence did not  
23 reveal a transfer of hairs between the suspect  
24 and the victim?

1 A. That's correct.

2 Q. Right. And you were not the agent that did this  
3 testing in 1992?

4 A. No.

5 Q. You're just looking at these reports?

6 A. That's correct.

7 Q. Okay. The next one that I handed you is  
8 March 5, 1993.

9 MS. MONTGOMERY-BLINN: Commissioners,  
10 this was testified about briefly at trial.  
11 It was in your briefs, but the reports were  
12 not handed out at trial.

13 Q. This one was done by Agent Vendoor. And does  
14 this one say that Agent Vendoor examined tapings  
15 from the suspect's clothing, both suspects'  
16 clothing, floor mats of the vehicle, cuttings  
17 from the vehicle, the surfaces in the vehicle,  
18 tapings from the vehicle, tapings from the  
19 victim's clothing, the victim's clothing, and  
20 debris from the victim's clothing?

21 A. (Witness examines document.) Yes, it does.

22 Q. And does it say that the type of analysis  
23 requested was fiber analysis?

24 A. Yes.

1 Q. And does the result say, examination and  
2 comparison of the items submitted failed to  
3 reveal a fiber association of apparent  
4 significance between the victim and the  
5 suspect's clothing and vehicle?

6 A. That's what it says.

7 Q. Okay. Thank you. And I understand again you  
8 didn't conduct this test?

9 A. No.

10 Q. Okay. So let's talk about some tests you did  
11 conduct.

12 A. Okay.

13 Q. Do you have copies of your reports or would you  
14 like me to hand them to you?

15 A. I have copies of my reports, I don't know if  
16 they're exactly what you have, but I've got  
17 mine.

18 Q. Okay. If it sounds like it's not, let me know.

19 A. Okay.

20 Q. The first one I'm looking at when you go through  
21 these chronologically says it's May 12, 2008.

22 A. Okay.

23 Q. And was this testing conducted by you?

24 A. The examination as described in this report on

1 May 12, 2008 was conducted by me.

2 Q. And was this conducted by you at the request of  
3 the North Carolina Innocence Inquiry Commission?

4 A. Actually --

5 Q. If you know.

6 A. No. Special Agent Kristin Myer wanted me to  
7 assist her. She may have gotten that request  
8 from the Commission.

9 Q. Okay. You didn't talk directly to one of the  
10 members of the Commission?

11 A. No; no. She wanted me to assist her in  
12 analyzing something that she wasn't qualified to  
13 do.

14 Q. Okay. And is Special Agent Myer here today?

15 A. Yes. Her last name is Hughes now.

16 Q. And is it common for her to ask you to assist  
17 her with examination and for you to do that?

18 A. Me or another serologist, yeah.

19 Q. Okay. All right. So it says here that -- I'm  
20 looking at your report now and it looks like  
21 what you did was an examination of the vaginal  
22 smears, a slide prepared from a stain on the  
23 victim's blue panties, and that that revealed  
24 the presence of spermatozoa? I don't know if I

1 said that right.

2 A. That's correct.

3 Q. And what does that mean that you did? How did  
4 you examine those items?

5 A. Are you talking about -- you want to start with  
6 the panties or the --

7 Q. Let's go ahead and do the smears, the vaginal  
8 smears, that's items 1 through 2.

9 A. Okay.

10 Q. Tell me what those are.

11 A. Okay. The vaginal smears are nothing more than  
12 microscopic slides. They would be something  
13 contained in the rape kit. They would be  
14 prepared by the hospital.

15 Q. Is this something that's commonly done?

16 A. It's commonly done. Back in 1991 it was a  
17 little bit different than they have today, but  
18 it's the same process.

19 Q. Okay. It's something you've done a lot,  
20 examined quite frequently?

21 A. Yes, it is.

22 Q. Okay.

23 A. And basically, what we did, those slides were  
24 already examined previously. I'm not exactly

1           sure who looked at them. So they were already  
2           fixed, and by fixed I mean they had already been  
3           received from the hospital. They had been  
4           fixed, the material had been fixed on the slide,  
5           heated so it would stay on the glass, there had  
6           been a cover glass on top of that so that the  
7           sample that was placed on the slide back in 1991  
8           would be here today. So basically, all I did is  
9           got the slide, looked at it under a microscope.  
10          And I was looking for sperm and just to see if  
11          there was any sperm present. The reason Special  
12          Agent Myers-Hughes asked me to do that is she  
13          wanted to know if there was any sperm on this  
14          sample because that would be a determination in  
15          the type of extraction she would do in her DNA  
16          analysis. And --

17        Q.    And what did you find? Go ahead.

18        A.    I found the presence of sperm on these slides,  
19            and they were the vaginal slides.

20        Q.    Okay. And the next thing it looks like you  
21            examined was a slide prepared from a stain from  
22            the victim's panties. Is that the same process  
23            and the same results?

24        A.    Yes. Let me look through here just a second.

1 (Witness examines document.) Okay. What I had  
2 in the bag as far as the victim's panties, on  
3 the report it's item 1-3, actually, the slide  
4 that was prepared from those, from the pair of  
5 panties, I prepared that myself. And it's  
6 prepared exactly like the slide, the vaginal  
7 slide was done back in 1991. I identified an  
8 area on the panties that I think or thought that  
9 may have sperm there. I prepared a slide myself  
10 and I looked at that. That's where the slide  
11 came from from the panties, it wasn't in the  
12 bag.

13 Q. Okay.

14 A. So it was something that I prepared.

15 Q. And what did you find when you looked at that  
16 slide?

17 A. There was sperm there too.

18 Q. Okay. The next thing you did was, it says,  
19 examination of the victim's panties, item 1-3,  
20 the same item gave chemical indications for the  
21 presence of blood.

22 Can you tell us what does that mean?

23 A. Basically what it says, there was indications of  
24 blood there on the panties. And what I do is

1 start my examination, say, on the panties, I'm  
2 going to do a visual examination just like you  
3 would. I'm going to look for a stain that looks  
4 like blood. If I see something that looks like  
5 blood, I'm going to chemically test it with a  
6 procedure that we use. If it's positive, that  
7 gives me chemical indications that it's blood.  
8 And that's what I did with the panties.

9 Q. And what chemical do you use?

10 A. The test is called a phenolphthalein test or a  
11 Kastle-Meyer test.

12 Q. Okay. And it was a positive indication for  
13 blood?

14 A. It was.

15 Q. Okay. And then the next thing that you did was  
16 a microscopic examination of a slide prepared  
17 from a stain present on the brown pair of the  
18 victim's panties and the rectal smears. And  
19 just to note, there were two pairs of underwear  
20 that were submitted to you as victim's panties,  
21 is that correct?

22 A. That is correct.

23 Q. That's item 1-4 and the oral smears, item 1-5,  
24 failed to reveal the presence of sperm, is that

1 correct?

2 A. That is correct.

3 Q. And also that the examination of the brown pair  
4 of panties failed to reveal the presence of  
5 semen?

6 A. That is correct.

7 Q. And is that the same type of analysis that you  
8 just testified about that you did, put it on the  
9 slides and then examine the slides?

10 A. Yes. On the brown pair of panties there were no  
11 slides made. The blue pair of panties there was  
12 a slide made.

13 Q. Okay. You didn't a --

14 A. There was no areas of interest on the brown pair  
15 of panties.

16 Q. Okay. And did you make a slide of the oral  
17 swabs?

18 A. No, that was already made.

19 Q. All right.

20 A. And also the rectal, the rectal slides or  
21 smears, that was already made too.

22 Q. Okay. So once you prepared these items then,  
23 you're saying that you gave them to Special  
24 Agent Myer, now Hughes, for her to conduct DNA

1 testing on?

2 A. Yes. There was a cutting taken from the blue  
3 pair of panties that was given to Agent Myers.

4 Q. Okay. And is that all for that report?

5 A. I believe so.

6 Q. Okay. The next report I have from you is  
7 February 19, 2009. There's also an April 16,  
8 2009 that appears to be just an update to this  
9 report. Can we look at those together?

10 A. Yes.

11 Q. All right. I think the second report is just an  
12 amended version of the first one, is that  
13 correct?

14 A. That's correct.

15 Q. Okay. In this one it says that you examined the  
16 automobile fender liner, item number 9 -- we'll  
17 just take it one item at a time -- and that  
18 failed to reveal chemical indications for the  
19 presence of blood, is that correct?

20 A. That is correct.

21 Q. Now, what chemical was used?

22 A. The process was the phenolphthalein test or the  
23 Kastle-Meyer test.

24 Q. Okay. And what does it mean that it failed to

1 have chemical indications for the presence of  
2 blood?

3 A. When we conduct that test either we get a  
4 positive result or a negative result, and in  
5 this case I got a negative result. So that told  
6 me that I did not get a reaction that indicated  
7 that there was any blood there.

8 Q. If another agent had tested that same item in  
9 the same way in 1991 and had a positive test  
10 then, what do you think that could mean for your  
11 results?

12 A. It's not going to affect my results any.

13 Q. Does it mean that it's, that the substance might  
14 have just degraded over time? Does it mean that  
15 it was an incorrect test the first time? And I  
16 understand you can't say yes or no, but could it  
17 mean all of these things? What could it mean if  
18 there was a positive result in 1991 and now in  
19 2009 you have a negative result?

20 A. Well, I knew the, I knew that this item was  
21 tested back in 1991, I've read the reports. I  
22 know the agent who tested the items, I know the  
23 results that they got. I knew that before I  
24 retested anything that had come into the lab.

1           There's a couple of reasons why I may get one  
2           result and the other agent got another result.  
3           The most common thing that I have seen in the  
4           laboratory, in particular this fender, talking  
5           about it, he may have tested this item in '91  
6           and got a positive reaction with the  
7           phenolphthalein test and then by reading the  
8           report, looking at the results, I mean,  
9           everything looked fine. Now, the reason I  
10          tested it and it did not give a positive result,  
11          there may not have been anything there or  
12          anything left, and there may not have been much  
13          of a sample on the liner to start with. That's  
14          probably the most common reason that I got a  
15          negative result, he got a positive result.

16        Q.    Would that be saying that the sample was  
17              consumed in 1991?

18        A.    It very well may have been.

19        Q.    Okay.

20        A.    Now, there --

21        Q.    And what was left was just not enough?

22        A.    That's correct. And I have tested, I don't, I  
23              can't even count how many items in a laboratory  
24              where I would get a positive reaction trying to

1 locate an area, and I could go right back two  
2 minutes later and test the same area and get a  
3 negative reaction. If you use up everything  
4 that is there, you're just not going to get  
5 another reaction to match that.

6 Q. Okay.

7 A. That's just one possibility.

8 Q. Right. Another possibility is that the item,  
9 that the substance degraded over time, is that  
10 right?

11 A. I haven't seen anything like that degrade over  
12 time to not give you a, you know, a positive in  
13 '91 and a negative now. And I haven't tested  
14 that many items that, you know, that old either.

15 Q. Okay.

16 A. So I wouldn't feel comfortable saying that.  
17 Could it have gotten rubbed off in the  
18 packaging, people handling it, yeah, it could  
19 have.

20 Q. So you could never give an opinion about whether  
21 there's blood on that fender liner or not?

22 A. The only thing I can testify to and tell you is  
23 that the reactions, the process that I did on  
24 the fender, I did not get a positive reaction

1 for chemical indications of blood.

2 Q. Okay.

3 A. And whatever was done in '91, I know it was the  
4 same procedure, I know what the results were,  
5 that was in '91.

6 Q. All right.

7 A. That's all I can testify to.

8 Q. Okay. It looks like the next thing you tested  
9 was item number 10, stained red sample from the  
10 automobile fender liner, and that failed to  
11 reveal a chemical indication for the presence of  
12 blood.

13 If I ask you the same questions to this,  
14 would that be the same answers, how you did it,  
15 phenolphthalein, what that failure to reveal  
16 means?

17 A. Somewhat. There's a little bit of a difference  
18 with these samples, I think 10 and 11.

19 Q. I think it's 9, 9 and -- 9 is the fender liner,  
20 10 is the thread sample from the fender liner.

21 A. Okay. Let's see, item 10. But item 11 was also  
22 a --

23 Q. Right. We haven't gotten to item -- we have not  
24 gotten there yet.

1 A. Oh. It was tested in the same way, yes, and  
2 there was a, there was a negative result for the  
3 chemical indication reported there.

4 Q. Okay. And knowing that that test had a positive  
5 test in 1991, are your answers the same as to  
6 the earlier questions that I asked you about it?

7 A. It is, however, in this particular sample there  
8 was a thread collected from a suspected blood  
9 stain. I don't know the policy and procedures  
10 of '91, I know how I would collect that now with  
11 a thread if I had to. I don't know if that's  
12 how they did it in '91. What we would do now --  
13 and we don't use threads anymore, we use cotton  
14 swabs instead of threads. But what you would do  
15 is place sterile water on that piece of thread,  
16 you would run it through the suspected stain to  
17 transfer it onto the thread. You would do all  
18 of your testing by what's on the thread, your  
19 phenolphthalein testing or any other testing  
20 that you might do. I'm just assuming that's  
21 what they did in '91.

22 Q. Right. I think that's what --

23 A. Now, that threaded sample was not in the  
24 packaging when we opened it up. I don't know if

1 it was consumed in their testing back in '91,  
2 but the only thing that was left in the package  
3 were two slides, two glass slides. And what  
4 they had done is put the thread in between the  
5 slides just to preserve it, that's all that was  
6 left. So the only thing that we could test was  
7 the residue left on the glass, and that was  
8 negative.

9 Q. Okay. And then -- go ahead.

10 A. I don't know if that makes any sense, but that's  
11 all we had left were two pieces of glass to try  
12 to test.

13 Q. Right. Well, you've explained it to me so many  
14 times, it makes sense to me, but maybe not to  
15 the rest of the Commissioners.

16 MS. MONTGOMERY-BLINN: Does anybody  
17 have any questions about that, the thread  
18 sample?

19 (NO AUDIBLE RESPONSE.)

20 A. And I have a picture of one of them here.

21 Q. All right. The next thing that you tested was a  
22 paper overlay used to plot tire impressions on  
23 pavement, that's item number 12.

24 A. That's correct.

1 Q. Can you tell us a little bit about what that  
2 item looked like first?

3 A. Oh, let's see, item 12. (Witness examines  
4 document.) Item 12 was basically a roll of  
5 butcher paper, and it was probably 20, 30 feet  
6 long by probably 3 or 4 feet wide. I don't know  
7 what it was used for exactly. I was asked to  
8 test it for phenolphthalein, doing the  
9 phenolphthalein test. I was looking for  
10 chemical indications of blood. We rolled this  
11 piece of paper out on the floor in the hallway  
12 and we rolled it out in a way where we tested  
13 the side that was actually rolled in on itself,  
14 if that makes any sense.

15 Q. Uh-huh (yes).

16 A. And we actually flipped it over and tested the  
17 other side. I got negative indications for  
18 chemical indications of blood on that.

19 Q. Okay.

20 A. I don't know exactly what it was used for. I  
21 don't know if tires were rolled on it, I don't  
22 know if it was placed on the ground.

23 Q. You just know we gave it to you and said test  
24 this?

1 A. And there was no indications on there.

2 Q. Okay. And that item was not tested in 1991 as  
3 far as you know, is that correct?

4 A. I don't know.

5 Q. Okay. All right. The next thing that you  
6 tested or the next thing that's on here is item  
7 number 11, and that's stained thread sample from  
8 the automobile. And it says, was not chemically  
9 analyzed, however, swabbing was taken for DNA  
10 analysis.

11 Can you tell us about that?

12 A. Yes. Like I described the item number 10 where  
13 I had two pieces of glass, two slides, back in  
14 '91 that contained a threaded sample that was  
15 collected, I believe, from the vehicle,  
16 somewhere on the vehicle. When we opened that  
17 up there was no thread in there, it was just two  
18 pieces of glass together. There was a residue  
19 on the glass and we did test that chemically and  
20 it was chemically positive for chemical  
21 indications of blood. The glass slide itself  
22 was not sent for DNA testing. I collected a  
23 sterile cotton swab with sterile water,  
24 collected the residue that was on the glass,

1           that was transferred to Agent Myers for her  
2           testing the DNA.

3       Q.   Now, you said for that one that it did test  
4           positive for blood under chemical indications?  
5           It says here was not chemically analyzed.

6       A.   (Witness examines document.)

7       Q.   Oh, no, but then the updated report says gave  
8           chemical indications.

9       A.   Right. That's the --

10      Q.   That's the update, okay.

11      A.   That's right.

12      Q.   And that was the phenolphthalein that you said?

13      A.   That's correct.

14      Q.   And you sent it off to be DNA tested?

15      A.   Yes, I did. That was the update from -- this  
16           report was actually released too early, the  
17           first report here where it just says, second  
18           report, at the top. And the other report that  
19           goes with it, the amended report, and it's got  
20           second report in parentheses, that's the correct  
21           report.

22      Q.   Okay. Thank you. And Agent Holley, is that the  
23           extent of the work that you did on the testing  
24           in this case?

1 A. On this report, yes.

2 Q. Okay. Are there any other reports that you did?

3 A. Yes.

4 Q. Oh, there are? Okay. Which one are you  
5 referring to?

6 A. July 21, 2009.

7 Q. Was that also signed by Special Agent Hughes?

8 A. Yes, it was.

9 Q. Okay. And was that DNA testing that Special  
10 Agent Hughes conducted?

11 A. Yes, on the pants, I believe, and the belt.

12 Q. Okay. And were there any other reports that you  
13 did?

14 A. No.

15 Q. Okay.

16 MS. MONTGOMERY-BLINN: And  
17 Commissioners, Special Agent Hughes is  
18 going to testify. Commissioners, do you  
19 have any questions?

20 (NO AUDIBLE RESPONSE.)

21 MS. MONTGOMERY-BLINN: The Commission  
22 would ask that Special Agent Holley be  
23 released from his subpoena and call Special  
24 Agent Hughes?

1 JUDGE SUMNER: He's released. Thank  
2 you very much, sir.

3 (SPECIAL AGENT HOLLEY IS DISMISSED  
4 FROM THE WITNESS STAND.)

5  
6 THEREUPON,

7 KRISTIN HUGHES,  
8 Having first been duly  
9 Sworn, was examined and  
10 Testified as follows:

11 EXAMINATION BY MS. MONTGOMERY-BLINN:

12 Q. What is your name?

13 A. Kristin Hughes.

14 Q. And have you also had Kristin Myer as a last  
15 name?

16 A. That was my maiden name, yes.

17 Q. Okay. And you were married during the time that  
18 you were doing testing for the Commission so  
19 will some reports show Myer, some show Hughes?

20 A. Correct.

21 Q. Congratulations.

22 A. Thanks.

23 Q. Is your title Special Agent?

24 A. Yes.

1 Q. Okay. Special Agent Hughes, where do you work  
2 right now?

3 A. I'm a forensic analyst with the DNA section of  
4 the crime lab here in Raleigh, the State Bureau  
5 of Investigation.

6 Q. And how long have you been working there?

7 A. Five years.

8 Q. And where were you before?

9 A. Before that I was in graduate school obtaining  
10 my master's degree.

11 Q. And what's your master's in?

12 A. Forensic science, a master's in forensic  
13 science.

14 Q. And where is that from?

15 A. George Washington University.

16 Q. And what is your undergraduate degree in?

17 A. I have a bachelor's of science in biology from  
18 Northeastern University.

19 Q. Have you testified before in court?

20 A. Yes, I have.

21 Q. About how many times?

22 A. I believe I'm up to 18 times.

23 Q. Okay. And when you testify are you usually  
24 qualified as an expert?

1 A. In forensic DNA analysis, yes.

2 Q. Forensic DNA analysis. The Commissioners are  
3 looking at copies of your CV right now. Is that  
4 your most updated one that you sent me?

5 A. Yes, it is.

6 MS. MONTGOMERY-BLINN: Your Honor, I'd  
7 ask that the Commission accept Special  
8 Agent Hughes as a forensic DNA analysis  
9 expert?

10 JUDGE SUMNER: She's duly qualified.

11 MS. MONTGOMERY-BLINN: Thank you.

12 Q. All right. Agent Hughes, did you conduct  
13 testing in 2008 and 2009 at the request of the  
14 North Carolina Innocence Inquiry Commission?

15 A. Yes, I did.

16 Q. And was that in the Gregory Taylor case?

17 A. Yes, it was.

18 Q. Okay. I'm going to go through your reports with  
19 you. The first one that I have in sequential  
20 time is June 13, 2008. Is that the first report  
21 that you have?

22 A. Yes, it is.

23 Q. I would like to just walk through that report  
24 with you. It looks like before you got this

1 report special Agent Holley extracted some DNA  
2 for you from vaginal swabs and panties, is that  
3 correct?

4 A. I extracted the DNA, he identified --

5 Q. I'm sorry, he identified, you extracted it?

6 A. He identified areas of interest for me, yes.

7 Q. Okay. All right. The DNA that you extracted,  
8 what did you do with that?

9 A. The DNA that I extracted from cutting from the  
10 blue panties as well as from the vaginal swabs  
11 from the victim, I analyzed those and did DNA  
12 comparisons to those profiles I generated to the  
13 DNA profiles of the victim, Jacquetta Thomas,  
14 and the suspects Gregory Taylor and Johnny Beck.

15 Q. Were you able to get full profiles from the  
16 panties and the swabs?

17 A. Yes, I was.

18 Q. Can you tell whether those two profiles were  
19 from the same individual or the same donor of  
20 DNA?

21 A. Yes, I can. They were the same.

22 Q. The same person?

23 A. The same.

24 Q. Okay. And you said you compared it to the

1 victim. What was the comparison to the victim?

2 A. The unknown male DNA profile that I obtained  
3 from the sperm fraction of the cutting from the  
4 blue panties as well as from the vaginal swabs  
5 did not match the victim nor did it match  
6 Gregory Taylor or Johnny Beck.

7 Q. When you say did not match, can you tell us  
8 exactly what that means?

9 A. That means that they were excluded from having  
10 been present in that sample.

11 Q. Does that mean that it could not possibly be  
12 their DNA?

13 A. Not in those samples, no.

14 Q. Okay. Were you later sent other profiles by the  
15 Commission to compare that DNA to?

16 A. (Witness examines document.)

17 Q. We'll talk about those when we get to the  
18 reports.

19 A. Okay.

20 Q. Just do you know if you did --

21 A. Yes.

22 Q. -- do more comparisons with this particular  
23 sample?

24 A. Yes, I did.

1 Q. Now, did you run that DNA through a databank?

2 A. Yes, I did.

3 Q. And what is that databank?

4 A. It's called CODIS, that stands for the Combined  
5 DNA Indexing System. CODIS is a federally  
6 maintained database of DNA profiles. Those  
7 profiles are entered by state crime labs, for  
8 example. They come from casework, it comes from  
9 certain convicted offenders, and they are  
10 uploaded and they are searched on a weekly basis  
11 at the federal level.

12 Q. And were there any results when that was  
13 queried?

14 A. I received no matches to this profile.

15 Q. Okay. Is it continuing to be queried?

16 A. Yes.

17 Q. Is there anything else on this report, any other  
18 testing that you did on this report?

19 A. Just those two items, that's it.

20 Q. Okay. The next report that I have for you is  
21 March 17, 2009; does that sound correct?

22 A. Yes, it does.

23 Q. Okay. And it looks like here what we're looking  
24 at is swabbings taken from a thread sample or a

1 slide that once contained a thread sample, does  
2 that sound correct?

3 A. That is correct.

4 Q. Okay. And it says that there was no DNA profile  
5 obtained from that swabbing?

6 A. Correct.

7 Q. What does that mean?

8 A. That means I did not detect any DNA from that  
9 sample, which means either there was not any DNA  
10 material on that to begin with or there was, our  
11 technology just isn't sensitive enough to pick  
12 up any that may have been there.

13 Q. If there was blood, if it was human blood would  
14 you have gotten DNA out of it? If there was  
15 enough for you to get it, can you get DNA out of  
16 human blood?

17 A. Yes.

18 Q. Okay. And I understand what you're saying that  
19 there might not have been enough or it might  
20 have been too degraded, is that what you --

21 A. Or a third possibility is it may not have been  
22 human blood.

23 Q. If it had been insect blood would you have been  
24 able to get DNA out of it?

1 A. No. Our testing is human specific.

2 Q. Okay. Is that the extent of this report?

3 A. Yes, it is.

4 Q. The next report I have is June 29, 2009, does  
5 that sound correct to you?

6 A. That's correct.

7 Q. Okay. It looks like here you've got items  
8 submitted from three different places, some from  
9 LabCorp, some from Sharon Stellato, and some  
10 from CCBI, the City/County Bureau of  
11 Identification; does that seem right?

12 A. Yes.

13 Q. And it says that you did examination on those  
14 items through autosomal STR. What is autosomal  
15 STR?

16 A. Autosomal STR is -- STR stands for short tandem  
17 repeat. It's the type of DNA that we're looking  
18 for when we conduct DNA, forensic DNA analysis  
19 at the laboratory. Autosomal DNA is a type of  
20 DNA that all of us have, males and females.  
21 There's another type of testing that we can do  
22 called Y-STR testing, Y as in the Y chromosome,  
23 it's male specific.

24 Q. Okay. So this is just the most common form of

1 DNA testing that people think of?

2 A. Correct.

3 Q. Okay. And it says here the first thing you did  
4 was prepare a swabbing submitted from a person  
5 named Craigory Taylor?

6 A. That's correct.

7 Q. I mean the swabbing, I'm sorry, was submitted by  
8 Sharon Stellato, but the person whose DNA was on  
9 there was identified to you as Craig Taylor?

10 A. Correct. I did receive a DNA standard from a  
11 Craig Taylor.

12 Q. I'm sorry, I don't know if I said that name  
13 right. Craig, C-r-a-I-g Taylor.

14 A. Correct.

15 Q. I'm not sure what I said the first time. And it  
16 says then you looked at the victim's belt and  
17 the left waistband of her pants, is that  
18 correct?

19 A. Correct. Certain areas of her pants and belt.

20 Q. And were you able to obtain any DNA profiles  
21 from there, or any full ones?

22 A. I was unable to obtain any full DNA profiles  
23 from any of those areas that I tested for  
24 autosomals, autosomal STRs.

1 Q. Okay. What about then, it says that you  
2 received a partial profile from the top right  
3 waistband of the victim's pants.

4 A. Correct.

5 Q. And you compared that and had a -- when you  
6 compared it to the victim what was the result?

7 A. The partial DNA profile that I obtained from the  
8 swabbing from the top right waistband area of  
9 the pants was a match to the victim.

10 Q. Okay. And then did you compare it to Gregory  
11 Taylor -- was it a mixture?

12 A. That particular DNA profile was not a mixture.

13 Q. Okay. And you also did compare it to Gregory  
14 Taylor, Johnny Beck, and Craig Taylor, and  
15 whoever's profile is that sperm, correct?

16 A. Correct.

17 Q. And no matches there?

18 A. Correct.

19 Q. Okay. It says here that you compared the  
20 unknown male sperm profile that you had earlier  
21 obtained to the swabbing submitted from Craig  
22 Taylor. What was the result of that?

23 A. That unknown male DNA profile from the underwear  
24 did not match Craig Taylor.

1 Q. Okay. And the next thing you did was the Y-STR  
2 analysis that you just told us isolates only the  
3 male DNA?

4 A. Correct.

5 Q. Is the reason to do this so that you could  
6 exclude the victim's DNA?

7 A. It's sort of a way of trying to screen out  
8 female DNA so it doesn't interfere with my  
9 ability to potentially identify male donors in  
10 the sample.

11 Q. Okay. And you were unable to obtain a male DNA  
12 profile from the victim's belt, zipper, or the  
13 left waistband of her pants?

14 A. Correct.

15 Q. Okay. And it says a partial DNA profile was  
16 obtained from the right waistband of the pants,  
17 is that true?

18 A. That is correct.

19 Q. And is this consistent with a mixture?

20 A. Yes, ma'am.

21 Q. Tell me what that means, please.

22 A. A mixture exists when there's a presence of more  
23 than one individual's DNA present in the sample.

24 Q. Does that mean there's more than one male DNA

1 since this was Y-STR?

2 A. Correct. For this particular sample there's at  
3 least two or potentially more male individuals  
4 in this sample.

5 Q. Okay. Two or more?

6 A. Correct.

7 Q. And then it says, no conclusions could be  
8 rendered from a comparison with Gregory Taylor,  
9 Johnny Beck, Craig Taylor, or the sperm, the  
10 profile from the sperm, is that correct?

11 A. Correct.

12 Q. What does that mean?

13 A. It means the nature of the results that I  
14 obtained for this particular sample, it was a  
15 partial profile so I'm not working with a full  
16 deck, so to speak. A mixture, it also  
17 implicates there's more than one individual so  
18 that makes things more difficult in order to  
19 make a solid interpretation or conclusion. And  
20 in this case the results that I obtained at the  
21 areas that I obtained results at, there was not  
22 enough discriminating evidence or result for me  
23 be able to discern definitively who is here and  
24 who is not here in this sample.

1 Q. So you couldn't draw conclusions one way or  
2 another about those --

3 A. Correct.

4 Q. Does it mean you did get some DNA material off  
5 there, just not enough? You said not a full  
6 deck, not enough to compare?

7 A. Correct.

8 Q. Can you compare when you have a partial deck?

9 A. Yes, I can.

10 Q. Okay. But was this not enough to do in that  
11 instance?

12 A. Correct.

13 Q. Okay. And does the SBI have standards about how  
14 many you have to have in order to compare?

15 A. Yes, we do.

16 Q. Okay. And those are alleles?

17 A. Yes.

18 Q. Okay. Is that the last report that you did?

19 A. Yes, it is.

20 Q. All right. I don't have any more questions.

21 MS. MONTGOMERY-BLINN: Commissioners?

22 (NO AUDIBLE RESPONSE.)

23 MS. MONTGOMERY-BLINN: No questions?

24 MR. DEVEREUX: why did you choose the

1 belt and the zipper, is that just an area  
2 where people likely have touched?

3 A. Based on my discussions of the crime scene and  
4 the theory of the case with Ms. Stellato, those  
5 are areas that perhaps somebody may have placed  
6 their hands for movement of those pants, of  
7 those items of clothing. So I was looking for  
8 was what we call touch DNA, which is exactly  
9 what it sounds like, it's you touch something  
10 and possibly maybe we might pick up your  
11 profile.

12 MR. DEVEREUX: Try to summarize any  
13 connection, however tenuous, or no  
14 connection between the victim and Craig  
15 Taylor. Can you say anything about him at  
16 all?

17 A. From the evidence that I worked in this  
18 particular case I did not find his DNA  
19 definitively anywhere on the evidence that I've  
20 worked.

21 Q. Did you find Gregory Taylor's DNA definitively  
22 anywhere in the evidence?

23 A. No, I did not.

24 Q. Did you find Johnny Beck's?

1 A. No, I did not.

2 Q. Did you find anybody other than the victim's and  
3 the contributor of the male sperm?

4 A. Well, the unknown profile and the victim, and  
5 that's it definitively.

6 MR. DEVEREUX: How hard is it to leave  
7 a touch DNA?

8 A. Touch --

9 MR. DEVEREUX: How hard do you have to  
10 touch somebody or how often or how much?

11 A. It's highly variable. Some people will shed  
12 their DNA or their skin cells more readily than  
13 others. This evidence is not new or fresh, in a  
14 sense, it didn't happen just a few days ago.  
15 Age could have impacted the DNA, it could have  
16 degraded over time. I'm not aware of what the  
17 storage conditions of the evidence were. DNA is  
18 best under cool and dry conditions. It's not a  
19 defined set area for me to look at, I'm kind of  
20 trouble -- I'm just kind of taking a guess at  
21 where perhaps somebody may have touched  
22 something. It's not an easily identifiable  
23 stain such as from semen or saliva or blood  
24 where I know exactly where I'm going to look for

1 DNA. Touch DNA is pretty much an educated guess  
2 for DNA testing.

3 MR. DEVEREUX: So the presence of a  
4 match would mean something, the failure to  
5 find a match doesn't necessarily tell us  
6 much at all under these, under these  
7 circumstances?

8 A. It's equivocal.

9 MR. DEVEREUX: Okay.

10 Q. Somebody could have touched the victim's pants  
11 back in 1991 and you wouldn't be able to locate  
12 their DNA today?

13 A. That's possible.

14 MS. MONTGOMERY-BLINN: Questions,  
15 Commissioners?

16 (NO AUDIBLE RESPONSE.)

17 MS. MONTGOMERY-BLINN: Okay. I would  
18 ask that Special Agent Hughes be released  
19 and thank her for coming today.

20 JUDGE SUMNER: Thank you very much,  
21 you're excused.

22 A. Thank you.

23 (MS. HUGHES IS DISMISSED FROM THE  
24 WITNESS STAND.)

1 MS. MONTGOMERY-BLINN: And I'm calling  
2 forensic biologist Meghan Clement.

3  
4 THEREUPON,  
5 MEGHAN CLEMENT,  
6 Having first been duly  
7 Sworn, was examined and  
8 Testified as follows:

9 EXAMINATION BY MS. MONTGOMERY-BLINN:

10 Q. what is your name?

11 A. Meghan Clement.

12 Q. where do you work?

13 A. I work for Laboratory Corporation of America  
14 Holdings, Incorporated, which has trademarked  
15 the name LabCorp.

16 Q. Okay. And what is your position there?

17 A. I'm the technical director in the forensic  
18 identity testing department.

19 Q. what does that mean?

20 A. LabCorp is actually a medical diagnostic testing  
21 company. They offer a whole range of testing  
22 options dealing mostly with medical diagnostics,  
23 but there is a forensic identity department that  
24 tests evidence for criminal court cases as well

1 as some medical specimens for identification of  
2 who the specimen actually came from.

3 Q. Does that include DNA testing?

4 A. Yes, it does.

5 Q. It is more than just DNA testing though, is that  
6 right?

7 A. The entire company is more than DNA testing, but  
8 in the forensics department we utilize serology  
9 and DNA testing.

10 Q. Okay, serology as well. And tell me about your  
11 work history.

12 A. I have been employed at LabCorp since November  
13 of 1994. Prior to that I worked at the Tarrant  
14 County Medical Examiners office in Fort Worth,  
15 Texas. I had been employed there just under  
16 four years working in their forensic biology  
17 department. And prior to that I worked at the  
18 City of Police, or excuse me, the City of  
19 Albuquerque Police Department in Albuquerque,  
20 New Mexico. I was employed there for six years.  
21 I started in their serology section and also was  
22 instrumental in initiating a DNA section in that  
23 department.

24 Q. Can you tell us about your educational

1 background?

2 A. I have a bachelor of science in biology from  
3 westfield State College in Massachusetts and a  
4 master of science in forensic sciences from the  
5 University of New Haven in Connecticut. I've  
6 also attended graduate level courses at the  
7 University of New Mexico and the University of  
8 Virginia, who has an agreement with the FBI  
9 Academy, so I actually took the courses at the  
10 FBI Academy, but was granted credits through the  
11 University of Virginia.

12 Q. Have you testified before?

13 A. I have, yes.

14 Q. How many times do you think you've testified?

15 A. I stopped counting after about 305, so more than  
16 that.

17 Q. Okay. And when you testify are you usually  
18 qualified as an expert in forensic biology?

19 A. Yes.

20 Q. And the Commissioners are looking at a copy of  
21 your CV that you provided me. Is that a recent  
22 copy?

23 A. Yes.

24 Q. Okay.

1 MS. MONTGOMERY-BLINN: I would ask  
2 that Ms. Clement be --

3 Q. Clement, am I saying it right?

4 A. Clement.

5 Q. Clement, I'm sorry.

6 A. That's --

7 MS. MONTGOMERY-BLINN: -- be accepted  
8 by the Commission as an expert in forensic  
9 biology.

10 JUDGE SUMNER: She's deemed qualified.

11 MS. MONTGOMERY-BLINN: Thank you, your  
12 Honor.

13 Q. Now, have you been working with the North  
14 Carolina Innocence Inquiry Commission?

15 A. Yes, I have.

16 Q. And have you been working on -- one case that  
17 you've been working on is the Gregory Taylor  
18 case?

19 A. That's correct.

20 Q. And how long do you think you've been working on  
21 that case?

22 A. Almost two years.

23 Q. Is that your file on the case right there?

24 A. Yes, it is.

1 Q. We won't go through that page by page. Have you  
2 issued a number of reports based on the results  
3 of your testing?

4 A. Yes.

5 Q. And is the first report dated January 14, 2007?

6 A. If I may refer -- yes, it is.

7 Q. Do you have copies of your reports or would you  
8 like me to provide them for you?

9 A. I do have copies.

10 Q. Okay. But I'm looking at the January 14, 2007  
11 report and it looks like you have a number of  
12 items that were submitted or maybe that you  
13 actually obtained from the Raleigh Police  
14 Department, does that sound correct?

15 A. That's correct. I actually went to the police  
16 department to pick up the evidence.

17 Q. Okay. And it says here that the first thing  
18 that you did was a chemical analysis of item 1,  
19 which is a smear from a, I think this is the  
20 fender, from a fender above the wheel of a  
21 vehicle. And it says that revealed positive  
22 results for the presence of blood.

23 A. That's correct.

24 Q. Can you tell me what does that mean?

1 A. Yes. A presumptive test was performed and it's  
2 a simple chemical analysis that will indicate  
3 whether something could be blood or not. If it  
4 gives a positive result it simply means it might  
5 be blood. There's no way of knowing at this  
6 point with just a presumptive whether it truly  
7 is or whether it's human blood or animal blood,  
8 simply that it gave a positive chemical  
9 presumptive test and, therefore, could be blood  
10 and it's worth further exploration.

11 Q. Okay. And what chemical is used for that one?

12 A. We used a phenolphthalein test.

13 Q. Okay. And were you able to conduct any further  
14 testing of this item?

15 A. We did attempt to obtain a DNA profile from it.  
16 We extracted the sample, we obtained upon  
17 quantification what we call zero quantitation.  
18 We still attempted to concentrate the sample  
19 down as low as we could get it and amplify it,  
20 but we did not obtain any results on this  
21 particular sample.

22 Q. Then the next thing that you tested says that  
23 this was a sperm fraction from vaginal swabs.  
24 Does that sound like the next thing that you

1 tested?

2 A. We did test vaginal swabs. And what happens in  
3 that analysis is we use chemicals to attempt to  
4 differentiate the sperm DNA from non-sperm DNA.  
5 So although we start with one vaginal swab, we  
6 actually end up with two different fractions  
7 that are analyzed separately.

8 Q. And what was the result of that analysis?

9 A. The vaginal swabs, we did end up with results  
10 from both the sperm and the non-sperm fraction.  
11 The non-sperm fraction revealed a profile which  
12 was consistent with the victim, and the sperm  
13 fraction revealed a mixture of DNA from at least  
14 two male or two individuals, and at least one of  
15 them had to have been a male.

16 Q. Could the other one have been the victim?

17 A. The other one could have been the victim, yes.  
18 We could not exclude the victim as being a  
19 contributor to that mixture.

20 Q. Okay. And you said at least one profile was  
21 male?

22 A. That's correct.

23 Q. And what did you do with that profile?

24 A. We compared the reference samples or the

1 profiles we developed from the reference samples  
2 of Gregory Taylor and Johnny Beck to that  
3 mixture to determine whether they could be  
4 included or excluded, and they were both  
5 excluded from that mixture.

6 Q. Excluded here, does that mean that they are not  
7 the contributors of that DNA?

8 A. Yes, they could not be the contributors of that  
9 DNA.

10 Q. And then the next thing you did was a sperm  
11 fraction obtained from the victim's panties.  
12 Was this the same result of that?

13 A. From the panties we again did perform an  
14 analysis. We separated it into sperm and non-  
15 sperm fractions. On the sperm fraction we had  
16 to have -- well, we obtained a mixture of at  
17 least three individuals and, again, at least one  
18 of them had to have been a male. And we  
19 compared those to both Gregory Taylor and Johnny  
20 Beck and they were also both excluded from that  
21 mixture.

22 Q. Could you tell if one of the profiles from that  
23 sperm fraction from the panties was the same  
24 profile as the one from the vaginal swabs?

1 A. Let me look really quickly. (Witness examines  
2 document.) It appears that there is at least  
3 one different male in that particular mixture,  
4 so it doesn't appear that it is from the same  
5 male.

6 Q. Okay. Now, in order to run this profile that  
7 you obtained through the DNA databank known as  
8 CODIS, would it have to go to the SBI to do  
9 that?

10 A. Yes. As a matter of fact, it's not even an  
11 option for us to hand them our notes to have  
12 them review it. They actually have to perform  
13 the analysis again independently.

14 Q. So they have to repeat the same test that you  
15 just did?

16 A. That's correct.

17 Q. Okay. All right. The next thing I have on your  
18 report is a slide with a smear from the fender,  
19 a slide with a smear from the A-frame and the  
20 fender liner. And it says for these three items  
21 that they did not yield sufficient quantity of  
22 DNA to develop a profile.

23 A. That's correct. We did attempt to extract the  
24 DNA, concentrate it down, and develop a profile,

1 but none of those samples revealed any genetic  
2 information to make comparisons.

3 Q. what might it mean that you could not get a  
4 profile out of that?

5 A. well, there are a number of reasons why I may  
6 not obtain a profile. One possibly is that the  
7 DNA is too degraded. One is that even if there  
8 is blood on it, it may not be human blood, it  
9 may be animal blood or insect blood. It could  
10 be that there is a chemical or environmental  
11 agent which is inhibiting the replication of the  
12 DNA in order to determine what characteristics  
13 are present. It could be just that there are  
14 such low levels to begin with that our  
15 technology is not able to use the small amounts  
16 that were present to develop a profile.

17 Q. All right. Now I'm on page 4 of your report and  
18 it says that you tested the hairs that were  
19 submitted to you as found on the victim's face.

20 A. That's correct.

21 Q. And you submitted these for mitochondrial DNA  
22 testing?

23 A. Yes.

24 Q. Okay. And tell us really briefly what is

1 mitochondrial as opposed to normal DNA testing  
2 or typical DNA testing?

3 A. If you think of a cell in your body as a fried  
4 egg, the yellow portion or the yolk of the egg  
5 is what's called the nucleus and that's where  
6 the DNA is housed that we inherit from our  
7 mothers and our fathers. In the white section  
8 of the egg called the cytoplasm there are these  
9 organelles that are called mitochondria which  
10 house its own type of DNA which is inherited  
11 only from our mothers. This mitochondria is  
12 what gives us all of our energy. And so within  
13 this cell, even though there's only one nucleus  
14 or one egg yolk, in the external portion where  
15 the mitochondria are found there may be hundreds  
16 of mitochondria in one particular cell and each  
17 one of those may have multiple copies of the  
18 mitochondrial DNA. So there are literally  
19 hundreds and potentially thousands of copies of  
20 mitochondrial DNA per cell versus one copy of  
21 nuclear.

22 As I said earlier, the mitochondrial DNA is  
23 inherited only from your mother so that is  
24 passed on through the maternal lineage. Every

1           sibling will have the same mitochondrial  
2           sequence as their mother, so it's not a unique  
3           DNA, it's more like a class characteristic of  
4           the maternal lineage.

5       Q.    So my sister and I, if we have the same mother,  
6           would have the same mitochondrial DNA profile?

7       A.    That's correct.

8       Q.    Okay.

9       A.    And so would a brother if you had a brother.

10      Q.    Okay. Now, when you have a fragment of a hair  
11           that does not include a root, is mitochondrial  
12           DNA testing the common type of testing for that?

13      A.    Yes.

14      Q.    Okay. And what were the results of testing that  
15           hair?

16      A.    When we tested the hair --

17      Q.    On the hair, I'm sorry.

18      A.    Yes, there were multiple small fragments that we  
19           tested. And it resulted in a sequence which  
20           matched the sequence of the victim, Ms. Thomas.

21      Q.    All right. Now I'm on the May 26, 2009 report.  
22           Is that the next one that you have?

23      A.    Yes.

24      Q.    All right. At this point I see the first thing

1           you do on this report was you were submitted a  
2           swab with DNA obtained from somebody named James  
3           Gist.

4           A.   That's correct, yes.

5           Q.   And you compared that to the sperm fractions?

6           A.   We compared the reference profile that we  
7           developed on Mr. Gist to the sperm fractions and  
8           the non-sperm fractions, the mixtures that we  
9           obtained from the vaginal swabs and the panties.

10          Q.   And what were the results of this?

11          A.   He was excluded as being a contributor to any of  
12          the DNA in all of those mixtures.

13          Q.   Okay. And then the next thing that you tested  
14          was a cigarette butt that was found inside of  
15          the vehicle.

16          A.   That's correct.

17          Q.   And you said that -- what was the result of  
18          this?

19          A.   The cigarette butt that was obtained from inside  
20          the vehicle matched the profile that was  
21          connected to Gregory Taylor.

22          Q.   Okay. And then you tested a cigarette wrapper  
23          and a beer can and found that those had a  
24          mixture of DNA on them?

1 A. That's correct, they were mixtures.

2 Q. And these were located, found inside of Gregory  
3 Taylor's vehicle. I don't know if you know  
4 that, but they were. Gregory Taylor was not  
5 excluded, but Jacquetta Thomas was, is that  
6 correct?

7 A. That's correct. Gregory Taylor could not be  
8 excluded as a contributor of the mixtures.  
9 Jacquetta Thomas, well, Jacquetta Thomas, Johnny  
10 Beck, and James Gist were excluded.

11 Q. Okay. Then you tested two cigarette butts that  
12 were found from miscellaneous debris in the cul-  
13 de-sac and you said that they had a female  
14 source on them but it was not the victim's DNA,  
15 is that correct?

16 A. That's correct.

17 Q. Okay. And you were not able to get any more  
18 results from that?

19 A. No, we were not submitted any additional females  
20 to compare to.

21 Q. Okay. Then you tested a cigarette butt that  
22 came from miscellaneous debris in the cul-de-sac  
23 and found that it had a male source, but it was  
24 not Gregory Taylor or Johnny Beck?

1 A. That's correct.

2 Q. Okay. And did you later on compare this to  
3 other males' DNA that was submitted to you?

4 A. Yes.

5 Q. Okay. And you never were able to match this?

6 A. That's correct. It never matched any of the  
7 known reference samples.

8 Q. Okay. And then you tested a seal and an empty  
9 cigarette pack and there was not enough DNA to  
10 develop a profile, is that correct?

11 A. That's correct.

12 Q. All right. Is that it for that report?

13 A. Yes.

14 Q. Now I have July 13, 2009, did we just --

15 A. (Witness examines document.) Yes.

16 Q. Okay. All right, and this is combined with an  
17 August 21, 2009 report, is that correct, if  
18 that's a supplement?

19 A. The August -- yes, that's correct.

20 Q. Okay. So we'll just talk about those together.

21 A. Okay.

22 Q. It looks like at this time you, this is the time  
23 where you now have Craig Taylor's profile and  
24 Andrew Manuel's profile, is that right?

1 A. That is correct.

2 Q. And now you compare them to the sperm?

3 A. Yes, to both the vaginal swabs and the panty  
4 mixtures.

5 Q. And what's the result of that?

6 A. They were both excluded as contributors to any  
7 of the DNA on the vaginal swabs or the panties.

8 Q. So now you've excluded Gregory Taylor, Johnny  
9 Beck, James Gist, Craig Taylor, and Andrew  
10 Manuel?

11 A. That's correct.

12 Q. Okay. And the cigarette wrapper and the beer  
13 can you tested to Andrew Manuel and Craig Taylor  
14 and they were excluded as well?

15 A. That's correct.

16 Q. Okay. And the same thing for the cigarettes  
17 that we just talked about?

18 A. Correct.

19 Q. And now you test the victim's tan underwear, is  
20 that right?

21 A. That's correct, except we perform a different  
22 type of testing on the tan underwear.

23 Q. Now you do Y-STR?

24 A. That's correct. We performed what's called Y-

1 STR testing on these items next.

2 Q. Okay. And is Y-STR what isolates the male  
3 chromosome?

4 A. Yes. Y-STRs are found only on the male Y  
5 chromosome, so we are basically ignoring any  
6 female DNA that may be present and concentrating  
7 only on the male DNA.

8 Q. And this helps you when there's a mixture of DNA  
9 to sort out what to look at?

10 A. Absolutely, yes.

11 Q. Okay. So the first time that you do -- you've  
12 tested these panties multiple times, is that  
13 correct?

14 A. Yes.

15 Q. Okay. This is the first time now that we're  
16 talking about?

17 A. That's correct.

18 Q. Okay. The first time that you test them you do  
19 swabbings of the underwear, is that right?

20 A. That's correct.

21 Q. And are you swabbing around the waistband of the  
22 panties?

23 A. The first time we were swabbing the sides of the  
24 panties and the waistband areas.

1 Q. And what you're looking for now is skin cell  
2 DNA?

3 A. That's correct.

4 Q. Or whatever is there, but that's what you're,  
5 where you're expecting to see where somebody  
6 might have touched that underwear?

7 A. Exactly.

8 Q. Okay. And your result is a mixture?

9 A. That's correct. On the tan panties we obtained  
10 a mixture of at least three males.

11 Q. Okay.

12 A. And we only obtained -- we look at 17 different  
13 areas on the Y chromosome. We only obtained  
14 results at 5 of those 17 areas.

15 Q. And you test these panties again later on too,  
16 right, so we're still just talking about the  
17 first time?

18 A. That's correct.

19 Q. Okay. And at this time who's excluded and who  
20 is not excluded?

21 A. At this point in time, in reference to the  
22 results of the Y chromosome from the tan  
23 panties, Gregory Taylor and James Gist cannot be  
24 excluded. And I have to say with Y chromosome

1 DNA, whenever we name an individual we also  
2 include their paternal relatives because every  
3 paternal relative is going to have that same Y  
4 chromosome profile.

5 Q. Okay. So they're not excluded out of the 5 of  
6 17 markers or alleles that you look at.

7 A. The combination of those five, yes.

8 Q. Okay. Now, I had talked with you a lot about  
9 statistics and I'm going to -- well, let me  
10 first say, Craig Taylor, Johnny Beck, and Andrew  
11 Manuel are excluded?

12 A. That is correct, yes.

13 Q. Out of the reportable DNA?

14 A. Out of the reportable DNA.

15 Q. And there is other DNA on there that just  
16 doesn't meet the reporting requirements?

17 A. That's correct. There's weak additional peaks,  
18 but we have a threshold and these peaks did not  
19 rise above that threshold so therefore they  
20 could not be reported.

21 Q. Now, looking at the statistics for the part of  
22 the DNA that did not exclude Gregory Taylor or  
23 James Gist, if there were eight men in front of  
24 you, how many of them do you think would be not

1 excluded?

2 A. From a mixture of three males it would be very  
3 difficult to determine. I would anticipate,  
4 just based on the fact that we only got five out  
5 of the seventeen areas, it would not be unlikely  
6 to match at least one of those eight, if not  
7 more than that.

8 Q. Okay. So if you had eight men in front of you,  
9 you wouldn't be surprised if at least one of  
10 them could not be excluded even if they were  
11 twelve-year-olds who weren't even alive at this  
12 time?

13 A. That's correct.

14 Q. Okay. So it's not what you'll call very strong  
15 DNA at this point?

16 A. Not with a mixture of three. You're going to  
17 include a lot more individuals just by  
18 circumstance when you have a mixture of three  
19 different men contributing.

20 Q. And you do try again later on the panties, and  
21 we'll get to that.

22 A. That's correct.

23 Q. Okay. All right. Now, and you have something  
24 called a Y-STR database that you have sometimes

1 run DNA through, but you were not able to run  
2 this DNA through it, is that right?

3 A. That's correct. When you have a mixture, unless  
4 you have a major profile that you know all of  
5 the characteristics are contributed by one  
6 person and there is a majority of the DNA from  
7 that individual, you can't search the database  
8 to see whether there are matches in it.

9 Q. And what the database does really is just helps  
10 you get statistical numbers and say this many  
11 out of this many people might be a match,  
12 something like that?

13 A. That's correct.

14 Q. Okay. All right. Now let's talk about the  
15 blouse. The next thing you did was test the  
16 blouse, and you swabbed sections of the buttons  
17 and around the button holes, is that right?

18 A. That's correct.

19 Q. And you got no results?

20 A. That's correct.

21 Q. Later on you do test the blouse and get some  
22 different results, is that right?

23 A. That's correct. It was an ongoing type of  
24 analysis and through the -- this is the first

1 set of testing of these items and we  
2 subsequently did additional testing.

3 Q. Okay. And then the blue panties, you tried  
4 those, and at that time you don't get any  
5 results?

6 A. That's correct.

7 Q. Later on you test the blue panties and get some  
8 results?

9 A. That's correct.

10 Q. Okay. Is that it for that report?

11 A. Yes.

12 Q. Okay. Now I'm on August 6, 2009, the last  
13 report. Okay. And again, now you're doing the  
14 Y-STR testing again that we talked about on the  
15 victim's clothing trying to get small amounts of  
16 skin cells off of there where somebody might  
17 have touched her clothing?

18 A. That's correct.

19 Q. Okay. How did you obtain these profiles, was it  
20 swabbings and cuttings?

21 A. Yes. There was a combination of some swabbings  
22 and cuttings and some just swabbings.

23 Q. Okay. And did we essentially tell you, you  
24 know, swab greater areas, keep trying?

1 A. Yes.

2 Q. Okay.

3 A. At this point for the underwear we swabbed  
4 literally from about the first third portion,  
5 front, the entire front panel all the way around  
6 to the back just trying to figure out where  
7 somebody would grab to pull the items down. So  
8 we have tried to encompass much more. And we  
9 did that for both pairs of panties and then also  
10 testing some additional items that were  
11 submitted.

12 Q. Okay. And what -- well, let's see, the brown,  
13 the tan panties you never got anything on, is  
14 that right?

15 A. The second testing we did not obtain results on  
16 the tan panties.

17 Q. Okay. And in the first testing the results of  
18 the tan panties had been?

19 A. A mixture of at least three males.

20 Q. And that was the one that originally could not  
21 exclude --

22 A. Gregory Taylor or Mr. --

23 Q. Andy Manuel? No, James Gist.

24 A. Gist.

1 Q. So this time you don't get enough to tell  
2 anything?

3 A. That's correct.

4 Q. Okay. And now you also swab the blue panties?

5 A. That's correct.

6 Q. And at this point you do the same thing with  
7 those and you exclude everybody that you've got?

8 A. On the blue panties -- (Witness examines  
9 document.) -- yes, they're all excluded from the  
10 blue panties.

11 Q. Gregory Taylor, Johnny Beck, James Gist, Andrew  
12 Manuel, and Craig Taylor are all excluded from  
13 the blue panties?

14 A. That's correct.

15 Q. And again, you're not getting whole profiles off  
16 of these, you're getting just enough to exclude  
17 somebody?

18 A. That's correct. From the blue panties we  
19 obtained results at six of the seventeen  
20 locations.

21 Q. Okay.

22 A. But it was enough information that we could  
23 exclude those individuals from the reportable  
24 profiles.

1 Q. Okay. Now the blouse, you do the same thing,  
2 you test the blouse, swab a whole lot more of  
3 it, do some more cuttings on it. How many  
4 profiles do you get off of that?

5 A. On that particular sample we obtained a mixture  
6 of two males.

7 Q. Okay. And again, not very good quality  
8 profiles?

9 A. That's correct. We only obtained results at  
10 four out of the seventeen locations or loci.

11 Q. Okay. And who's excluded from that, what you  
12 got out of that?

13 A. Gregory Taylor, James Gist, Andrew Manuel, and  
14 Craig Taylor are all excluded, however we  
15 include Johnny Beck as a possible contributor of  
16 that particular sample.

17 Q. Okay. And again, you're not saying that you can  
18 match it because it's only four out of  
19 seventeen, but he's not ruled out?

20 A. That's basically --

21 Q. All right. And now you try to do some numbers  
22 and run this through the Y-STR database and come  
23 up with the results that about one out of every  
24 33 males would be not excluded from that blouse.

1 So the same thing as Johnny Beck, one out of  
2 every 33. If you lined up 33 men, you would  
3 expect that at least one of them would have,  
4 you'd be able to say it could be his DNA even if  
5 they were 12 years old?

6 A. That's correct.

7 Q. Okay. And then when you break that down further  
8 to African-American males, it's one out of 14?

9 A. That's correct.

10 Q. Okay. And then we talked about the underwear.  
11 Okay, now you're testing the victim's pants?

12 A. Yes.

13 Q. And you do swabbings and cuttings here?

14 A. We do.

15 Q. Same thing all over the waistband where anybody  
16 might have grabbed?

17 A. Yes, that's correct.

18 Q. Okay. What do you get here?

19 A. Here we ended up with a profile, a major profile  
20 of a single individual. There were only 3 out  
21 of the 17 locations. With that particular  
22 sample Gregory Taylor, Johnny Beck, James Gist,  
23 Andrew Manuel and their paternal relatives are  
24 excluded, but we could not exclude Craig Taylor

1 as, as being the source of that major profile.

2 Q. Okay. So now Craig Taylor is not excluded?

3 A. That's correct.

4 Q. So everybody gets a turn at being not excluded  
5 on the clothing. And for him, the numbers for  
6 him are kind of the same of what we talked about  
7 before. If you lined up eight people, you'd  
8 expect one out of every eight of those men to  
9 maybe not be excluded?

10 A. That's correct. There was a database of 10,286,  
11 there were 1221 matches to that profile. So  
12 that, if you perform the calculation, is  
13 approximately one in eight individuals would be  
14 included as having that combination of  
15 characteristics.

16 Q. And if you break it down to African-American  
17 men, it's one out of every nine?

18 A. That's correct.

19 Q. Okay. And you're not able to get any DNA off of  
20 the victim's belt or any other parts of the  
21 clothes?

22 A. No.

23 Q. Okay. And you try to do what the SBI did with  
24 the samples that they had and you can't recreate

1           those, right?

2       A.    That's correct.

3       Q.    They've been consumed or most likely consumed?

4       A.    Correct.

5       Q.    Okay. Do you feel that, based on working with  
6            Sharon and I, that you've exhausted all the  
7            testing of the physical evidence that you can do  
8            based on what we know right now in this case?

9       A.    I believe so, yes.

10      Q.    Okay.

11      A.    Multiple times.

12      Q.    You feel exhausted.

13                    MS. MONTGOMERY-BLINN: Commissioners,  
14                    do you have any questions?

15                    MR. BECTON: Ms. Clement, I've been  
16                    taking notes on several pages, but I'm  
17                    going to focus only on the car. What  
18                    connection is there to portions of the car,  
19                    the fender of the car which contained blood  
20                    from the victim?

21      A.    There is no connection of anything on the car  
22            that we made through DNA of any potential blood  
23            to the victim. The sample that we tested that  
24            did give a positive result for blood actually

1 gave us a zero quantitation. The quantitation  
2 method that we use looks specifically for human  
3 DNA so we can't even say that if that was blood,  
4 that it was even human. It could have been an  
5 animal, it could have been a bug's blood. So we  
6 can make no connection of anything from the car  
7 to the victim.

8 MR. BECTON: Is there anything you  
9 tested in the car that puts the victim in  
10 the car?

11 A. No, nothing.

12 MR. DEVEREUX: I guess this is in the  
13 form of a hypothetical. If you assume that  
14 after this -- I mean, I'm sure you know  
15 some of the underlying facts. The woman is  
16 assaulted and either dead or dying, and at  
17 some point somebody removes portions of her  
18 clothing. So if you assume that happened  
19 and you assume that you have three  
20 individuals that that could be and you have  
21 samples from those three individuals, would  
22 you expect to find touch DNA, identifiable  
23 touch DNA if it was one or three of those  
24 people? Or is it just a shot in the dark

1                   or, you know, what are the odds of finding  
2                   it?

3       A.   well, I can tell you whenever I'm posed that  
4           hypothetical, the first answer I give is I don't  
5           ever expect anything when it comes to evidence.

6                   MR. DEVEREUX:   Sure, I understand.

7       A.   Certainly we've seen situations where there has  
8           been what I would consider minimal contact and  
9           we've gotten great profiles, and other  
10          situations where you would think there would be  
11          a lot of DNA from someone.   But it kind of  
12          depends on the person, depends on the  
13          environment.   If it's hot and people are sweaty,  
14          they're going to release more DNA if they're  
15          touching someone or yanking on something than if  
16          it's a cool evening.   Or some people are what we  
17          call shedders or greater shedders than others,  
18          and a lot could depend on their hygiene.   It's  
19          really difficult to say.   I don't find it  
20          unusual when we obtain profiles when two people  
21          come into contact, but I certainly am not  
22          surprised if we don't see it.

23                   MR. DEVEREUX:   How about degradation  
24                   when it's 18 years later?

1 A. Absolutely. Degradation plays a very big role  
2 in this type of testing and looking for this  
3 amount of, you know, amount of evidence,  
4 especially with touch DNA or handling DNA.

5 MR. DEVEREUX: What we know for sure  
6 is some -- we know sexual assault is  
7 unclear, but we do know that somebody took  
8 this young woman's, some of her clothes  
9 off.

10 A. That's correct.

11 MR. DEVEREUX: The State says that  
12 there were two people involved in that, and  
13 we now have another individual who  
14 maintains that he had something to do with  
15 it. And you can't shed any light on who's  
16 telling the truth and who's not?

17 A. No. And in all honesty, the DNA that we did  
18 identify isn't necessarily from this incident at  
19 all. It could have been from encounters earlier  
20 in the afternoon or whether there's a boyfriend  
21 or, you know, whatever the circumstances are,  
22 these things, these particular profiles could be  
23 from previous situations.

24 MR. DEVEREUX: And when you -- the one

1           in eight and one in fourteen numbers that  
2           you were asked that, those are just eight  
3           randomly selected, out of a population of  
4           eight selected randomly, one of them could  
5           -- when you say one in eight, one of them  
6           could yield a, the result in a match that  
7           you have?

8       A.   Yes.  And I'm getting that number from the  
9           actual database that we looked at.  The database  
10          that we looked at for the, this one is for the  
11          pair of pants.  There were 10,286 individuals.  
12          And when we say somebody is consistent with or  
13          can't be excluded, all we can do is, because the  
14          Y chromosome is inherited as a single entity, we  
15          look in the database to see whether it's been  
16          seen before or not.  So out of this database of  
17          10,286, it had been seen 1221 times.  And so if  
18          you just divide that and apply a statistical  
19          calculation called a 95 percent upper confidence  
20          limit, which is just saying that this is only  
21          based on this database size.  With 95 percent  
22          confidence applying this statistical calculation  
23          I can say that I would expect 95 percent of the  
24          time with any database to see this in

1           approximate -- or one in every eight people  
2           would not be excluded from this as well. So it  
3           is based on a statistical database and  
4           statistical calculations, but it -- you know, if  
5           you just picked eight arbitrarily, I would  
6           expect that at least one of them would also not  
7           be able to be excluded.

8                   MR. BECTON: You mentioned DNA  
9                   degradation. Did you review any of the  
10                  reports that were done when the tests were  
11                  originally done back in 1991?

12          A. I did not, no.

13                   MS. MONTGOMERY-BLINN: Any other  
14                  questions, Commissioners?

15                   (NO AUDIBLE RESPONSE.)

16                   MS. MONTGOMERY-BLINN: All right. I  
17                  would ask that Ms. Clement be released from  
18                  her subpoena.

19                   JUDGE SUMNER: Thank you very much,  
20                  ma'am, you're excused.

21                   (MS. CLEMENT IS DISMISSED FROM THE  
22                  WITNESS STAND.)

23                   MS. MONTGOMERY-BLINN: Thank you.

24                  Commissioners, do you need a break before I

1 continue on? We are done with DNA.

2 JUDGE SUMNER: Let's get through one more  
3 witness.

4 MS. MONTGOMERY-BLINN: All right. Well, I  
5 don't have any more. The next witness is going  
6 to be, for the rest of the afternoon is going to  
7 be Ms. Stellato talking about the investigations  
8 that she did. Well, I told you that the DNA was  
9 going to be exhaustive, but it was important for  
10 you all to understand what we tried so that you  
11 know what's left or not left out there.

12 All right. We did a lot of, what I call  
13 good old fashioned investigation in this case,  
14 just getting out and talking to people, talking  
15 to witnesses, looking at other theories, looking  
16 at what the Defense attorneys had developed,  
17 looking at what the State had developed. And  
18 we're going to go through most of the rest of  
19 that this afternoon. One of the things that we  
20 did, we did a lot of witness interviews. We  
21 subpoenaed Ernest Andrews and Eva Kelly to  
22 testify here for you because they had testified  
23 at trial. We have not subpoenaed any other  
24 civilian witnesses to come and testify. We have

1           some more experts coming tomorrow, not DNA  
2           experts, other experts coming. And we're going  
3           to summarize interviews of the other witnesses  
4           for you. If there's anybody that you hear that  
5           you want to have subpoenaed, please just let me  
6           know and we can reconvene and subpoena them for  
7           you.

8           The interviews were conducted by our staff  
9           investigator, Sharon Stellato, usually  
10          accompanied by our case manager, Grace Wallace.  
11          I will be calling Ms. Stellato in a minute to  
12          testify about those interviews. Ms. Wallace is  
13          available as well if you have any questions for  
14          her.

15          One of the first things that we focused on  
16          or part of what our investigation was focusing  
17          on was a number of sort of alternate theories or  
18          alternate suspects that had been developed by  
19          the Defense at the time of trial, although they  
20          did not present evidence at trial or the Defense  
21          during the Motions for Appropriate Relief or  
22          other agencies that looked at the cases, the  
23          case, or us as we were going through the case  
24          and saying, well, here's, you know, could it be

1 other people or here's some other ways  
2 potentially that could be there. And we tried  
3 to investigate those out and through their  
4 completion.

5 The first one is called John Williams or  
6 I'll refer it to as John Williams. When we  
7 received this case he was somebody that had  
8 been, I guess maybe a person of interest for the  
9 Defense or the groups that were working on it.  
10 So he was considered an alternate suspect. He  
11 is a serial killer that killed three people, was  
12 convicted of killing three people in Raleigh,  
13 and is suspected of killing nine people in  
14 Raleigh in 1996. The types of crimes and  
15 locations were extremely similar. One of the  
16 victims was actually found in the road coming  
17 out of the cul-de-sac. So it's very similar.  
18 The killings almost always though did involve  
19 either attempted or an actual sexual assault.  
20 So in this case the theory, the State theory was  
21 that she was not actually sexually assaulted,  
22 but his did involve sexual assaults. They were  
23 usually, the victims were usually women that he  
24 was able to get as prostitutes or women who were

1 looking to trade sex for drugs.

2 what we were able to obtain and ultimately  
3 learn was that he was in Georgia around the time  
4 of this murder. He was released from prison on  
5 March 4, 1991. Again, this murder was September  
6 of 1991. We've been unable to tell for sure  
7 from the Parole Board in Georgia whether or not  
8 he was on parole or if he was straight released  
9 and not required to check in on parole. He was  
10 arrested right before or three months before  
11 this murder on June 8, 1991 in Georgia, and he  
12 was arrested again on October 23, 1991 in  
13 Georgia. So it's possible, you know, that he  
14 could have been here in September and gotten  
15 back down to Georgia. His first arrest and the  
16 first evidence of him being in North Carolina is  
17 October of 1996, so we're off about five years  
18 later that we are aware of him being up here.  
19 His DNA is in CODIS, that state DNA databank  
20 that you heard about, and it did not match the  
21 sperm -- the sperm fraction was run through  
22 CODIS with no hits.

23 so that's as much as we've been able to  
24 tell about him. Here is his record for you if

1 you would like to take a look at it. As I said,  
2 he has been convicted of three different  
3 murders, and most of those were accompanied by a  
4 sex offense.

5 The next alternate theory is that the  
6 victim could have been out confronting people  
7 who dealt drugs to her that she might have  
8 gotten drugs that were bad or drugs that caused  
9 her to have bad side effects, and that she was  
10 out looking to talk to those people. And at  
11 this time I'm going to call Commission  
12 Investigator Sharon Stellato to testify about  
13 this theory and the work that she did on this  
14 theory.

15 (MS. SHARON STELLATO TAKES THE WITNESS  
16 STAND.)

17 MS. MONTGOMERY-BLINN: Your Honor, is  
18 Ms. Stellato still under oath?

19 JUDGE SUMNER: Yes; yes.

20 MS. MONTGOMERY-BLINN: Okay.

21  
22 Examination by Ms. Montgomery-Blinn:

23 Q. All right. Ms. Stellato, can you tell us a  
24 little bit about where this theory came from?

1 A. When we got the Defense files, in the Defense  
2 files were the private investigator files from  
3 1991. There was a private investigator who  
4 found an informant at a hotel and was provided  
5 information that the victim had OD'd on, the  
6 quote was, some bad stuff that was given to her  
7 by two black male drug dealers. The informant  
8 also said that the victim was alleged to have  
9 had tubes placed in her neck because she had  
10 overdosed. And the person --

11 Q. Was this supposed to be prior, just a couple  
12 days prior to the murder, do you know?

13 A. Yes; yes.

14 Q. Okay.

15 A. And then when she was released from -- the story  
16 went when she was released from the hospital,  
17 she was going to confront those drug dealers and  
18 that she was killed by two black males that had  
19 given her the bad drugs.

20 Q. Okay. And what did you do to investigate this  
21 theory?

22 A. The private investigator who worked on the case  
23 in 1991 had found a woman at a hotel who knew  
24 the person that came up with the story, and that

1 person's name was Sharon Ricks. She is in  
2 federal prison in Florida for possession.

3 Q. Did the 1991 investigator speak to Ms. Ricks or  
4 did you mean you found out --

5 A. The 1991 investigator spoke with an informant  
6 who knew Ms. Ricks.

7 Q. Who said it was Sharon Ricks that said this?

8 A. Yes.

9 Q. Okay. And you found Sharon Ricks or actually  
10 somebody from the Commission staff found Sharon  
11 Ricks?

12 A. Uh-huh (yes).

13 Q. And who found Sharon Ricks?

14 A. Michael Epperly.

15 Q. Okay. And where was she?

16 A. She was in federal prison in Florida.

17 Q. Okay. That's where she was -- is right now?

18 A. That's where she is now, yeah.

19 Q. Okay. And were you able to speak with  
20 Ms. Ricks?

21 A. Uh-huh (yes). We set up a telephone conference  
22 where we mailed her pictures. What we did is we  
23 mailed her pictures of really everyone involved  
24 in the case, from, you know, witnesses to

1 alternative suspects to Greg Taylor, Johnny  
2 Beck, just anyone we knew or talked to about the  
3 case that we could find photographs of,  
4 especially on the Department of Corrections' web  
5 site, we sent to her and we asked her to review  
6 the photographs before I talked to her on the  
7 phone.

8 I did talk to her. She has confirmed  
9 knowing everyone involved in the case with the  
10 exception of Gregory Taylor, and she is not sure  
11 if she's ever seen Johnny Beck. She did know  
12 the victim. She doesn't remember -- at that  
13 time period she said a lot of people were  
14 murdered in that area, a lot of women were  
15 murdered in that area in 1991. She says she's  
16 never given a theory about two men and bad drugs  
17 and that she doesn't know anything about that  
18 murder.

19 Q. So she denied everything that the 1991 Defense  
20 private investigator had found?

21 A. Yes.

22 Q. Okay. And did she indicate, was she honest with  
23 you about her criminal record and her past drug  
24 dealing?

1 A. She was. And for most of the witnesses, when I  
2 would ask her how she knew them, she could tell  
3 you which ones had purchased drugs from her when  
4 she was in the Raleigh area. She was, I feel  
5 like she was pretty honest about what she had  
6 done when she lived here.

7 Q. You mean when you compared that to her record  
8 she was giving you correct answers about that or  
9 what she was telling you was matching her  
10 criminal record?

11 A. Uh-huh (yes).

12 Q. And is there any more to that theory from your  
13 investigation?

14 A. The only -- because we had such limited  
15 information, in the beginning we only knew that  
16 it was a woman named Sharon and we only knew  
17 that it was two black males, I don't think,  
18 unless someone came forward with more  
19 information, that we could go any further with  
20 it.

21 MS. MONTGOMERY-BLINN: Commissioners,  
22 do you have any questions about this  
23 particular piece of the investigation?

24 JUDGE SUMNER: Any check made of area

1           hospitals to corroborate the fact that she  
2           might have been in the hospital a couple  
3           days before?

4       A.   Actually, yes. We got -- and this was a little  
5           bit before I came, but we got all, all the  
6           medical records. She had been in the hospital  
7           not for a drug overdose, but she had been in the  
8           hospital -- and probably Mr. Epperly will have  
9           to talk about that -- but not, with nothing to  
10          do with that and it wasn't immediately prior to  
11          her death. It was -- she actually had an STD  
12          that she had gone to the doctor about about a  
13          month prior to her murder.

14                   MS. MONTGOMERY-BLINN: And if you'd  
15                   like me to call Mr. Epperly to answer more  
16                   of those questions.

17       Q.   All right. Tell us about the Virginia car  
18           theory and where that came from and what it is.

19       A.   The Virginia car theory was another, another  
20           part done by the private investigator. And this  
21           was actually the private investigator who worked  
22           for the trial attorney in 1991. He spoke to  
23           someone who was familiar with the drug area and  
24           familiar with a bunch of people in that area.

1 And that man said that he would, he would go  
2 down and find out all the information he could  
3 find. So basically there was an informant who  
4 went down there and started talking to people in  
5 the area to try to find out if anyone had seen  
6 the victim or if anyone had seen Gregory Taylor  
7 and Johnny Beck particularly near the victim.

8 The first informant asked all around and  
9 came back and said that someone that he knew had  
10 said the victim got into a dark colored car with  
11 at least two people around 1:00 or 1:30 a.m.  
12 There was another informant who said that the  
13 person who was on the passenger seat side of the  
14 car was a guy named George Murray. We looked  
15 for George Murray, but because of it being a  
16 common name we just can't, we don't have any way  
17 to narrow it down and we're not really sure who  
18 that would be.

19 They then went back and paid that person to  
20 provide the license plate number of the vehicle  
21 that she was supposedly seen in that night.  
22 When they came back they came back with four  
23 possible numbers, four possible tag numbers, and  
24 they're all the same numbers just in different

1 orders. The first three numbers were not in the  
2 file, and then the last registration plate  
3 belonged to a 1984 Chevrolet, it belonged to a  
4 white female who had lived in Raleigh and had  
5 moved to Virginia with the vehicle. The  
6 informant and, I should say informant one and  
7 informant two are now deceased so there's no way  
8 to obtain more information from them.

9 Q. And the other two we don't have enough  
10 information to locate?

11 A. Uh-huh (yes).

12 Q. And is that the extent of the investigation for  
13 the Virginia car theory?

14 A. Yes.

15 MS. MONTGOMERY-BLINN: Commissioners,  
16 are there any questions about that?

17 (NO AUDIBLE RESPONSE.)

18 Q. Okay. Let's talk about Andrew Manuel.

19 A. Andrew Manuel was a man that was interviewed by  
20 police in 1991. He had been seen with the  
21 victim that night approximately 9:30 or 10:00.  
22 Many different witnesses had stated that he was  
23 with the victim that night. And he was  
24 interviewed by police. He told police that he

1 did pick up the victim, they rode around  
2 together. Eventually he dropped her back home  
3 about 11:00 p.m. And then the reason that he  
4 dropped her home is because he had to go to work  
5 that night. He worked the late shift at a  
6 trucking company. So when we found the Andrew  
7 Manuel interview the first thing we did was  
8 contact Observer Transportation, which is where  
9 he was working, to see if we could get time  
10 records. When he was interviewed in 1991 he  
11 provided the police with his manager's name and  
12 a contact name for the police to call and prove  
13 that he was working, but there were no notes in  
14 the file as to if they did call and just, you  
15 know, confirmed he was working or if the call  
16 was never made.

17 So we called Observer Transportation, which  
18 has been bought out now and is in Charlotte, and  
19 we got them to provide his work records. But at  
20 that time he was a temporary employee and, as  
21 such, he didn't have, they didn't keep time  
22 records on him, they merely kept the date that  
23 he was hired and how long he worked there. We  
24 do know that he was hired a week before the

1 murder so he could have very well been working  
2 that night.

3 Q. We just don't know one way or the other?

4 A. Right, we just don't know one way or the other.

5 Q. Okay.

6 A. The only issue -- the reason that we wanted to  
7 go and talk to him is that in his interview he  
8 had stated that he had seen the victim that  
9 night and dropped her off at 11 o'clock, and  
10 then he later said that one of his coworkers  
11 came back to work in the morning and told him  
12 that there was a girl who'd been murdered in the  
13 cul-de-sac. We wanted to talk to him just  
14 because it seems a little odd that he was with  
15 the person who ended up murdered in the cul-de-  
16 sac and he found out about it right away. So we  
17 did go and interview her. Actually, Mike  
18 Epperly went with me on this interview.

19 Q. And what did he tell you during that interview?

20 A. He was extremely nervous to talk to us. He was  
21 really frightened and scared. We told him why  
22 we --

23 Q. What made you draw the conclusions that he was  
24 frightened and scared, what behaviors?

1 A. He was very shaky, he was stuttering a lot,  
2 just, you know, nervous movement. He just kept  
3 saying, you know, he didn't do it and things of  
4 that nature, and just on the first interview it  
5 was a little bit off for him to be so concerned  
6 because we had told him we just wanted to talk  
7 to him.

8 Q. Okay.

9 A. So when we did talk to him his story was  
10 different. He did say that he was, that -- he  
11 said in the first interview he'd known the  
12 victim about two years, that he'd picked her up  
13 several times, that that was something that he  
14 did frequently. When we interviewed him again  
15 he actually said he didn't know the victim, he'd  
16 only seen her once or twice. He said that he  
17 gave her a ride home that night but he was only  
18 with her for about 15 or 20 minutes and that he  
19 didn't take her all the way home, he'd dropped  
20 her off at a street corner, and that he actually  
21 didn't know where her home was because he'd  
22 never been there. Her roommate, I interviewed  
23 her roommate and her roommate said that he had,  
24 he had been to her home before.

1           So as we were talking it seems more and  
2           more apparent he has no criminal record, he was  
3           known for picking up drug users, sometimes  
4           prostitutes in the area, but none of the  
5           prostitutes or the drug users that we've talked  
6           to state that he did anything other than treat  
7           them well, sometimes buy them cigarettes,  
8           sometimes buy them a gift, never had sex with  
9           them, just spent time with them.

10        Q.   Did you obtain a DNA sample from him?

11        A.   We did. We asked him for a DNA sample and he  
12           was happy to give us one. He said, I believe  
13           that whatever it took so that people would know  
14           that he wasn't involved. He gave us a DNA  
15           sample that day without --

16        Q.   You didn't need a court order?

17        A.   No.

18        Q.   He willing provided it?

19        A.   Yes, he did.

20        Q.   Okay.

21        A.   And as you know, the DNA didn't come back  
22           matching him. But more importantly, he also  
23           made several, well, three phone calls to me the  
24           next week changing his story a little bit and

1           admitting that he did know some of the  
2           prostitutes in the area. I feel like some of it  
3           was he was trying to cover up what he had been  
4           doing. But he called, you know, to tell the  
5           truth.

6           Q.   Okay. Well, let's leave your impressions out of  
7           it.

8           A.   Okay.

9           Q.   So he never admitted to you any involvement in  
10          the murder?

11          A.   No.

12          Q.   And nobody that you interviewed ever linked him  
13          to violence or anything that had to do with the  
14          murder?

15          A.   No. They linked him to the victim, but not  
16          to --

17          Q.   In a friendship-type capacity with the victim?

18          A.   Yes.

19          Q.   Okay. And you were never able to conclusively,  
20          I guess, resolve whether or not he's an  
21          alternate suspect?

22          A.   No.

23          Q.   Okay. And did you feel like you've done about  
24          all that you can on investigating him?

1 A. Yes.

2 Q. Okay. James Gist is the next person that we're  
3 going to discuss.

4 MR. DEVEREUX: Can we ask questions  
5 as -

6 MS. MONTGOMERY-BLINN: I'm sorry, yes.  
7 Commissioners, do you have any questions  
8 about Andrew Manuel?

9 MR. DEVEREUX: Did he say, Sharon,  
10 where he gave her a ride home from?

11 A. Uh-huh (yes). The street corner. In his -- in  
12 the police interview? Are you asking --

13 MR. DEVEREUX: Well, that first, I  
14 guess, yes. From the street corner to the  
15 boarding house where she lived?

16 A. She did not live at the boarding house, she  
17 lived with a roommate. Eva Kelly lived at the  
18 boarding house.

19 MR. DEVEREUX: Okay.

20 A. He says that -- (Witness examines document) --  
21 he picked her up on the corner of E street and  
22 gave her a ride home.

23 MR. DEVEREUX: E street. And did he  
24 put a time on that in his testimony? I

1 know he got her home about 11 o'clock, you  
2 said.

3 A. 8:30 is when he picked her up. Excuse me, 8:30  
4 to approximately 9 o'clock.

5 MR. DEVEREUX: And dropped her off at  
6 11:00?

7 A. He states in the first interview, I imagine it  
8 was 11 o'clock. And they continued asking why,  
9 and he says that he had to be to work at  
10 12 o'clock that night so he would have had to  
11 have dropped her off around 11:00.

12 MR. DEVEREUX: And what did he tell  
13 you about those same time --

14 A. He told me that on the night of the -- he knew  
15 his shift and that on the night of the murder he  
16 had to be to work at 10:00, 10:00 p.m. He said  
17 that he knew he had picked her up and taken her  
18 and dropped her off on a corner, but not at her  
19 home.

20 MR. DEVEREUX: And so his times were  
21 pretty much significantly different than  
22 what he had said before?

23 A. Significantly different.

24 MR. DEVEREUX: If he did drop her off

1 at 11:00, how does that tie in with Eva  
2 Kelly's time?

3 A. If he dropped her -- the reason that we spoke to  
4 him is all of the people who were interviewed  
5 originally were talking about a man in a dark  
6 car, and many of them could identify him as Andy  
7 Manuel. So we, in the beginning we were trying  
8 to get a time frame on how things happened. If  
9 he dropped her off at 11:00 p.m. and you go with  
10 Eva Kelly's first, second, or trial testimony,  
11 it's still, that would be the right time frame.

12 MR. DEVEREUX: Okay.

13 A. I mean, she would have been free after  
14 11:00 p.m.

15 MS. GREENLEE: Do you know what type  
16 of vehicle he drove?

17 A. Uh-huh (yes). He drove -- (Witness examines  
18 document) -- Grace, could you pull his file for  
19 me? A 1991 Malibu Classic.

20 Q. Was it black in color?

21 A. Yes.

22 MS. PICKENS: Sharon, how far would it  
23 have been from -- he says he dropped her at  
24 her home. How far was it from her home to

1 the boarding house where Ms. Kelly saw her?

2 A. It's less than a mile. I can --

3 MS. PICKENS: So it's basically in the  
4 same neighborhood?

5 A. Uh-huh (yes). In the same vicinity.

6 MS. PICKENS: Was she -- my brain is  
7 -- was she seen between the time he dropped  
8 her off -- what was the next time she was  
9 seen? Do we have a time line?

10 A. She was seen. She was seen by her roommate who  
11 that interview is actually coming up. She was  
12 seen by her roommate and she was home and then  
13 left at 1:00 a.m. that morning. Her roommate's  
14 story puts her at home right at 11 o'clock.

15 Q. So the roommate confirms what he said, that she  
16 came home and then went back out later on on her  
17 own. And I know we're going to get there.

18 MS. PICKENS: But the roommate -- did  
19 the roommate see him letting her --

20 A. The roommate did not see him that night, she did  
21 not. She --

22 MS. PICKENS: And you're going to go  
23 over that testimony?

24 A. Uh-huh (yes).

1 MS. MONTGOMERY-BLINN: Uh-huh (yes).

2 MR. BECTON: And where we stand now,  
3 Kelly said she saw her around 11:00 p.m.  
4 the first police statement, 11:00 or 12:00  
5 the second police statement?

6 A. Uh-huh (yes).

7 MR. BECTON: Does the roommate have  
8 her home between 11:00 and 1:00?

9 A. The roommate has her walking toward her on a  
10 sidewalk at 11:00, and then they use drugs, and  
11 she was home until 1:00 a.m.

12 Q. All right, James Gist.

13 A. James Gist was a boyfriend, probably the most  
14 significant boyfriend at the time that we've  
15 been able to find of the victim. He was  
16 interviewed also by a private investigator in  
17 1997. Based on that interview we've -- well,  
18 first of all, the interview had put them being  
19 together for approximately six months. He had  
20 heard rumors that the victim was a prostitute  
21 and that the victim used drugs, but he had never  
22 known her to do that. He also never knew her to  
23 be in the E Street location. In the 1997  
24 private investigator interview he states that he

1 was supposed to meet her tonight, that night,  
2 the night of the murder, and that she paged him  
3 between 9:00 and 10:00 p.m. and that he didn't  
4 return her phone call. And the next morning he  
5 went to the victim's home and her roommate's  
6 mother told him that she'd been, that the victim  
7 had been murdered.

8 So based on that interview we contacted him  
9 and he was -- we actually got a court order for  
10 his DNA. And he was in the Wake County Jail and  
11 we interviewed him. He does remember the victim  
12 very well. He at that time had a long-term  
13 live-in girlfriend named Michelle Alston. That  
14 was in 1991, and he and Michelle Alston are  
15 still together today. Michelle did know that he  
16 was having an affair with the victim. He states  
17 that while they didn't like each other, it  
18 wasn't, they weren't fighting each other, they  
19 just both knew about each other. He lived with  
20 Michelle Alston while he was dating the victim.

21 He can't remember the last time that he saw  
22 the victim. He thinks it was maybe a day, a day  
23 or so earlier. And he later says in his second  
24 interview that we do with him that it could have

1 even been the same day. He still kind of  
2 maintains that he never knew if she was  
3 prostituting or if she was using drugs, but he  
4 had heard rumors about that. He states if he  
5 knew for sure, he would not have been dating  
6 her.

7 He says he was a D.J. at the time in an  
8 area called The Block, which was right, also  
9 right at this area where several clubs were, and  
10 that he would go over to the victim's home when  
11 he got off of work and spend time with her. The  
12 only significant thing that he let us know --  
13 two significant things: one, that there was an  
14 occasion where he was with the victim and his  
15 girlfriend, Michelle Alston, found them and  
16 followed them in a vehicle. But he said that  
17 that incident was funny and that he was, you  
18 know, pulling around and turning around just  
19 trying to joke with Michelle Alston. The other  
20 thing he says is that -- I asked him about any  
21 STDs or the victim being menstruating at the  
22 time that he last saw her, and he said if she  
23 was, he would not have had sex with her because  
24 he's never had sex with a woman who was

1           menstruating. And I think it's in the medical  
2           report, some of you may know that she, blood was  
3           found in her underwear and we don't know that  
4           that means she was definitely menstruating. But  
5           that's what he said about that.

6           Q. And you later talked to Michelle Alston and  
7           we're going to get to that in a minute, right?

8           A. I did.

9           Q. And how did you obtain Mr. Gist's DNA?

10          A. By court order.

11          Q. And was he in custody at the time?

12          A. He was.

13          Q. Okay.

14                        MS. MONTGOMERY-BLINN: Commissioners,  
15                        questions about -- well, actually, let me  
16                        pull up Mr. Gist's record for you.

17                        MS. PICKENS: And he did not know  
18                        Taylor or Beck or any of the other people  
19                        involved, or did you --

20          A. He does not know Gregory Taylor or Johnny Beck.  
21           He does know Craig Taylor.

22          Q. What did he say about Craig Taylor?

23          A. Craig Taylor had a relationship with Michelle  
24           Alston's sister, whose name is Tanika Stewart.

1 He didn't know Craig Taylor by name, he only  
2 knew him by a photograph. When we showed him he  
3 said, you know, that's my sister-in-law's  
4 ex-boyfriend. And we also talked to her just to  
5 kind of get some more information about Craig  
6 Taylor.

7 MR. DEVEREUX: We're going to hear  
8 about that, I assume?

9 A. Uh-huh (yes).

10 Q. Yes. And is that Mr. Gist's record?

11 MR. BECTON: Before we leave, did  
12 Craig Taylor have a relationship with  
13 Michelle Alston while James Gist was living  
14 with her?

15 A. No. He had a relationship with her sister. No.  
16 Is it -- I'm sorry, can you repeat --

17 MR. BECTON: I thought I saw something  
18 in a file that Craig Taylor had a  
19 relationship with Michelle Alston.

20 A. Craig Taylor maintains that, yes, that he had  
21 sex with Michelle Alston and with Tanika  
22 Stewart. Michelle Alston denies that.

23 MS. MONTGOMERY-BLINN: More Commission  
24 questions about Mr. Gist?

1 (NO AUDIBLE RESPONSE.)

2 Q. All right.

3 MS. PICKENS: Just a minute. The  
4 assaults, I saw some assaults, they were --  
5 the victim male or female?

6 A. Female, the victim is Michelle Alston.

7 MS. PICKENS: Serious injury both  
8 times, three times.

9 MR. BECTON: '86 and '87?

10 MS. PICKENS: Yeah, and one unknown up  
11 above.

12 MS. MONTGOMERY-BLINN: An '86  
13 conviction we couldn't find the data with  
14 that.

15 MS. PICKENS: Then the most recent,  
16 communicating threats, was that also  
17 domestic related?

18 A. It was. The communicating threats is actually  
19 from 2001, and somehow I guess he had just got  
20 served with it when we found him, so I'm not  
21 sure.

22 Q. No, the date of offense is 2005. He was having  
23 a probation violation, wasn't he?

24 A. He said it was communicating threats.

1 Q. Oh, okay.

2 A. I mean, I'm not sure if he just had that  
3 information wrong or --

4 MS. MONTGOMERY-BLINN: We're going to  
5 talk a lot more about Craig Taylor after we  
6 get through the rest of the witness  
7 interviews, but as Commissioners already  
8 know, he was interviewed by the police in  
9 1991, he was a drug dealer in the area. He  
10 told the police that he saw the victim with  
11 a white man at 12:30 p.m. who he identified  
12 from a photograph as Gregory Taylor. And  
13 we've conducted much more lengthy  
14 interviews with him so we're going to do  
15 him after the rest of the other witness  
16 interviews. And you already have  
17 transcripts of the Commission interviews of  
18 him and his police interview.

19 Q. Michelle Alston. And we're just going to go  
20 through the witness interviews in alphabetical  
21 order. We did interview, the Commission  
22 interviewed over 23 witnesses, so we're going to  
23 -- you've already heard a bunch of them, and  
24 we're going to go through the rest. There's a

1 couple of people that just didn't have anything  
2 to say and didn't end up being connected that  
3 we'll talk about if you want us to.

4 JUDGE SUMNER: Excuse me, let's take a  
5 break here, about 15 minutes or so.

6 (THEREUPON, A SHORT RECESS WAS TAKEN.)

7 JUDGE SUMNER: All right, ladies and  
8 gentlemen, we're going to resume this  
9 hearing.

10 Q. All right. Ms. Stellato, you are still under  
11 oath. And it looks like we were getting ready  
12 to start going through the other witness  
13 interviews in alphabetical order starting with  
14 Michelle Alston. Please tell us about her.

15 A. We interviewed Michelle Alston based on what  
16 James, our interview with, our first interview  
17 with James Gist. She told us that she had  
18 actually grown up with the victim. Her family  
19 and the victim's family were old friends. She  
20 states that she did know that James Gist and the  
21 victim were seeing each other. She was  
22 actually, Michelle Alston was actually pregnant  
23 at that time. She states that he's never hit  
24 her, that she calls police because she gets

1           angry with him, that she hits him and that  
2           things escalate and get out of control. And she  
3           -- when I asked her about the time that she  
4           followed the victim and Gist she did remember  
5           it. She said that Gist was laughing about it,  
6           you know, kind of weaving in and out of roads.  
7           And it was the neighbors that told her that the  
8           victim had been murdered, not James Gist. But  
9           she confronted him and asked him about it and he  
10          admitted it and went to the funeral.

11         Q. Admitted what?

12         A. Admitted that she had been murdered.

13         Q. Okay. Not that he was involved?

14         A. No, no, no, no. He didn't talk about --  
15           according to Michelle, he never -- Michelle  
16           Alston -- he never would bring up the victim's  
17           name because it would make her angry, and so he  
18           would hide things from her and she would have to  
19           ask him direct questions. So she asked him  
20           directly, did you go to the funeral or did you  
21           know that Jacquetta Thomas was murdered, and he  
22           said yes, and did you go to the funeral, and  
23           yes. And she was upset and said, it hurt me  
24           because I knew that he cared and was still in

1 with her.

2 That's really all the information that  
3 Michelle Alston was able to provide in that  
4 phone call or in that interview. We did end up  
5 calling her back later after the second  
6 interview with James Gist. We called her to ask  
7 her if it was true that her sister dated Craig  
8 Taylor at one time. She said that it was true,  
9 that he was a drug dealer, that -- and then she  
10 provided Tanika Stewart's phone number for us to  
11 contact her directly.

12 Q. And did she ever deny romantic involvement with  
13 Craig Taylor?

14 A. Yes.

15 Q. And did he say that he did have involvement with  
16 her?

17 A. Yes.

18 Q. Okay.

19 MS. MONTGOMERY-BLINN: Commissioners,  
20 questions about Michelle Alston?

21 MR. DEVEREUX: Michelle denied  
22 romantic involvement with him?

23 A. Yes.

24 MR. DEVEREUX: But not -- does

1 Tanika -

2 A. Tanika does not deny it.

3 MS. PICKENS: Did she have any -- did  
4 she say anything about her sister,  
5 Michelle, having any kind of relationship  
6 with Craig Taylor?

7 A. No. She said that they, at that time, long ago  
8 when that was going on, that they had all kind  
9 of hung around each other, but she didn't know  
10 any information about Michelle Alston and Craig  
11 Taylor.

12 Q. All right. Johnny Beck.

13 MS. MONTGOMERY-BLINN: Mr. Beck's  
14 record is in your briefs.

15 Q. Did you speak with Mr. Beck?

16 A. We did.

17 Q. Okay. And tell us just briefly who Mr. Beck is.

18 A. Mr. Beck was the co-Defendant in the Greg Taylor  
19 case.

20 Q. And was he ever prosecuted?

21 A. He was not.

22 Q. Okay.

23 MS. MONTGOMERY-BLINN: And

24 Commissioners, the information about that

1                   and the dismissal and the reasons why are  
2                   all in your brief.

3       Q.    Were you able to interview Mr. Beck?

4       A.    We were on May 28.

5       Q.    And tell us what Mr. Beck had to say.

6       A.    He said he remembered, you know, he remembered  
7            the case well.  He -- I asked him to tell me  
8            what had happened that night.  He said that it  
9            was unusual for white guys to hang out in that  
10           area because most of the people in that area  
11           will either think they're a cop or they will rob  
12           them or they will beat them up.  He said that he  
13           had been -- he had seen Taylor before, they had  
14           purchased drugs together before.  And when  
15           Taylor drove up, he got into his car and then  
16           they drove around.  He stated that he would go  
17           out and buy the drugs, that Greg Taylor would  
18           stay in the car because he knew the dealers and  
19           he knew the safe areas to go.

20                   I asked him if he'd ever heard anything  
21            over the years, especially because he was on the  
22            street for a lot of that time, regarding other  
23            theories of the crime or --

24       Q.    When you say on the street, what do you mean?

1 A. On the -- in the drug area.

2 Q. Uh-huh (yes).

3 A. He said that the only theory he had ever heard  
4 was the theory about bad drugs, and that that  
5 theory had come up by the private investigator  
6 when he was locked up at the same time as Greg  
7 Taylor. So he doesn't know who got that theory,  
8 but that was the time he heard about it.

9 He still maintains that they saw the body  
10 when they were walking out. First he says that  
11 he didn't want to go back in the woods because  
12 it was so dark. Greg Taylor was driving him  
13 back there. They saw the body when they were  
14 walking out. They didn't touch the body. He  
15 only had a vague memory of what happened after  
16 that. When I was interviewing him he stated  
17 that they walked out and then he didn't remember  
18 what happened. And I refreshed his memory and  
19 asked him if he remembered Barbara Ray picking  
20 them up and driving them around, and he said he  
21 did but he couldn't remember much about it, it  
22 had been so long. He maintains his innocence  
23 and Taylor's innocence and he said he'll testify  
24 if the Commission would like to hear from him.

1 Q. And have you tried to interview him again since  
2 then?

3 A. We have.

4 Q. And how has that gone?

5 A. We tried to interview him -- at the time, the  
6 first time that we interviewed him he was  
7 looking for a job and was out of work. He was  
8 asking us if we could help him get him a job,  
9 and we said we couldn't. When we called back he  
10 was not available one day, I believe, because he  
11 was working, another day because he had an  
12 interview. He did set up two appointments with  
13 Grace Wallace for us to go out there, and on  
14 both days that we went out there he was -- he  
15 set up a meeting at a Food Lion and on both days  
16 he wasn't there.

17 Q. Okay. And you've been talking about we on the  
18 interviews. Who is it that went with you on  
19 these interviews?

20 A. Grace Wallace.

21 Q. Grace Wallace. And did she go with you on  
22 almost all of these interviews?

23 A. All but Andrew Manuel and a phone interview.

24 Q. Okay.

1 MS. MONTGOMERY-BLINN: And again,  
2 Commissioners, if you need to speak with  
3 Ms. Wallace, she's back there and present  
4 and available if you need to ask her  
5 questions too.

6 Q. Okay. Any more information about Johnny Beck  
7 that you have for us?

8 A. No.

9 MS. MONTGOMERY-BLINN: Commissioners,  
10 questions?

11 MS. PICKENS: Sharon, Mr. Beck, does  
12 he still maintain that they did not pick up  
13 the victim?

14 A. He does. He maintains that they did not know  
15 her, they did not pick her up, he had never seen  
16 her, they didn't see her until they were walking  
17 out. At that, at the time that I interviewed  
18 him we were still doing DNA testing and we were  
19 heavily looking into the touch DNA. And I  
20 questioned him a lot about, you know, could you  
21 have touched her, did you walk up to her, things  
22 like that just explaining DNA to him to try to  
23 see if anything would change, and he said he  
24 still maintains his innocence and that they were

1 never near the body.

2 MS. PICKENS: What about the claim  
3 that he was in Ms. Kelly's, the house, the  
4 boarding house that she was in, does he  
5 deny that?

6 A. He, when he was interviewed in 1991 he did not  
7 deny that. He didn't know, he didn't know that  
8 it was Ms. Kelly's house. It was -- and  
9 actually, she lived there, but it was a guy  
10 named Jesse Walker's home. He knew that they  
11 had gone to a rooming house, he knew that there  
12 were several, he testified that there were  
13 several people there doing drugs. He didn't  
14 deny or confirm that Eva Kelly was one of the  
15 people that he had seen there. When I talked to  
16 him in this interview this year, he did not  
17 remember what they did after they left the cul-  
18 de-sac, and he asked, he said, you know, can I  
19 look at my testimony and refresh, and I said no.

20 MS. MONTGOMERY-BLINN: More questions?

21 MR. DEVEREUX: Sharon, Craig Taylor  
22 seems to say that his involvement or his  
23 reaction was to seeing her with these guys,  
24 and I can't remember in July what he says.

1 But isn't that the gist of it, is that even  
2 if you put Craig Taylor as the person who  
3 did it, he puts Jackie together with Beck  
4 and Greg Taylor?

5 A. He puts the --

6 MR. DEVEREUX: I know we're getting  
7 ahead here.

8 A. He puts the victim in the same location, which  
9 is a, at that time in 1991, was a drug street  
10 where it was common for people to pull up and  
11 purchase drugs. He puts the victim there at the  
12 same time that Johnny Beck and Gregory Taylor  
13 were there.

14 MR. DEVEREUX: But Craig doesn't claim  
15 to have seen the two of them, that is Beck  
16 and Greg, at the cul-de-sac?

17 A. No; no; no.

18 MR. DEVEREUX: Okay. And I'm sure you  
19 asked him about Craig Taylor. What does he  
20 remember about Craig?

21 A. Johnny Beck?

22 MR. DEVEREUX: Yes.

23 A. I asked him about Craig Taylor first to begin  
24 with. As I'm sure you guys have read the

1 interviews, actually Craig Taylor states in one  
2 of them that he and Johnny Beck had an incident  
3 at the jail. I showed him the photograph and  
4 asked if he recognized him. (Witness examines  
5 document.) He didn't know him by name. I gave  
6 him the photograph, he stated no, he looks  
7 familiar, but I can't remember him. I asked  
8 him, you don't remember him? He said, no, not  
9 just to see him. Then I asked him if he had  
10 ever, when he was in -- when he was arrested  
11 after the murder if he had ever been approached,  
12 jumped, beaten, or in a fight with anyone. He  
13 stated no. I kept asking him and kept asking  
14 him. He thought that was funny. He went on to  
15 say that he'd been to federal prison, to state  
16 prison twice, to county jail numerous times and  
17 that he's never gotten in a fight, no one has  
18 ever put their hands on him. And he said that  
19 he has never bought or sold drugs from that guy,  
20 but it's possible he's seen him.

21 Q. He says it's possible he'd seen --

22 A. Oh, yeah, he does say it's possible; yeah.  
23 Because I said, I said Craig Taylor knows you.  
24 And he said, a lot of people know me.

1                   MR. DEVEREUX: what does he say about  
2                   -- does he confirm, Beck, that is, does he  
3                   say that they talked to her, he and Greg  
4                   talked to --

5           A.    To the victim?

6                   MR. DEVEREUX: (No audible response.)

7           A.    Does Johnny Beck say that he and Greg Taylor  
8                   talked to the victim?

9                   MR. DEVEREUX: Does he say anything  
10                  about speaking with her that evening?

11          A.    No. He still maintains he's never seen her and  
12                  he didn't see her that evening.

13                  MR. DEVEREUX: Okay. So Craig Taylor  
14                  is wrong about that, whether it's -- he  
15                  says something different than what Beck  
16                  says about that?

17          A.    (No audible response.)

18                  MR. DEVEREUX: Craig Taylor says what  
19                  made me mad or what -- I saw Beck and Greg  
20                  with her on the street at some point that  
21                  evening. That's -- he -- that's not  
22                  confirmed by Beck?

23          A.    He does say that in the beginning, but as you  
24                  keep going he actually changes it a little bit

1 to he saw her following them out after Johnny  
2 Beck had purchased the drugs. And in talking to  
3 another witness and also to him, that was  
4 something that was common to do in that area.  
5 If a drug user saw someone who bought drugs,  
6 they would follow them out. Johnny Beck and  
7 Gregory Taylor do not remember the victim ever  
8 talking to them, following them, talking, no, so  
9 I would say that's correct.

10 MR. DEVEREUX: Okay. I'm just trying  
11 to mesh Craig's story with theirs. And it  
12 could have been she saw them buy drugs, she  
13 saw an opportunity, they weren't aware of  
14 that?

15 A. Right.

16 MR. DEVEREUX: Okay; all right.

17 MS. MONTGOMERY-BLINN: More questions?

18 (NO AUDIBLE RESPONSE.)

19 Q. All right. How about Shelia Crowder, did you  
20 interview a person named Shelia Crowder?

21 A. I did. I interviewed Shelia Crowder on June 9.

22 Q. And was she somebody that was originally  
23 interviewed by the police?

24 A. She was. She was interviewed by police on

1           10/1/1991.

2           Q.    And what was it that she told police roughly?

3           A.    Her interview, I believe, was the longest  
4           interview that they did, it was 30 pages.  And  
5           they spoke to her and then they actually took  
6           her out to the area to try to get her to show  
7           them where she had seen the victim as well as  
8           Johnny Beck and Gregory Taylor.  During the  
9           interview she says that she did not know the  
10          victim to do drugs or to ever prostitute, that  
11          she saw the truck, a white Pathfinder, in 1991  
12          and that a black guy was asking for drugs and  
13          that a white guy was driving.  They rode up to  
14          her and asked her where they could get an eight-  
15          ball.  She stated in the interview that the  
16          police officers ask her if they were asking her  
17          for sex as well, and she says no.

18                 After they get that information they get  
19          her to narrow down the time line.  And she says  
20          she saw them three times.  The first time was at  
21          426 E Street when they stopped and asked her for  
22          drugs.  The second time she was walking up the  
23          street and they were driving by.  The third time  
24          she was walking down the street and this is

1           where she said that she saw the victim get into  
2           their vehicle. She states that she was at the  
3           cab stand when she saw the victim get into the  
4           vehicle. And she puts the timing on this that  
5           she saw them the first time beginning at 12:30,  
6           and that the victim would have gotten into the  
7           vehicle between 1:00 and 1:30 a.m.

8           Q. Was she consistent or inconsistent with what Eva  
9           Kelly told the police?

10          A. Inconsistent.

11          Q. And what did she say the victim was wearing?  
12          What did she tell the police the victim was  
13          wearing?

14          A. A short black skirt, and then she can't identify  
15          -- she said she had on a short black skirt, but  
16          she's unable to identify the rest of it.

17          Q. Okay.

18          A. She just says that it was too dark, I can't  
19          remember.

20          Q. Okay. And you were able to interview her?

21          A. We were.

22          Q. Okay. Go ahead.

23          A. When we first met with her she had no memory of  
24          the murder, the victim, the incident whatsoever.

1           And she went on to tell us at this time that she  
2           has been clean since 1996, but that she had,  
3           that she's diagnosed as bipolar and that because  
4           of that, she has no memory prior to 1996. When  
5           I continued asking questions to her, she said  
6           that she doesn't think that I'm the one she's  
7           looking for, so we went over her date of birth  
8           and her mother's name and her workplace and  
9           things of that nature. And she finally does  
10          agree that it's her and she says it's coming  
11          back to her.

12                 So a lot of her interview I had to read  
13          her, obviously not all 30 pages, but a lot of it  
14          I had to read her to refresh her. Now she  
15          states that she is still confident and does  
16          maintain she saw the victim get into the car,  
17          the back seat on the passenger's side. She says  
18          that that night she saw the two men and that  
19          they asked her for both drugs and sex, that she  
20          always knew the victim was a prostitute, that  
21          she's never known Eva Kelly, and that Craig  
22          Taylor is a drug dealer. She states that she  
23          never knew the victim in any way but she saw the  
24          victim get into the car between 2:00 and

1 4:00 a.m.

2 Q. So she changes the time, that whether or not she  
3 knew that the victim was a prostitute, and  
4 whether or not Eva Kelly was there?

5 A. And whether or not they asked her for sex and  
6 the -- yes, and that's all.

7 Q. Okay. And her police interview was on  
8 October 1, 1991?

9 A. Uh-huh (yes).

10 Q. And this is after -- and I know we're going to  
11 get there in a minute, but Phyllis Edwards says  
12 that everybody has been talking about it on the  
13 street and knew the police were looking for  
14 information, is that right?

15 A. The police canvassed the area right after the  
16 murder and they did so many interviews and  
17 reported the majority of them. I believe that  
18 if, it looks like from the way that the  
19 interviews start, that they only started  
20 recording if that person had some information.  
21 When the -- after they interviewed Eva Kelly,  
22 Eva provided them with four names. And so they  
23 went out and interviewed those four witnesses on  
24 10/1/1991.

1 Q. So after they interview Eva Kelly the first  
2 time, a couple days later they're out  
3 interviewing those witnesses and one of those is  
4 Phyllis Edwards, right?

5 A. Yes.

6 Q. And she says, and I know we're going to get to  
7 her, but she's the one that says --

8 MS. MONTGOMERY-BLINN: And this is in  
9 your briefs, Commissioners.

10 Q. -- everybody has been talking about this truck,  
11 the police keep, have been talking about it, or  
12 something like that, is that --

13 A. She says that, and she also says that she and  
14 Eva did not ever hang around together, that Eva  
15 was worked during the day and Phyllis Edwards  
16 worked during the night and that they were never  
17 together.

18 Q. And we'll do her in a minute, I just was to  
19 trying to establish that. So the Shelia Crowder  
20 interview is a couple days after the murder,  
21 after the first Eva Kelly interview?

22 A. Yeah.

23 Q. Okay.

24 MS. MONTGOMERY-BLINN: Questions

1 Commissioners?

2 (NO AUDIBLE RESPONSE.)

3 Q. Okay. I think Phyllis Edwards actually is next.  
4 So talk to us about Phyllis Edwards.

5 MR. BECTON: (Inaudible.)

6 MS. MONTGOMERY-BLINN: I'm sorry?

7 MR. BECTON: Let me go back to  
8 something before I forget it. You  
9 mentioned earlier that her, that Jackie's  
10 roommate said she was there between 11:00  
11 and 1:00.

12 A. Uh-huh (yes).

13 MR. BECTON: And you just finished  
14 telling me that Shelia said that she had on  
15 a black dress.

16 A. She had on a black miniskirt.

17 MR. BECTON: Miniskirt?

18 A. Uh-huh (yes).

19 MR. BECTON: Does her roommate talk  
20 about Jackie changing clothes or what  
21 Jackie had on?

22 A. She, she does remember that Jackie went up and  
23 took a bath before she left, that was the last  
24 thing that happened. She does not remember if

1 she put on the same clothes that she had on or  
2 changed her clothes, she does not remember at  
3 all.

4 Q. Okay. Phyllis Edwards.

5 A. Phyllis Edwards we did not interview because we  
6 could not locate her. The only information that  
7 I can give about this, she was interviewed on  
8 10/2/1991, that the police contacted her and  
9 asked her about the vehicle, and she stated,  
10 everyone is talking about this vehicle but I  
11 didn't see it. The police kind of help her by  
12 showing her pictures of the victim. At first  
13 she doesn't recognize and they show her another  
14 one she still doesn't recognize. And then, as I  
15 said, she stated that she -- let's see, that she  
16 does not recall Eva being there and that she  
17 did, that she, Phyllis Edwards, did speak to  
18 someone, but she didn't pay any attention to who  
19 it was.

20 She stated that when they showed her  
21 further, showed her the pictures, she does  
22 believe that she recognized Johnny Beck. She  
23 stated that one day she was walking and that  
24 someone drove by in a smaller car and that they

1           were hollering at her. She thinks it might have  
2           been him the week before. And that's -- she --  
3           oh, I'm sorry. She did see the victim, she's  
4           not sure of the day. The victim had on a white  
5           sweater and biker black bikers; bikers. Biker  
6           shorts maybe.

7                        MS. MONTGOMERY-BLINN: And  
8           Commissioners, it's in your brief, this  
9           interview. And the reason that she's in  
10          your brief is she's one of the people that  
11          Eva Kelly said was there when Eva Kelly saw  
12          the victim. Okay. Any questions about  
13          Phyllis Edwards?

14                       JUDGE SUMNER: what are bikers, are  
15          they shorts or what?

16                       MS. PICKENS: They're a type of pants,  
17          almost Lycra like.

18                       MS. MONTGOMERY-BLINN: we assume that  
19          she means like bicycle shorts, but it's not  
20          defined.

21                       JUDGE SUMNER: I apologize for my  
22          ignorance, but female clothing is something  
23          I don't know very well.

24                       MS. MONTGOMERY-BLINN: 1991 female

1 clothing.

2 MS. GREENLEE: Men wear them too.

3 MS. MONTGOMERY-BLINN: That's what we  
4 assume.

5 MS. PICKENS: Yeah, they do.

6 MS. MONTGOMERY-BLINN: Oh, and this is  
7 Phyllis Edwards' record. And as you can  
8 see, at some point she was up in  
9 Pennsylvania and we have tried everything  
10 under the sun to locate her. Okay,  
11 everybody seen it?

12 (NO AUDIBLE RESPONSE.)

13 MS. MONTGOMERY-BLINN: All right.  
14 Let's talk briefly about Charles Henderson.  
15 I understand that this person is now  
16 deceased so they could not be interviewed,  
17 but the police did interview --

18 Q. will you tell quickly about that interview?

19 A. Yes. They interviewed him 9/26/1991. His name  
20 was Charles Henderson, he went by Charlene. He  
21 was actually a transvestite in the area who knew  
22 the victim. And he states that at 8:50 p.m. on  
23 the night of the murder he saw the victim  
24 getting out of a black car. She came up, talked

1 to him, they walked down the street together,  
2 and that at approximately 9:45 she left with  
3 Andrew Manuel. He does state that the first  
4 black car he sees is not the same car that  
5 Andrew Manuel drives. The victim had told him  
6 that she had turned a profit getting out of that  
7 car and that she had \$50. He did see a  
8 Pathfinder driving through. He states the  
9 reason he remembers it is that he and the victim  
10 were both on the corner and he thought that they  
11 were going to have to fight over which one would  
12 get the vehicle. He wanted the vehicle, but the  
13 vehicle kept going and didn't stop and talk to  
14 them. And he -- the only other -- he confirmed  
15 that the victim, in the police interview, did  
16 crack, and he died in 1997.

17 Q. What clothing do you say he saw the victim in,  
18 was that a burgundy and maroon walking suit and  
19 boots?

20 A. He does say burgundy-maroon-like outfit, but  
21 he's called back right after that interview and  
22 he states that he remembers a walking suit, it  
23 looked like it was brown and flowery like, and  
24 it was tucked in the boots she had on. They ask

1 him what kind of pants, and he says they were  
2 jean pants, they were jean-like pants and some  
3 boots that were black.

4 MS. MONTGOMERY-BLINN: Questions  
5 Commissioners?

6 MR. BECTON: The jeans were tucked in  
7 the boots or the flowery shirt tucked in  
8 the pants? I didn't understand.

9 A. The pants tucked into the boots.

10 Q. Cassandra Renee Lawrence. Tell us about  
11 Ms. Lawrence.

12 A. Ms. Lawrence was interviewed by a private  
13 investigator in 1991.

14 Q. 1996?

15 A. 1991.

16 Q. Okay.

17 A. 11/25/1991.

18 MS. MONTGOMERY-BLINN: That's a typo  
19 on the slides, Commissioners, I apologize.

20 A. She knew Johnny Beck and on that night she saw  
21 Greg, Greg Taylor and Johnny Beck at Stanton's,  
22 which is when a lot of people are talking about  
23 standing on the corner, they're actually  
24 standing out in front of a place called

1           Stanton's Restaurant, and it's off of Bloodworth  
2           Street. She's not sure of the exact day that  
3           she saw them but she knows it was between a  
4           Wednesday and a Sunday that weekend. She knew  
5           the victim very, very well, they're actually  
6           close friends. She stated that the victim was a  
7           drug user and that the victim would trade sex  
8           for drugs. She stated that on that night she  
9           and the victim were together and that the victim  
10          left at approximately 9:00 p.m. with Andy Manuel  
11          and told her that she was going home to change  
12          and would be back in 30 minutes later. She  
13          states that she never saw her again that night  
14          and she was unsure of her clothing and that she  
15          did not see Eva Kelly or Tex that night.

16        Q.    And were you able to interview her?

17        A.    We were. She is at Raleigh Correctional for  
18        Women.

19        Q.    And what is she in prison for?

20        A.    It is a murder case, I can't remember if it's  
21        second degree or first degree.

22        Q.    Okay.

23        A.    She's actually very consistent with many of the  
24        same facts. She states what she remembers is

1 the victim did leave with Andy Manuel around  
2 that time, that she never came back, that she  
3 would have come back, it was unlike her not to  
4 come back. She also states that if the victim  
5 had -- I've asked a lot of people about the  
6 theory of bad drugs, if they ever knew that the  
7 victim had received bad drugs during that time  
8 period, and she states that she would have known  
9 because they often purchased drugs together or  
10 they were close enough that the victim would  
11 have told her about it. She went on to say that  
12 Eva Kelly is not trustworthy, that Eva lies to  
13 save her face.

14 Q. Did she tell you anything else?

15 A. She -- I also spoke with her -- James Gist, when  
16 I interviewed him, had told me that he believed  
17 the victim was showing signs of trying to clean  
18 up and stop drug use. And she stated that,  
19 Renee Lawrence stated that she never saw any  
20 sign that that was true, that they had actually  
21 smoked drugs earlier that day.

22 Q. Okay.

23 MS. MONTGOMERY-BLINN: Commissioner  
24 questions?

1 MS. PICKENS: I've got a question and  
2 if I don't ask it now I'm going to forget  
3 it.

4 MS. MONTGOMERY-BLINN: Okay.

5 MS. PICKENS: Anybody that you have  
6 interviewed or any interviews that you have  
7 read, has anyone placed Beck and Taylor in  
8 this neighborhood previously buying drugs,  
9 hanging out, picking up ladies, anything?

10 A. No. The only person who places Greg Taylor,  
11 Gregory Taylor ever having been in that  
12 neighborhood is Johnny Beck, because there were  
13 at least two prior incidences somewhere between  
14 2:00 and 4:00 where Greg Taylor would come down  
15 there for drugs, find Johnny Beck, and the two  
16 would go out together. Other than that, they  
17 don't, the interviews don't recognize Gregory  
18 Taylor or his Pathfinder from a previous drug  
19 interaction.

20 MS. PICKENS: Was this neighborhood a  
21 place that John Beck normally purchased  
22 drugs? He was a frequent visitor to this  
23 neighborhood?

24 A. He lived there. He lived there and he was also

1 a dealer himself.

2 MS. PICKENS: So his house is actually  
3 located in the vicinity or he had lived  
4 there previously?

5 A. Uh-huh (yes).

6 MS. PICKENS: He lived there at the  
7 time?

8 A. He lived in Halifax Court, which was a close  
9 area to all kind of the E Street area that we're  
10 talking about. And he, yes, he lived there at  
11 the time.

12 Q. Was it Halifax Court or was it --

13 A. Kentwood, I'm sorry; Kentwood.

14 Q. Kentwood?

15 A. Kentwood, I'm sorry.

16 Q. Okay.

17 MS. MONTGOMERY-BLINN: Yes, sir.

18 MR. JENKINS: Did -- when you were  
19 interviewing Lawrence, did she -- she  
20 stated that she saw the victim leave with  
21 Andy Manuel?

22 A. Manuel.

23 MR. JENKINS: Manuel. Did she  
24 corroborate the earlier statement about a

1                   vehicle or the type of vehicle by other  
2                   witnesses?

3       A.     She stated, we were standing on the corner  
4            talking and Andy came up in a black cutlass.  
5            The two left. She asked Andy to take her with  
6            them and he said no. He said -- and then the  
7            victim said, I've got to go home but I'll be  
8            back in 30 minutes.

9                   Does that answer your question?

10                   MR. JENKINS: Yes, it does. Thank  
11                   you.

12                   MS. PICKENS: Was that a prearranged  
13                   meeting?

14       A.     No.

15                   MS. PICKENS: Or just a chance meeting  
16                   that Manuel just came up on them and Jackie  
17                   got in the car with him?

18       A.     It was a chance meeting, unplanned, but it had  
19            happened. As I said, Andy Manuel befriended a  
20            lot of women down there and, you know, would  
21            pick them up and drive around. And so it wasn't  
22            uncommon for her to be seen with him or for many  
23            other people to be seen with him.

24       Q.     Ruth Martin.

1       A.   Ruth Martin was also uncovered by a private  
2           investigator on 11/7/1995.  She was in prison  
3           for solicitation to commit murder at the Raleigh  
4           Women's Correctional Center.  How Eva Kelly --  
5           or, excuse me, how Ruth Martin came about is  
6           that Ruth Martin, while she was in prison in  
7           1993, she met Eva Kelly.  In 1994 she met a  
8           woman in the Bible study that, an outside Bible  
9           study that came into the prison and that woman  
10          turned out to be Gregory Taylor's mother.  When  
11          she first met Eva Kelly in August of 1993 she  
12          states that Eva Kelly told her lots of stories  
13          about prostitution and it began, and that she  
14          began bragging about how she had got a time cut  
15          to get out.  Kelly told her that her, that the  
16          time -- that she received a time cut for her  
17          testimony and she ended up with five years.  She  
18          went on to tell several of the people who were  
19          in the prison that they could do the same thing.  
20          And all that she remembers about that is that  
21          she always talked about a man named Greg and a  
22          man named Johnny.

23                 In 1994 when the Bible study class came in  
24          she was befriended by Gregory Taylor's mom and

1 she began writing to Gregory Taylor at that  
2 time. In this interview she states that she  
3 didn't know anything about the murder, she  
4 didn't know any of the facts of it. They were  
5 actually writing about God and that Taylor  
6 mentioned to her, if you ever meet a person  
7 named Eva Kelly, don't talk to her because she  
8 is the one that testified against me. Eva  
9 Kelly, after three months -- or Ruth Martin  
10 realized after three months that Eva Kelly was  
11 someone she had met. And then she contacted  
12 Gregory Taylor's mother and they used a private  
13 investigator to interview her.

14 Q. Were you able to interview her?

15 A. We were.

16 Q. And what did she say?

17 A. We interviewed her on July 13, 2009. When we  
18 spoke to her, when I spoke to her on the  
19 telephone she stated that she didn't remember  
20 any of the people that I asked her about, any of  
21 the names, Gregory Taylor, his mother's name,  
22 things of that nature. And I had to call her a  
23 couple of times to set up the interview, but we  
24 went out to Fayetteville to interview her. She

1 states that she -- I showed her a picture of Eva  
2 Kelly and she states that she did not remember  
3 Kelly. When I went on to kind of tell her what  
4 the private investigator's report said and  
5 showed her the private investigator's report,  
6 her quote is, I'm not disputing that I did not  
7 say this at all. I did hear her say that. She  
8 does not recall telling anyone, from Gregory  
9 Taylor's mother or the private investigator,  
10 that Kelly ever lied to her. However, she would  
11 not have lied in her statement to the private  
12 investigator and she thinks the reason that she  
13 doesn't recall this information is because she's  
14 tried very hard to forget that part of her life.

15 MR. BECTON: Did she sign the  
16 statement that was given to the private  
17 investigator?

18 A. I'm sorry, she did not sign it, it was  
19 transcribed, it was taped.

20 MR. BECTON: Have you heard the tape  
21 recording?

22 A. I have -- we have the tape recording, I've  
23 actually not heard it because I have a  
24 transcription.

1 MR. BECTON: Did the private  
2 investigator or the Defense lawyer  
3 transcribe it, or do you know who  
4 transcribed it?

5 A. The private investigator transcribes it.

6 MS. MONTGOMERY-BLINN: But we do have  
7 the recording available if the Commission  
8 wants to hear it.

9 A. We do.

10 MR. BECTON: But you didn't play it to  
11 Ruth Martin to see, is this your voice?

12 A. No, I didn't. As I was interviewing her she --

13 MR. BECTON: I'm not worried about  
14 why, I was just asking the question.

15 A. No, I didn't; I did not.

16 MS. PICKENS: And this private  
17 investigator was hired by the Taylor  
18 family?

19 A. He was.

20 Q. Tell us about Parley Pate a.k.a. Tex.

21 MS. MONTGOMERY-BLINN: And  
22 Commissioners, the police interview of  
23 Parley Pate is also included in your brief  
24 because, again, she's one of the people

1           that Eva Kelly testified about having been  
2           there during trial.

3       A.   Parley Pate is another witness that we've never  
4       been able to locate. The only thing that I can  
5       tell you about her is from her 10/2/1991  
6       interview. She stated that she did see Gregory  
7       Taylor and Johnny Beck in what she calls a  
8       Blazer -- but she's shown a picture of it, I  
9       believe she's just referring to it as a Blazer  
10      -- right around 12:00 a.m. That she and Shelia  
11      Crowder were talking. That she does not know  
12      the victim but she had seen her once or twice  
13      around the area but never at that particular  
14      home on E Street. When the truck drove away she  
15      says that she saw the door open and someone got  
16      into the truck on Cabarrus and E Street and she  
17      thinks it was a female.

18                   MS. MONTGOMERY-BLINN: And you have  
19                   those in your briefs, Commissioners. Any  
20                   questions about Ms. Pate?

21                   MR. BECTON: Refresh my recollection.  
22                   Does she talk about who was in the vehicle  
23                   that she saw? One person, two people,  
24                   race, driver, passenger if there was one?

1 A. She is shown pictures. It says, I'm showing you  
2 a picture of Johnny Beck and of Gregory Taylor,  
3 do you recall seeing them last Wednesday night  
4 or early Thursday morning? Yes. Where did you  
5 see them at? When I first seen them they come  
6 up E Street where we were sitting at and Eva was  
7 talking to them. They then show her a picture  
8 of the vehicle.

9 MR. BECTON: Okay. And is that the  
10 time that she saw someone get in the car or  
11 did she -- does that happen later?

12 A. (Witness examines document.)

13 MR. BECTON: I realize Eva said she  
14 did not get in the car --

15 A. It was at that time. It was -- she saw them at,  
16 right around 12 o'clock, the best she can  
17 remember. And after they talked to Eva they  
18 drove off toward East and Davie Street, and --  
19 when she saw them pick up -- they pulled up to  
20 Cabarrus and East and she saw someone get in,  
21 the door open and somebody got in the truck.

22 Q. Lournette Perry, this is the victim's roommate,  
23 will you please tell us about her?

24 A. Lournette Perry, the victim lived with Lournette

1 Perry. She had lived there for about three  
2 months, but she had lived with her prior and had  
3 come back. The two were very close. Lournette  
4 Perry saw the victim on that night. She walked  
5 up to her on the sidewalk and the two of them  
6 walked into the house together. At that time  
7 Lournette Perry also lived with her boyfriend  
8 named David Bordeaux. As I said, the two of  
9 them, they had a home inspection the next day  
10 for public housing, somebody was coming to look  
11 at the house and they had to have it cleaned, so  
12 they spent some time cleaning the house after  
13 11:00 p.m. The victim went upstairs and took a  
14 bath and she came down back stairs and said that  
15 she was leaving, that she was going uptown.  
16 Lournette Perry states that that was pretty  
17 common for the victim to do, that she would  
18 often leave the home between 1:00 and -- or  
19 around 1 o'clock in the morning and come home  
20 around 3 o'clock in the morning. When I asked  
21 what she did at that time, she said that was  
22 normally the time that she would go out and  
23 trick, when she would trade drugs for sex.  
24 Q. When Lournette Perry said that the victim was

1 going uptown, did she ever clarify to you what  
2 she meant by uptown?

3 A. No, that's just what -- I asked her and that is  
4 just what they referred to it as.

5 Q. So it doesn't mean across Raleigh, it means  
6 uptown within that neighborhood?

7 A. Yes.

8 Q. Okay.

9 A. Lurnette Perry stated that she was upset when  
10 she was talking to me. Actually, she was very  
11 hard to track down and I ended up giving my card  
12 to a bunch of people and she contacted me. But  
13 she wouldn't meet with me, both of the  
14 interviews were done over the phone. She stated  
15 that she had been shown pictures of the victim  
16 and that the victim had been murdered with a  
17 stop sign, that they had told her this for  
18 several years, and so she was very upset to talk  
19 to anyone about the case.

20 The week prior to this happening, the  
21 victim had gone out around 1 o'clock in the  
22 morning and she had not come home until the next  
23 day. And Lurnette Perry had gotten upset with  
24 her because she worried about the victim a lot.

1           The victim had heart problems, had asthma, she  
2           was concerned about her safety so she made the  
3           victim promise that she would never do that  
4           again. The victim promised that she would be  
5           home by 3:00 p.m. that or, excuse me, 3:00 a.m.  
6           that night or she would call her to at least let  
7           her know that she wasn't coming home. She never  
8           came home.

9           Laurnette Perry states that she fell asleep  
10          that night finally and that she woke up in the  
11          middle of the night having a dream that there  
12          was, that she was -- that she could see the  
13          victim being beaten with a baseball bat, that  
14          there was a train and two men between her and  
15          the victim and that she couldn't get to her to  
16          help her. When she woke up she was screaming  
17          and told her boyfriend she felt something was  
18          wrong. And then the next morning she saw the  
19          murder on the news, she stated she immediately  
20          knew it was the victim and that shortly  
21          thereafter the police came to the door.

22        Q. Did she talk to you about a vehicle that dropped  
23        the victim off regularly?

24        A. She did. She -- I talked to her about a lot of

1 different people that the victim knew or who she  
2 knew. She did know Andy Manuel. Andy Manuel  
3 would sometimes come in and stay downstairs for  
4 about 15 minutes waiting on the victim while the  
5 victim would go up and get ready. I asked her  
6 if she knew anyone who drove a black Mustang and  
7 she stated that when they were staying in  
8 Halifax Court, which is here, there was a black  
9 Mustang GTO. She never knew who drove it, the  
10 guy never came in the house.

11 Q. And that was someone who dropped the victim off?

12 A. Yes.

13 Q. The victim would get out of that black car?

14 A. Yes.

15 Q. And which -- who did you interview that told you  
16 they drove a black Mustang?

17 A. Craig Taylor.

18 Q. Anything else that Lournette Perry told you?

19 A. No.

20 MS. MONTGOMERY-BLINN: Commissioners?

21 (NO AUDIBLE RESPONSE.)

22 MS. MONTGOMERY-BLINN: No?

23 MR. DEVEREUX: She said that she or  
24 Lournette said that she'd heard that the

1 victim was struck with a sign?

2 A. Uh-huh (yes). She said that police had told her  
3 that the victim had been, that her throat had  
4 been cut with a street sign and that it was  
5 laying next to her.

6 MR. DEVEREUX: And that's the only  
7 time that's ever -- have you ever -- has  
8 anybody ever suggested anywhere else --

9 A. No.

10 MR. DEVEREUX: And the police didn't  
11 think -- was there any indication that the  
12 police thought that initially?

13 A. Not in -- I have the 1991 interview and I don't  
14 -- there's no mention of them telling her that.

15 Q. Okay. Barbara Avery Ray. She was interviewed  
16 by the police and by you as well. Will you talk  
17 with us about that?

18 A. Barbara Ray was the person -- when Gregory  
19 Taylor and Johnny Beck walked out of the cul-de-  
20 sac they stated that they caught a ride with a  
21 woman that they met at the service station on  
22 Blount Street. That was Barbara Ray. And the  
23 police eventually found her and interview her on  
24 10/1/1991. She stated that approximately

1           3 o'clock in the morning she did pick up a white  
2           guy and a black guy. She stated that they told  
3           her they would give her money to ride around  
4           with them. She describes their demeanor as  
5           calm, she didn't see blood on their clothing or  
6           their shoes, she didn't think that they seemed  
7           upset. She does say that their car had been  
8           stuck but she doesn't know where. Eventually  
9           they go out that evening or that morning and the  
10          three of them continue to a house on E Street to  
11          get drugs. And they stay in that house, which  
12          is the rooming house that Eva Kelly lived in,  
13          from 3:30 until quarter to 6:00.

14        Q. And she denies her role in doing any of the  
15          drugs, is that right, or did?

16        A. She does; she does.

17        Q. Okay. But she confirms picking them up and  
18          taking them to that house after they walked out  
19          of the cul-de-sac?

20        A. She does. She states that, you know, she was  
21          there to play cards. She maintains that she  
22          does remember picking them up, that she doesn't  
23          remember, you know, the same, pretty much the  
24          same stuff about them. And that's really all

1 the information she provides.

2 Q. And that's from your interview now?

3 A. Uh-huh (yes).

4 Q. And she says that they did tell her that their  
5 vehicle was stuck when they came out and she  
6 picked them up?

7 A. Uh-huh (yes); uh-huh (yes).

8 Q. And that they -- did she tell you -- did you  
9 talk with her in 2009 about whether they had  
10 blood on them?

11 A. Yes.

12 Q. And what did she say in 2009?

13 A. No. Actually, she said, do you think I would  
14 pick up someone with blood all over them? No.

15 Q. And what about the acting calm, did you ask her  
16 about that in 2009?

17 A. I did.

18 Q. And what did she say about that?

19 A. She said they seemed fine; fine.

20 MS. MONTGOMERY-BLINN: Commission  
21 questions?

22 MR. BECTON: Do you have information  
23 where Eva was, if this is the same boarding  
24 house, at the time that Barbara Ray says

1 she is there with Taylor and Beck?

2 A. I have information from other people regarding  
3 that, but not from Eva Kelly.

4 Q. Does Barbara Ray remember seeing Eva Kelly  
5 there?

6 A. No. She saw a bunch of people. She does say  
7 she saw a white girl with blonde hair.

8 MR. BECTON: Do we have a photograph  
9 of Barbara Ray? My question is, does she  
10 look like Jackie?

11 A. She -- I have a photograph of Jacquetta Thomas  
12 at the time. I can't say they didn't look alike  
13 then. I think she is older.

14 Q. Wasn't Barbara Ray pregnant?

15 A. Yes, she was seven months pregnant and she was  
16 born in 1956.

17 Q. And Jacquetta was not pregnant?

18 A. No.

19 MS. MONTGOMERY-BLINN: Any more  
20 questions about Barbara Ray?

21 MR. DEVEREUX: But she does put Beck  
22 and Greg at that boarding house, Kelly's  
23 boarding house sometime in the early  
24 morning hours of the 27th?

1 A. She does. She says that both of them got out of  
2 the car and went in and she, you know, she's  
3 denying that she went in.

4 MR. DEVEREUX: Right.

5 A. But she does put them -- well, they say at a --  
6 I carried them over to a house on E Street.  
7 They, Gregory Taylor maintains that she knew the  
8 house and was the one that took them there to  
9 get the drugs, but she doesn't indicate that at  
10 all and still doesn't.

11 MR. DEVEREUX: But she also says at  
12 that time when she's with them and they go  
13 to that house, that the car, the Pathfinder  
14 has already been stuck?

15 A. Yes.

16 MR. DEVEREUX: They're coming out of  
17 that part of the story?

18 A. Correct.

19 MR. DEVEREUX: They may be consistent  
20 with what Kelly's saying in that they're  
21 together in the early morning hours at that  
22 boarding house, but it's after they're  
23 stuck anyway.

24 A. After 3:00 a.m.

1 MR. DEVEREUX: She doesn't know

2 Jacquetta --

3 A. Jacquetta; Jacquetta.

4 MR. DEVEREUX: She doesn't know her?

5 A. She does not.

6 MR. DEVEREUX: And can't say anything  
7 about her being at Kelly's?

8 A. No; no.

9 MS. PICKENS: Sharon, you're saying  
10 that she took them to the house, they went  
11 inside, she did not go inside?

12 A. She did not.

13 MS. PICKENS: She stayed outside?

14 A. She says, I don't know where -- or she says,  
15 they went in and both of them got out of the car  
16 and went in and stayed about 15 minutes, maybe  
17 20 minutes. They came back out and they were  
18 talking to a white girl who was sitting out on  
19 the porch. Describe her to me. Just a white  
20 girl with blonde hair.

21 So she isn't saying, I didn't go in, but  
22 she's saying the men went in and she's not  
23 indicating herself.

24 MS. PICKENS: And when they came out

1 did they leave together, the three of them,  
2 Barbara and the two men?

3 A. Yes; yes.

4 MS. PICKENS: So she claims that she  
5 took them there --

6 A. To the --

7 MS. PICKENS: -- they were in the  
8 house 10, 15 minutes, came out, the two men  
9 stopped to talk to a blonde, white female,  
10 then they got back in the car with her --

11 A. Yes.

12 MS. PICKENS: -- and left the  
13 residence?

14 A. Yes. And then they went to Kentwood, which  
15 is --

16 MS. PICKENS: Another --

17 A. -- where Johnny Beck lived, where she had a  
18 friend, Barbara Ray had a friend that lived  
19 there; they went to Kentwood at that time.

20 MS. PICKENS: And stayed there a  
21 while?

22 A. They did, they stayed there. Johnny Beck was  
23 going to go home. Actually, he ends up walking  
24 home because he's in that neighborhood. And

1 then later that morning around 6 o'clock she  
2 takes Gregory Taylor to a Crown station on Wake  
3 Forest Avenue so that he can call his wife. She  
4 drops him off there.

5 MS. PICKENS: So she was with them  
6 until Johnny Beck walked home, and she was  
7 with Taylor until she took him to Wake  
8 Forest Road, wherever that was, about  
9 6 o'clock?

10 A. She, yeah, she says --

11 MS. PICKENS: But she was with him  
12 from like 3:30 in the morning, she says?

13 A. She says from 3:00, and then she -- originally  
14 she says till 6 o'clock, and then later she says  
15 it was probably 7 o'clock, so -- in the morning.

16 MS. GREENLEE: And what type of car  
17 does she have?

18 A. She has a gray Honda --

19 MS. MONTGOMERY-BLINN: A Honda Civic.

20 MR. BECTON: Civic.

21 MS. PICKENS: Civic.

22 A. A Civic.

23 Q. Okay. Can you tell us about Gerald Smith?

24 A. Gerald Smith was an employee at a warehouse that

1 was right near the crime scene. It was Security  
2 Bond Warehouse. It was on -- if you're going  
3 into the cul-de-sac, it is on the lefthand side.  
4 He worked there in 1991 and he didn't provide a  
5 transcribed interview, but police interviewed  
6 all of the people in that area that worked for  
7 the trucking companies and the plants and some  
8 notes were taken from him, from one of the  
9 officers talking to him that he had been there  
10 that morning between 3:30 and 3:45 because the  
11 alarm went off. He lives really close to  
12 Security Bond Warehouse so he was the one to  
13 come over and check on the alarm. He states it  
14 wasn't that unusual for the alarm to come off,  
15 for the alarm to go off and for it to be a false  
16 alarm. When he was interviewed by police, the  
17 statement, the notes that they took indicated  
18 that he saw two black men walking down South  
19 Blount Street. When I interviewed him to ask  
20 him about that, he stated that he knows that --  
21 he says, I took for granted, you see, my mind  
22 plays tricks on me. I told them it was two  
23 black guys, but I never really did see the one  
24 on the other side.

1                   So he's saying now that or he's stating  
2                   that he's positive one of them was black, he  
3                   cannot state for sure whether the other person  
4                   was black or white. He does identify them in  
5                   jeans and t-shirts.

6       Q.       And he's the person that the police refer to  
7                   when they're interrogating Gregory Taylor,  
8                   right?

9       A.       Yes.

10      Q.       And they say, he can identify you?

11      A.       Yes.

12                               MS. MONTGOMERY-BLINN: Commissioner  
13                               questions?

14                               MR. BECTON: He described them as  
15                               having on jeans and white --

16                               MS. PICKENS: T-shirts?

17                               MR. BECTON: -- t-shirts?

18      A.       Yes.

19                               MR. BECTON: what do other people  
20                               describe Gregory Taylor and Johnny Beck as  
21                               wearing?

22      A.       The majority -- I don't remember any of the  
23                   other witnesses who stated specifically what  
24                   Taylor or Beck were wearing. And I can go back

1 and look, but I don't believe any of them  
2 recalled specifically what they had on. I know  
3 a couple of them asked if Johnny Beck had on a  
4 hat and I do know a couple of them said yes.  
5 But it does -- I know that in the interviews  
6 that police were doing, they indicated in their  
7 notes that Gregory Taylor and Johnny Beck did  
8 have on jeans and t-shirts, so that, I think  
9 that's where they were.

10 Q. well, what does Craig Taylor say that Gregory  
11 Taylor had on? what did Craig Taylor say to the  
12 police that Gregory Taylor had on?

13 A. when he was interviewed he stated that he, that  
14 Gregory Taylor had on a red tank top and what he  
15 calls jam shorts that were multicolor blue,  
16 yellow, and red.

17 Q. Okay. Almost done. Tanika Stewart.

18 A. You may remember that Tanika Stewart is Michelle  
19 Alston's sister. We were contacting her to see  
20 any information she had about Craig Taylor,  
21 whether or not they used to date, you know, what  
22 his personality was. She was angry about being  
23 called. She stated the reason she was angry is  
24 that the phone call had caused her problems

1           between her and her husband. Her husband has  
2           legally adopted her son, who is, I believe, 19  
3           or 20 years old. Over the years it's been  
4           brought up that Craig Taylor is the father of  
5           her son. As such, the husband didn't appreciate  
6           a phone call regarding him because he legally  
7           adopted the son and feels as if the son is his  
8           father.

9           when I continued talking to her and kind of  
10          explained why we were calling, she did  
11          eventually agree to talk to us. This was a  
12          phone interview. She stated that she never  
13          dated Craig Taylor, that it wasn't quite like  
14          that. She said that she had met him at The  
15          Block and that they had sex once or it could  
16          have been twice, but no more than that. Again,  
17          The Block was an area known for a few different  
18          clubs and it was on the corner of East and Davie  
19          Streets.

20          She stated that a few years after her son  
21          was born Craig Taylor came over to her house  
22          stating that he had heard that the boy was his.  
23          She states Craig Taylor saw the baby, agreed it  
24          wasn't his, and agreed to leave. She has heard

1 over the years that Craig Taylor goes both ways,  
2 is gay and also a stripper, and that's about all  
3 the information that she can provide about Craig  
4 Taylor.

5 MS. MONTGOMERY-BLINN: Commissioner  
6 questions?

7 (NO AUDIBLE RESPONSE.)

8 MS. MONTGOMERY-BLINN: Okay. At this  
9 time I would ask that Ms. Stellato be  
10 allowed to step down at least temporarily.  
11 I've got some information to cover that  
12 does not involve her testimony.

13 JUDGE SUMNER: Certainly. Thank you.

14 (MS. STELLATO IS DISMISSED FROM THE  
15 WITNESS STAND.)

16 MS. MONTGOMERY-BLINN: One of the things  
17 that I will pose to all of you to be thinking  
18 about and maybe discuss in your break room  
19 before you leave and let me know is I did depose  
20 Gregory Taylor for three-and-a-half hours in the  
21 prison and asked him in a lot of detail to go  
22 through every single thing that happened that  
23 night. There's a portion of the interview that  
24 I must play for all of you. He is consistent

1 with what he told police and continues,  
2 continued to be consistent with that. So think  
3 about whether you want me to play that  
4 deposition for you or summarize it for you  
5 tomorrow. Just mull that over and we can, you  
6 can discuss it and let me know before you leave  
7 today.

8 JUDGE SUMNER: You say the deposition is  
9 three hours?

10 MS. MONTGOMERY-BLINN: Three-and-a-half.

11 JUDGE SUMNER: Three-and-a-half.

12 MS. MONTGOMERY-BLINN: There is a portion  
13 that I do definitely need to play for you. I  
14 think that he is consistent with everything that  
15 he said before. I do think that I could  
16 summarize it for you, but I will leave that up  
17 to you to decide if you'd like to ask me to give  
18 you a summary of it or just play the whole  
19 thing. I mean, a lot of it is a lot of details  
20 from earlier in the evening before he ever even  
21 went out when he was at friends' houses, that  
22 type of things. He does talk about every single  
23 place that he went with Johnny Beck that night  
24 to do drugs and we even had him draw them on a

1 map. So I can summarize that for you or I can  
2 play that for you, and why don't you think about  
3 that and just we'll see how you feel at the end  
4 of the day. I will definitely play a portion of  
5 it for you. There are -- there is at least one  
6 portion of it that you do need, that I cannot  
7 summarize for you, that you do need to see.

8 But in the meantime while you're mulling  
9 that over, the Commission staff also interviewed  
10 law enforcement officers in this case, the main  
11 ones that had been involved in the investigation  
12 of this case. And I think that the sort of  
13 short answer for all of them is that their  
14 memory is very vague. It has been a long time,  
15 it's been 18 years. They were cooperative, they  
16 were willing to meet with us. Detective Howard  
17 and Detective Bisette from the Raleigh Police  
18 Department are working together now in an  
19 investigative firm or private investigative  
20 firm. I'm sorry, Blackman and Bisette are  
21 working together now in Detective Blackman's  
22 investigative firm. They met together and their  
23 memories are just really hazy, really vague.  
24 When they met with Sharon they at first were

1 saying, you know, different details of the case.  
2 And when she said, no, it's this, then they  
3 indicated that they could not recall. Same  
4 thing with Detective Howard, he said he just has  
5 absolutely no memory of the case. He just  
6 cannot remember at all. Marty Ludas, the CCBI  
7 agent that testified at trial and did most of  
8 the processing of the crime scene, said that he  
9 has little recollection of the case details,  
10 that he's done so many crime scenes that he just  
11 really cannot recall, which we didn't  
12 necessarily expect that they would, but we  
13 thought it was important that we talk with them.

14 If anybody has any questions, any more  
15 questions about that, those are all recorded  
16 interviews. All of our interviews are always  
17 recorded. They're all recorded, we can play  
18 them. The investigator, Sharon and Grace, can  
19 testify about them or Mike Eppley can testify  
20 about the one he did.

21 Any questions about those?

22 (NO AUDIBLE RESPONSE.)

23 MS. MONTGOMERY-BLINN: All right. It's  
24 possible that we can break for the day today,

1           however, we have a lot to cover, it's really,  
2           really packed tomorrow. If you have the energy  
3           and want to start some of the things that were  
4           scheduled for tomorrow, it would put us on a lot  
5           safer ground for tomorrow. But if you've had  
6           all that you can possibly take, we've reached a  
7           point that we might be able to --

8           JUDGE SUMNER: Let me poll the  
9           Commissioners as to what their preference is,  
10          with all due respect to my friend, Bill Kenerly,  
11          who's driving.

12          MR. KENERLY: Are you asking me?

13          JUDGE SUMNER: Yes.

14          MR. KENERLY: As far as I'm concerned, we  
15          ought to go on for a while. It's quarter of  
16          5:00, but --

17          JUDGE SUMNER: Sean?

18          MR. DEVEREUX: That's fine with me. Yeah,  
19          that's fine.

20          MR. BECTON: I can stay.

21          JUDGE SUMNER: It's look like we say -

22          MS. MONTGOMERY-BLINN: You are brave souls.  
23          would you like to take a couple of minutes  
24          recess before we go on? I'm about to recall

1 Sharon and have her testify.

2 JUDGE SUMNER: I've got an overwhelming no.  
3 Let's go.

4 MS. MONTGOMERY-BLINN: Okay. All right,  
5 we're going. We are ready to begin our  
6 discussion about Craig Taylor. I've got a  
7 couple of things to cover.

8 Ms. Stellato. Oh.

9 MS. MONTGOMERY-BLINN: You've got a minute.  
10 All right. This is Mr. Craig Taylor. This is  
11 Craig Taylor's criminal record part one. When  
12 you're ready for me to switch to the next slide,  
13 please let me know. And if anybody needs me to  
14 read these out loud, I know they're tiny, and  
15 I'll be more than happy to.

16 (COMMISSIONERS EXAMINE POWERPOINT.)

17 MS. MONTGOMERY-BLINN: Ready for slide two,  
18 part two?

19 (NO AUDIBLE RESPONSE.)

20 MR. BECTON: Do you know the longest period  
21 of time he stayed in jail following any  
22 conviction?

23 MS. MONTGOMERY-BLINN: I don't, but I'm  
24 sure that we can find that out. Do you know the

1 longest period of time he stayed in jail  
2 following any conviction?

3 Ms. Stellato: It might take me a minute to  
4 look it up.

5 MS. MONTGOMERY-BLINN: Okay. Do you want  
6 to look for that while I keep talking, is that  
7 all right?

8 MR. BECTON: Not a problem.

9 MR. DEVEREUX: Quick question while you've  
10 got that up. He was on the street, at least  
11 when --

12 MS. MONTGOMERY-BLINN: He was not in  
13 custody at the time of the murder.

14 MR. DEVEREUX: Okay.

15 MS. MONTGOMERY-BLINN: Is that what you're  
16 asking?

17 MR. DEVEREUX: Yeah.

18 MS. MONTGOMERY-BLINN: Yeah, he was not in  
19 custody at the time of the murder.

20 MR. JENKINS: Do we know anything at all  
21 about the assault with a deadly weapon case?

22 MS. MONTGOMERY-BLINN: Yes, he talks about  
23 it in his interviews and, Sharon, please correct  
24 me, this is the one that he describes as

1 assaulting a Mexican, right?

2 Ms. Stellato: Yes.

3 MS. MONTGOMERY-BLINN: And he does talk  
4 about that one in interviews. Okay, here's his  
5 prison infractions since 2003, since he's been  
6 in this time.

7 MR. BECTON: He was in prison in June of  
8 this year?

9 MS. MONTGOMERY-BLINN: Yes. He's been in  
10 prison for six years.

11 MR. BECTON: Oh, that's right. Sorry.

12 MS. MONTGOMERY-BLINN: Are everybody's eyes  
13 sufficiently strained?

14 (NO AUDIBLE RESPONSE.)

15 MS. MONTGOMERY-BLINN: Okay. All right.  
16 So as you all know, Craig Taylor has become the  
17 most significant portion of our investigation  
18 recently. We've had this case, we've been  
19 working this case for right around two years and  
20 most of the time we were not looking at him. He  
21 was on a list of people to be interviewed. He'd  
22 been interviewed by the police in 1991 when they  
23 were canvassing the area. He was a local drug  
24 dealer. The police interview with him, the

1 transcript of that is on page 275 of your brief,  
2 and you've all had a chance to look at that.

3 when Ms. Stellato and Ms. Wallace went out  
4 to interview Mr. Taylor, Craig Taylor, they did  
5 not suspect that he was going to become an  
6 alternate suspect. They were just going out to  
7 interview him just like all the other interviews  
8 that you have seen that they interviewed  
9 everybody, re-interviewed everybody that the  
10 police had interviewed. And they were going  
11 just to see if he remembered and what he  
12 remembered.

13 One of the things that -- the interviews  
14 were conducted at Lumberton Correctional  
15 Institute. One of the things that we had  
16 discussed in a previous case, and the  
17 Commissioners may remember this case, was when  
18 we were going out to interview somebody who we  
19 actually did think was an alternate suspect and  
20 was in custody, our staff attorney, Mr. Epperly,  
21 did a lot of research about Miranda warnings and  
22 we had ultimately come to the conclusion that,  
23 based on the Nation's case and a couple of other  
24 cases, that while our Commission was a State

1 agency, as long as we were not working for the  
2 law enforcement, we were not required to give  
3 Miranda warnings, but that we must disclose our  
4 status as a State agency and that we had an  
5 obligation in our status as having an obligation  
6 to turn over any evidence of wrongdoing. In the  
7 Nation's case a DSS worker was interviewing an  
8 inmate who was arrested pretrial, interviewing  
9 him about a child molestation case, he  
10 confessed, and that was used against him at his  
11 trial.

12 And the question here -- and I don't want  
13 to spend any more time on that than you want to.  
14 The question here is one of reliability, not  
15 admissibility, however, I did want to just  
16 mention that to you and the research we had  
17 previously done on that.

18 MR. DEVEREUX: I do want to ask --

19 MS. MONTGOMERY-BLINN: Yes.

20 MR. DEVEREUX: what did you conclude about  
21 what obligations there are, ethical and  
22 otherwise, when somebody in his position asks,  
23 repeatedly asks for an attorney?

24 MS. MONTGOMERY-BLINN: I think that -- I

1 mean, it was not something that we went in ahead  
2 of time thinking about what to do in that  
3 situation. So afterwards we've all looked at it  
4 and I can't say that we have any clear  
5 conclusions about what to do with it. I think  
6 it is a question of admissibility should it come  
7 to have these interviews used against Craig  
8 Taylor in court, we're, you know, prepared to go  
9 in and testify if needed and talk about our  
10 interviews and what we did and why we did what  
11 we did and what things meant and all the  
12 conversations he had about attorneys. But we  
13 don't have -- you know, I can talk to you about  
14 the Nation's case and I can guide you on that,  
15 but I don't have any clear answer for you on  
16 that.

17 MR. DEVEREUX: I think it's a discussion  
18 that we, as an institution, need to have,  
19 although it really doesn't go to the question of  
20 the primary issue of Greg Taylor's --

21 MS. MONTGOMERY-BLINN: I agree with you  
22 completely. I think it's an important  
23 discussion. It's one that we just, we never  
24 really foresaw that we were going into interview

1 him and he was going to become an alternate  
2 suspect. However, I have plans to make sure  
3 that the Commission staff is fully trained on  
4 this now in the event that this situation should  
5 come up again, and we've got a lot of  
6 discussions going on about that, what do we do  
7 in the future. You know, will it ever happen  
8 again? Probably not. But now we're going to be  
9 prepared for it. We thought it only happened on  
10 TV.

11 Okay. What I'd like to do at this point is  
12 call Ms. Stellato back up to the stand to go  
13 through those interviews. Grace Wallace was on  
14 all of those interviews so if you have questions  
15 as well that you want to ask her, she is  
16 available to testify. Do you need a second to  
17 look, to continue trying to answer  
18 Mr. Becton's -

19 Ms. Stellato: I actually have Grace  
20 looking for it.

21 MS. MONTGOMERY-BLINN: Okay. So we're  
22 still working on the answer to your question  
23 about the longest period of time he'd served.  
24 We will have that for you soon.

1           Ms. Stellato: Were you looking for jail  
2 time or prison time or both?

3           MR. BECTON: Prison time.

4           MS. MONTGOMERY-BLINN: Commissioners, you  
5 have the transcripts of all of these interviews.  
6 We are planning to play a portion of the fourth  
7 interview for you for sure. If there are any  
8 other portions that you would like to have  
9 played, we'll be more than happy to cue them up  
10 and play them for you, just let me know.

11           (Ms. Montgomery-Blinn examines document.) All  
12 right, let me hand this up. It looks like five  
13 years, but if I may approach Ms. Stellato and  
14 hand this to her because this is her memo and I  
15 don't want to summarize it incorrectly.

16           MR. BECTON: I don't need to hold us up, we  
17 can go on with the other stuff.

18           MS. MONTGOMERY-BLINN: I think we have your  
19 answer right here.

20           Ms. Stellato: (Examines document.) Five  
21 years.

22           MS. MONTGOMERY-BLINN: And now he's  
23 currently been in for six years, is that  
24 correct?

1 Ms. Stellato: Yeah.

2 MS. MONTGOMERY-BLINN: He's been in since  
3 2003.

4 MR. BECTON: 2003.

5 Ms. Stellato: 2003.

6 MS. MONTGOMERY-BLINN: Commissioners, I do  
7 think that I may need to ask for a brief recess  
8 because I, I'm so excited that we get to do this  
9 today, but I think I have my notes for it in my  
10 office because I didn't think we'd get to it  
11 until tomorrow. Can we have just a few minutes,  
12 your Honor?

13 JUDGE SUMNER: Sure, let's take five  
14 minutes.

15 MS. MONTGOMERY-BLINN: Five minutes? Thank  
16 you.

17 (THEREUPON, A SHORT RECESS WAS TAKEN  
18 AND MS. STELLATO RESUMES TESTIMONY ON THE  
19 WITNESS STAND.)

20  
21 EXAMINATION BY MS. MONTGOMERY-BLINN:

22 Q. All right. Ms. Stellato, I will remind you that  
23 you are under oath. Why did you decide or how  
24 did you first hear about the name Craig Taylor?

1 A. There was a police interview that came in the  
2 RPD. Actually, it came from the discovery at  
3 the District Attorney's office. And the  
4 Commission had made motions and were granted  
5 court orders to get all files from the DA,  
6 Raleigh Police Department, and CCBI.

7 Q. Okay. And that was when you first read about  
8 him?

9 A. Yes.

10 Q. And why did you want to interview him?

11 A. We were interviewing everybody that spoke to the  
12 police, just anyone that we found an interview  
13 with with the police, we wanted to go back and  
14 interview them and see, you know, what  
15 information they may have or may remember today,  
16 so we were interviewing everybody.

17 Q. Okay. And the information that he had given to  
18 the police, was there anything particularly  
19 consistent or unusual about that compared to  
20 what the other witnesses had said?

21 A. There was. He had stated that he had seen the  
22 victim that night at 12:30. And in his  
23 interview with the police, which is 9/27/91, he  
24 stated that he was pretty sure of the time

1           because the store had closed earlier, so he  
2           knew, he knew that -- there was a grocery store  
3           and it had closed at 12:30, so it was shortly  
4           thereafter. And he stated that a white guy --  
5    Q.    well, according to Lournette Perry where was the  
6           victim at 12:30?

7    A.    She was still home.

8    Q.    Okay. Go ahead.

9    A.    He stated that a white guy with a red tank top  
10           and some jam-like colorful shorts wanted three  
11           rocks for \$50, and he asked the victim who was  
12           this guy. She didn't never say he was cool or  
13           nothing so he ended up not buying the drugs or  
14           not selling the drugs to him, and he bought the  
15           drugs from another guy named Jay.

16   Q.    Okay.

17   A.    He also said in his interview, a couple of the  
18           other interesting things were that he had not  
19           seen the white Pathfinder and that he did not  
20           identify the picture of Johnny Beck that the  
21           police had showed him. So we just wanted to  
22           talk to him, see what --

23   Q.    And when you went to interview him where was he?

24   A.    Lumberton Correctional.

1 Q. And was he incarcerated?

2 A. He was.

3 Q. And what was he incarcerated as?

4 A. Habitual felon.

5 Q. And how long had you been investigating the case  
6 or how long had the Commission had the case  
7 before you interviewed him, if you know?

8 A. The Commission got the case 7/23/2007.

9 Q. Okay. So a little less than two years?

10 A. Yes.

11 Q. Okay. And the first interview was on May 14,  
12 2009?

13 A. It was.

14 Q. And who was with you for that interview?

15 A. Grace Wallace.

16 Q. And tell us about, when you got there tell us  
17 about the setup inside the prison, what was the  
18 room like, what was the atmosphere; go ahead and  
19 set all of that up for us.

20 A. When we got there they had a table set up in a  
21 hallway. To the left of the hallway the  
22 prisoners were coming in, checking in from going  
23 out on the work crew, whatever their jobs were,  
24 they came in there with the guards. And so they

1 had us kind of in like a large hallway area at a  
2 table with three metal chairs. But after when  
3 we, after we started sitting there for a while  
4 it was obvious the prisoners kept coming out and  
5 they were causing a disturbance and the guards  
6 were getting concerned, so we were moved, and  
7 then later we were moved again.

8 Q. So during the course of the first interview you  
9 were moved three times?

10 A. Yes.

11 Q. Okay.

12 A. I'm sorry, two times.

13 Q. Two, to three different locations?

14 A. Uh-huh (yes).

15 Q. Thank you. And were the guards present during  
16 the entire interview?

17 A. Yes.

18 Q. Okay. During all three locations the guards  
19 were present?

20 A. All three.

21 Q. In later interviews were the guards present?

22 A. Never.

23 Q. Okay. And was Mr. -- was Craig Taylor  
24 handcuffed or shackled or both?

1 A. Both.

2 Q. All right. So in the first --

3 A. In the first interview.

4 Q. In the first interview. What was in the other  
5 interviews, was he --

6 A. No. It -- I mean, it will show in here, but he  
7 was not always handcuffed, no. In the fourth  
8 interview he was not handcuffed or shackled. In  
9 the third interview he was handcuffed and they  
10 were taken off of him, and in the second  
11 interview he was handcuffed.

12 Q. Okay. So the first part of the interview you're  
13 in that sort of hallway room and you said that  
14 there was a lot of noise and people around?

15 A. It was loud. The prisoners were excited that we  
16 were there and there were, you know, there were  
17 windows everywhere and they were banging on the  
18 glass and just kind of standing up and looking  
19 out. And so then the guards were having a hard  
20 time with them and they were just, the guys were  
21 being kind of rowdy. We had a tape recorder and  
22 you can hear on it, but it's pretty loud.

23 Q. Okay. And what were the subjects that you  
24 covered with Mr. Taylor, with Craig Taylor?

1 A. When he came in I asked him if he remembered the  
2 murder and if he remembered the police  
3 interviewing him for the murder, and he said  
4 yeah. And I said that I wanted to go ahead and  
5 go over what he had told the police that night.  
6 And he stated that he had seen a white  
7 Pathfinder, that he last saw the victim that  
8 morning when she came through asking three for  
9 50, which is crack, and that he sold it to her  
10 and that she was with a black dude along with a  
11 white guy. He went on to say the black guy was  
12 with her, out with her, and the white dude was  
13 already inside the white Pathfinder. And the --  
14 he said this was exactly between 3:00 and  
15 4 o'clock in the morning.

16 Q. Okay. And is that consistent or inconsistent  
17 with the police interview?

18 A. Inconsistent.

19 Q. What are the inconsistencies?

20 A. (Witness examines document.) He stated in the  
21 first interview that he had never seen the white  
22 Pathfinder. He stated it was at 12:30. He  
23 never mentioned a black male and he also stated  
24 that he did not sell them drugs.

1 Q. Okay. Did you show him the photograph of Johnny  
2 Beck?

3 A. I did show him a photograph of Johnny Beck, yes.

4 Q. Okay. And did he identify him?

5 A. Yes.

6 Q. And what was Craig Taylor's demeanor like at  
7 this time?

8 A. He was calm, he was a little, I think a little  
9 bit surprised. He reacted a little surprised  
10 when I asked him, when I said Jacquetta Thomas'  
11 name, you know, he was kind of taken aback.

12 Q. What do you mean?

13 A. Sat back of his chair. But he answered all the  
14 questions and was, his demeanor was fine at that  
15 time.

16 Q. Okay. Now I'm on page 329 of the brief and of  
17 that first interview. Is this the time when you  
18 were moved to the, to another part of the prison  
19 for the rest of the, for the interview?

20 A. I'm sorry, if I can just go back one second.

21 Q. Please do.

22 A. I forgot to tell you, he stated that when police  
23 interviewed him, it was before 6 o'clock in the  
24 morning on the day that she was found.

1 Q. Okay.

2 A. And we knew that she wasn't found until after  
3 approximately 7:25.

4 Q. Okay.

5 A. 329?

6 Q. Uh-huh (yes). Are you ready for that?

7 A. Yes.

8 MS. MONTGOMERY-BLINN: And  
9 Commissioners, as we -- I'm just going to  
10 go through the interviews and ask these  
11 kinds of questions about demeanor, where  
12 they were. Please just interrupt with  
13 questions as we go if you have anything you  
14 need to have clarified.

15 MR. JENKINS: I have one.

16 MS. MONTGOMERY-BLINN: Sure.

17 MR. JENKINS: So when he stated he --  
18 the police came around 6 o'clock, was that  
19 with your interview or were you referring  
20 back to a previous interview?

21 A. He stated that the police came and interviewed  
22 him that morning.

23 MR. JENKINS: Around 6 o'clock?

24 A. Around 6 o'clock and showed me the pictures.

1 MR. JENKINS: That's what he told you  
2 or that's what --

3 A. Yes, that's, I'm sorry, that's what he told me.

4 MR. JENKINS: Okay. Thank you.

5 A. They, when they did the interviews they put the  
6 date of transcription on them, and they put the  
7 date of the interview but not the time of the  
8 interview, they put the time of the  
9 transcription.

10 MS. MONTGOMERY-BLINN: Commissioners,  
11 can all of you hear okay? Can everybody  
12 hear okay?

13 (NO AUDIBLE RESPONSE.)

14 MS. MONTGOMERY-BLINN: If you can't,  
15 please just ask us to speak up or come and  
16 move closer.

17 Q. Okay. So on page 329, is that when you move?

18 A. (Witness examines document.) Yes.

19 Q. Okay. And this is when you start asking him  
20 about that police interview and he, does he deny  
21 what he told the police in 1991?

22 A. To begin with he just states that he doesn't  
23 recall saying that, that he didn't remember  
24 saying that. He did know that they, that he --

1 he did remember being interviewed. He said the  
2 conversation had lasted about three to five  
3 minutes and, again, he was talking that he  
4 definitely knows Johnny Beck and that he knew  
5 the victim was with him.

6 Q. Okay. And on page 330 there's a part in the  
7 middle where you try to show him a picture of  
8 Jacquetta Thomas, the victim, is that right?

9 A. Page, I'm sorry?

10 Q. Page 330 now.

11 A. Yes.

12 Q. And what picture is it that you're trying to  
13 show him, is it the same one the police showed?

14 A. (Witness examines document.) When we showed it,  
15 we -- it, yes, it is --

16 Q. The same one?

17 A. The police showed two. When we showed pictures  
18 we folded this over and showed (indicating) --

19 Q. And does he look at the picture, is he willing  
20 to look at the picture?

21 A. No; no.

22 Q. So he doesn't even turn and look at it?

23 A. No. I mean, he -- when I start to put it in  
24 front of him, he turns and he keeps saying,

1           that's her, that's her, you can't trick me.

2       Q.    Okay.  So he does not look at the photograph you  
3           showed him?

4       A.    Not, not that time or not the other -- I'm  
5           sorry, I was speaking in general about all the  
6           times that I had tried to show them, he would  
7           not look at her.

8       Q.    Okay.

9       A.    That time he says, that's her.

10      Q.    Okay.  But he doesn't look at it?

11      A.    No.

12      Q.    Okay.  All right.  On page 331 he talks about a  
13           picture that the detectives showed him with  
14           blood inside of the Pathfinder?

15      A.    Uh-huh (yes).

16      Q.    And to your knowledge does such a picture exist?

17      A.    To my knowledge they never found blood in the  
18           Pathfinder.

19      Q.    Okay.  And it looks like you're showing him a  
20           map on page 331.  What is that?

21      A.    (Witness examines document.)  Actually, I'm  
22           sorry, that's a typo.  It should say, right  
23           there.  I'm not showing him a map.

24      Q.    Oh, okay.

1 A. He's telling me where he's standing, and I'm  
2 saying, right there, but it's typed as, right  
3 here. I think it appears I'm showing him a map,  
4 but I'm not.

5 Q. Okay. You're not showing him a map there?

6 A. No.

7 Q. Okay. What's his demeanor like now at this  
8 point where you're talking to him about the  
9 police interview, has it changed or is it the  
10 same?

11 A. He -- at this point he's just not looking at me.  
12 He's actually -- we're at a table and I'm across  
13 from him and he's turned, you know, sideways.  
14 And, I mean, he'll look at me every now and  
15 then, but non-direct eye contact. Just when I  
16 ask him a question he'll look up, answer, and  
17 basically looks at the floor for most of it.

18 Q. And then on page 33 you start talking with him  
19 about Johnny Beck.

20 A. Yes.

21 Q. And he says he knows him?

22 A. Yes, from Kentwood, which is where Johnny Beck  
23 is from.

24 Q. Okay. And he talks about the police report

1 showing him multiple -- the police showing him  
2 multiple pictures of the body. He says, they  
3 showed me the body, I'm saying different  
4 pictures of Jacquetta.

5 A. Uh-huh (yes).

6 Q. Go ahead.

7 A. I don't know -- I know what I, what police used.  
8 Now, I don't know specifically what they used  
9 for his interview, but they normally showed two  
10 pictures of Jacquetta. Again, at that time they  
11 could have had more.

12 Q. Okay. So the report does not indicate that they  
13 showed more than this --

14 A. No.

15 Q. -- but you don't know for sure?

16 A. Right.

17 MS. MONTGOMERY-BLINN: May I approach?

18 JUDGE SUMNER: Yes.

19 MS. MONTGOMERY-BLINN: Commissioners,  
20 I'll go ahead and pass it around, it's  
21 these two.

22 A. That's the one that I show him that he doesn't  
23 look at.

24 Q. And these are the ones that the police use. The

1 police use these two?

2 A. They used -- yeah, they're the same; they're the  
3 same.

4 Q. The closeup, okay.

5 MS. MONTGOMERY-BLINN: I'm going to go  
6 ahead and just pass these around,  
7 Commissioners. It's the Polaroids. It's  
8 the best we have of them from the police  
9 file. They were printouts from the police  
10 file that we were able to scan and then  
11 print again.

12 Q. Okay. He says on page 333 that he remembers  
13 seeing seven different white guys that night?

14 A. In his police interview he had said that he  
15 remembered -- I don't have the exact wording  
16 here, I'm sorry, but it was something that  
17 there, that he remembered Greg Taylor because he  
18 was white.

19 Q. Okay.

20 A. And so I asked him about that and he told me  
21 that actually he had said there were seven  
22 different white guys that came through there on  
23 that night.

24 Q. Is it common in your experience interviewing

1 witnesses for them to remember a number that  
2 specific from 18 years ago?

3 A. No.

4 Q. And then you start talking to him about the  
5 differences in the police report and ask him  
6 about those differences. Now how is his  
7 demeanor?

8 A. Hostile. He's speaking loud when he answers,  
9 his hands are flying a little bit, kind of, you  
10 know, shrugging. I mean, they can't fly too far  
11 because they were in handcuffs, but he's hostile  
12 at this point and he's turned --

13 Q. And the reason you say hostile is the way he's  
14 speaking when his hands are flying?

15 A. Uh-huh (yes). And he was turned almost  
16 completely away.

17 Q. Okay. Can you demonstrate that for us? If I'm  
18 you, and imagine there's a table here between  
19 us.

20 A. Then he is turned to this side with his stuff  
21 down here (indicating).

22 Q. So you're asking him questions and he's turned  
23 away?

24 A. Yeah, he's turned this way (indicating).

1 Q. Okay. Now, on page 334 you start talking with  
2 him about using Gregory Taylor's name. He used  
3 it earlier in the interview and you start  
4 saying, well, how did you know his name?

5 A. I do.

6 Q. And what does he start doing then physically? I  
7 mean, we've got his responses here, but  
8 physically does he have any change in his  
9 demeanor now?

10 A. Now he's started sweating and he is taking  
11 longer to respond. When I first came to  
12 interview him he was answering questions, you  
13 can kind of tell because of the pauses in the  
14 interview he was answering them quickly in a  
15 normal time period, and now he's starting to  
16 take long pauses before he's responding and he's  
17 wiping his head with his hands, and at one point  
18 he's, you know, putting his face, his face in  
19 his hands.

20 Q. Okay. And you can physically see him sweating?

21 A. Yeah.

22 Q. Okay. And now you start to talk to him about  
23 DNA testing. Why were you talking to him about  
24 DNA testing? I mean, we know from the earlier

1 testimony that, you know, that's all a work in  
2 progress. why are you talking to him about it  
3 here?

4 A. I asked him about it there because I started to  
5 get the feeling that he knew something that he  
6 wasn't telling me because his story had so  
7 drastically changed. So I just wanted to see  
8 actually what he would say if I asked him for  
9 his DNA.

10 Q. Okay. And what's his demeanor like, is it the  
11 same where he's sweating and all of that?

12 A. He's shaking his head no a lot, not in response  
13 to my question, he's just, you know, just  
14 shaking his head no like, you know --

15 Q. Can you demonstrate for us?

16 A. He's just like (indicating).

17 Q. Okay.

18 A. Is that good?

19 Q. Uh-huh (yes). Now, when you start talking to  
20 him about the DNA you tell him that the DNA  
21 doesn't match the two guys. But you knew that  
22 really didn't mean anything for this case,  
23 right?

24 A. Yes, I knew that.

1 Q. And you're just trying to get a response, keep  
2 the conversation going, push him?

3 A. Right.

4 Q. Okay. And now on page 336 you start talking to  
5 him about Jacquetta, the victim. And you ask  
6 him if he knew her and he immediately responds  
7 that he's never been intimate with her.

8 A. Uh-huh (yes).

9 Q. Did you ask him that?

10 A. I did not.

11 Q. Okay. And it sounds like you repeat that back  
12 as though you're kind of surprised that he  
13 volunteers that information?

14 A. I was surprised.

15 Q. And now, how's his demeanor now?

16 A. He is calming down at this point. He's, he's  
17 settled down.

18 Q. Okay. And then on the next, on page 338 you  
19 start --

20 MS. MONTGOMERY-BLINN: Commissioners,  
21 any questions at this point?

22 (NO AUDIBLE RESPONSE.)

23 Q. On page 338 you start asking him about the red  
24 tank top and what he told police.

1 A. Uh-huh (yes).

2 Q. And then you ask him about bad drugs. How come  
3 you ask him about that?

4 A. well, I knew from the interview that he was a  
5 drug dealer and I wasn't sure if maybe he knew,  
6 you know, if he was involved in the theory of  
7 two bad drug dealers or if he knew the people  
8 who were. I was just trying to figure out if he  
9 knew anything about it.

10 Q. And he doesn't indicate that he knows anything  
11 about that?

12 A. No.

13 Q. And when you talk to him about the red tank top  
14 he says he's never, he didn't see anybody  
15 wearing a red tank top?

16 A. when I ask him about the red tank top --

17 Q. It's on the bottom of page 338.

18 A. Yes, he responds, I never seen anyone wearing a  
19 red tank top, yes.

20 Q. Okay. And then on page 340 you kind of give him  
21 an out. You ask him maybe he's just remembering  
22 things different.

23 A. Right.

24 Q. And let me see, where is this? (Ms. Montgomery-

1 Blinn examines document.)

2 A. It's at the very top.

3 Q. Oh, okay.

4 A. Do you think it's possible.

5 Q. And you say, you know, maybe you're remembering  
6 it differently now. And he starts saying that  
7 the police tricked him.

8 A. Yes.

9 Q. And he goes on about the police tricking him for  
10 a while, is that right?

11 A. Correct.

12 Q. And throughout the interviews does he accuse you  
13 of trying to trick him as well at different  
14 times?

15 A. At different times, not, I don't think at this  
16 time he was saying that, but eventually.

17 Q. Okay. And then later on he starts saying, he  
18 says three different times that he would have  
19 known Johnny Beck if the police had shown him a  
20 photograph?

21 A. Yes.

22 Q. Now, the police file indicates that they did  
23 show him a photograph of Johnny Beck, is that  
24 right?

1 A. Yes, that's correct. This was --

2 MS. MONTGOMERY-BLINN: May I approach  
3 the witness, your Honor?

4 JUDGE SUMNER: Yes, ma'am.

5 A. -- more police -- actually, I can give them all  
6 to you.

7 Q. Okay. That would be great.

8 A. These were all along with the victim photos, the  
9 ones that they showed.

10 Q. Okay. And these are copied straight from the  
11 police file?

12 A. From the CCBI file.

13 Q. And this one, do you think this one has anything  
14 to do with the case or just ended up in there?

15 A. I don't know. I've never heard anyone mention  
16 it being shown to them, I'm not sure why it's on  
17 that page. If it's maybe just how they scan in  
18 photos, I don't know.

19 Q. Okay.

20 MS. MONTGOMERY-BLINN: Commissioners,  
21 I'll go ahead and send these around.

22 Q. Now, on page 341 he brings DNA back up, right,  
23 not you?

24 A. He brings the DNA back, yes.

1 Q. Okay. And then page 342 is where he says that  
2 you're trying to trick him and he doesn't want  
3 -- stops, stops answering your questions. Well,  
4 I don't know if he stops, but --

5 A. When I ask him if he would be surprised if I  
6 told him that Taylor may not be the person who  
7 committed the murder, he says that these are  
8 tricky questions, and then later he says that  
9 I'm asking a trick question.

10 Q. Okay. And again on page 342, then you go ahead  
11 and go back to the DNA. Is this the same thing  
12 where you're just trying to push him and get  
13 some kind of reaction, keep the conversation  
14 going?

15 A. Yes.

16 Q. Okay. And at this point you didn't even know if  
17 his DNA is in CODIS, in that databank?

18 A. I had no idea if it was in CODIS or not.

19 Q. Now, on page 343 it looks like he takes a  
20 cigarette break, is that what happens there?

21 A. On page 343 where you see part two, that is  
22 actually -- he does take a cigarette break, but  
23 we take a break. And at that time I didn't know  
24 how to use my recorder and it went into another

1 folder. So it's just -- the tape is still  
2 running, it's just -- or it's not running during  
3 that break, but he says, I plead the Fifth, the  
4 guard comes in or, excuse me, the guards are in  
5 there. I say, would you mind taking him out for  
6 a second? He does go out and smoke and Grace  
7 wallace and I were talking, and then they bring  
8 him back in.

9 Q. Okay. So your recorder is on the whole time  
10 that he's in the room though?

11 A. Always.

12 Q. You turn it off when he's out and you are just  
13 talking and, not turn it off, but it moves to a  
14 different folder?

15 A. I don't after this, I don't turn it off again  
16 after this.

17 Q. Okay. But I mean at this moment it's on every  
18 time that he's in the room?

19 A. Yes; yes.

20 Q. Okay. So when he comes back on part two after  
21 he's taken that cigarette break, what's his  
22 demeanor like now?

23 A. He'd calmed down. He was much better when he  
24 came back about answering. He'd calmed down, he

1           seemed a little bit more comfortable. He was  
2           looking at me more, he was responding more, he  
3           wasn't as closed off like with his body language  
4           as he had been.

5       Q.    Okay.

6                        MS. MONTGOMERY-BLINN: Commissioners,  
7           would you like me just to turn this  
8           PowerPoint off? We don't need it for the  
9           rest of the day. Is it distracting you at  
10          all?

11                      JUDGE SUMNER: That's fine. I hadn't  
12          noticed it was --

13                      MS. MONTGOMERY-BLINN: Nobody noticed  
14          it? It doesn't bother them at all? Okay.  
15          It just went into this.

16       Q.    Okay. So he's a little bit calmer now. On page  
17          344 you start talking to him about, you know,  
18          how he might have touched Jacquetta, the victim,  
19          that night and ask him to explain that. Why are  
20          you starting to ask him these questions?

21       A.    I was going to talk to him about what we call  
22          touch DNA, skin cell DNA. And I just wanted to  
23          find out at that point if I could get him to  
24          commit to have ever touched, to have touched her

1           that night to see -- you know, because sometimes  
2           he may have -- if I didn't ask him that, he may  
3           have touched her but not remembered. So I just  
4           wanted to ask him if there was a point in the  
5           night where he had touched her in any way.

6       Q.    Okay. So at this point you are starting to  
7           think about DNA and potentially getting his DNA  
8           now?

9       A.    (Witness nods head affirmatively.)

10      Q.    Okay. Now, page 344 at the, toward the bottom,  
11           he now says that he had sex with the victim.

12      A.    He does.

13      Q.    But he had previously stated out that he had  
14           never been intimate with her, even though you  
15           hadn't asked earlier?

16      A.    Uh-huh (yes).

17      Q.    And then you ask him, you say --

18      A.    I ask --

19      Q.    You ask him if he had feelings for her and he  
20           says, I plead the Fifth. And you say, you plead  
21           the Fifth on whether or not you had feelings for  
22           her?

23                    what was unusual about that?

24      A.    Pleading the Fifth on feelings?

1 Q. Uh-huh (yes).

2 A. It just, it wasn't a question that he should  
3 have been concerned about answering, in my  
4 opinion.

5 Q. And then so he does, he doesn't want to talk  
6 about that, and then he --

7 A. Well, I just, I just go on to tell him that he  
8 can refuse to answer my questions, you know, if  
9 he wants to, and so he just, he doesn't talk  
10 about it.

11 Q. Okay. Now you start talking to him about  
12 running into a guy at a fast food restaurant.

13 A. Uh-huh (yes).

14 Q. Where is this coming from? Why are you asking  
15 about this?

16 A. James Gist, during his interview, when I asked  
17 him if she, if she, the victim, had ever been,  
18 if he knew if she was a prostitute or if she had  
19 been seeing other people, he stated no, but then  
20 he said that there was an incident at a fast  
21 food restaurant where he walked into the  
22 restaurant with her and there was a tall, skinny  
23 black man in the restaurant that she went over  
24 and spoke to. James Gist kind of laughed it off

1 but said that the guy was upset and that it was  
2 one of her ex-boyfriends.

3 Q. Okay.

4 A. So I was trying to figure out if it was him or  
5 not.

6 Q. Okay. And he doesn't really answer that?

7 A. No. When I ask him that question he had been  
8 looking away from me at the time and he, he was  
9 almost actually looking at the wall. And his  
10 head swung around and asked me where did that  
11 come from, I think, where did all that come  
12 from?

13 Q. So tell us about now you said he's looking away,  
14 what's his demeanor like now?

15 A. He turns away and turn -- he has extremely long  
16 pauses between questions and then he'll turn  
17 away and turn back, turn away, turn back.

18 Q. Okay. And you say, there's something you want  
19 to say but just couldn't, am I wrong about that?  
20 And he indicates, no, you're not wrong?

21 A. Twice.

22 Q. Okay. And you kind of try to clarify that?

23 A. I, yeah, I was trying to clarify the, kind of  
24 the paragraph above that is when I was telling

1           him, you know, that I felt like he was  
2           hesitating and why would he not answer my  
3           questions. And I asked him if, you know, there  
4           was something that he wanted to tell me but just  
5           couldn't. I said I felt like there was  
6           something he wanted to tell me but just  
7           couldn't, and he wouldn't answer. And I said,  
8           am I wrong about that? And he said, no. And I  
9           wanted to make sure I wasn't saying it backwards  
10          and I said, I'm not wrong? And he said, no.

11        Q.    Now, what's this part at the bottom of page 346  
12            where the guard interrupts? Tell me what's  
13            happening there.

14        A.    I don't think I mentioned back when we -- so I  
15            told you we moved to the second room. The  
16            second room was actually right next to the  
17            guards' station, but by that time all the  
18            prisoners had come back, well, all the ones that  
19            were working had come back from work release and  
20            it was getting really rowdy and there were a lot  
21            of doors shaking and a lot of noise and there  
22            were guards, at that time, I think three to four  
23            where Grace and I were. And so then because we  
24            were in kind of a main corridor area, they moved

1 us again and they moved us into a little office  
2 with a window, you know, to the out, to the  
3 guard station, and it's where they write their  
4 report. So it was like an office with two  
5 chairs and they brought in another chair.

6 When they did that, that -- he was --  
7 that's when they came in and there were always  
8 three guards, sometimes four guards in the room.  
9 And it, I mean, it was a really, really small  
10 room and they were standing right next to us.  
11 And apparently they were listening because the  
12 one said, when she asks you a question, you  
13 know, you should answer or you need to answer  
14 yes or no, ma'am.

15 Q. Okay. And in your experience do you prefer to  
16 do interviews in prison with a guard present or  
17 not present and for what reason?

18 A. Never present.

19 Q. And why? Why is that?

20 A. Because in my experience the guards, the inmates  
21 tell me that the guards spread, I think the one  
22 quote is, they're the worst to spread rumors.  
23 The inmates won't talk if there's a guard in  
24 there. They're not going to tell a stranger,

1           which I was, something, and they're definitely  
2           not going to tell five people or six people in a  
3           room. And at that time Grace and I were  
4           strangers along with three to four guards in the  
5           room.

6        Q.    So you just don't think it's conducive to them  
7           talking if there's a lot of guards in the room?

8        A.    I don't.

9        Q.    Okay. And when the guard did interrupt, did  
10          that change his demeanor?

11       A.    Yes.

12       Q.    Okay. And the guard tells him to answer. What  
13          was -- I mean, was the guard kind of ordering  
14          him to answer?

15       A.    He was.

16       Q.    And so how did Craig Taylor's demeanor change  
17          after that happens?

18       A.    He answered quickly, but he -- he answered right  
19          then.

20       Q.    Okay. And now, I mean, the interview is kind of  
21          wrapping up. Do you feel like you've gotten  
22          about all you can at this point now?

23       A.    Well, actually, at this point when I start  
24          asking him questions right after that, he's not

1           answering me at all. And I had been looking at  
2           the guards and then the guards say, you know, do  
3           you want private time, and then they do leave.  
4           So I think it's the bottom of 347 they leave.

5       Q.    Okay. So on page 348 and 349 there are no  
6           guards in the room with you, it's just you --

7       A.    There are no guards the rest of the interview.

8       Q.    Okay. So you, Grace Wallace --

9       A.    Oh, excuse me, 348 and 349.

10      Q.    Yeah. You, Grace Wallace, and Craig Taylor.

11      A.    Yes.

12      Q.    Now, they can see you though through the glass?

13      A.    Uh-huh (yes).

14      Q.    Okay. And so you, now you try to get back to  
15           what he was talking about before and saying  
16           there's something you don't want to tell me?

17      A.    Uh-huh (yes).

18      Q.    And you want to know if he's protecting himself  
19           or somebody else?

20      A.    And he --

21      Q.    He's not answering?

22      A.    No, he's closed up. Like even after the guard  
23           leaves he's closed up and not answering.

24      Q.    Okay.

1 A. I mean, he answers but not -- I think some of  
2 them are, I don't know or not right at this  
3 moment.

4 Q. Okay. And then you talk to him about the DNA  
5 again and he says, I'll take my chances.

6 A. He does.

7 Q. And that's the end of that interview?

8 A. Uh-huh (yes).

9 MS. MONTGOMERY-BLINN: Questions about  
10 interview one, Commissioners?

11 (NO AUDIBLE RESPONSE.)

12 MS. MONTGOMERY-BLINN: Is everybody  
13 prepared to try to get through interview  
14 two today?

15 JUDGE SUMNER: (Nods head  
16 affirmatively.)

17 MS. MONTGOMERY-BLINN: Okay.

18 Q. All right. So this is now May 19, 2009, so five  
19 days later.

20 A. Yeah; yes. And the reason that we had come back  
21 five days later actually is we got a phone call  
22 here on the main line and it was from a company  
23 who provides collect calls from prisons. Now,  
24 you have to have I guess a certain phone kind of

1           -- I don't really understand -- something set up  
2           on your phone to accept collect calls. And so  
3           when we got the call we didn't think much of it.  
4           And as the day went on I said, what if it's  
5           Craig Taylor and he wants to talk to us? So we  
6           called the 1-800 number and I asked them to find  
7           out where the call originated from, and they  
8           told us Lumberton Correctional. So I had  
9           thought that Craig Taylor was calling because he  
10          had, you know, he had indicated a couple of  
11          times, not at this time did he want to tell me  
12          anything, and I thought that he was calling so  
13          we went back, right back. I think it was four  
14          or five days later.

15        Q.    Yeah. So you went back a little bit sooner than  
16              you might have otherwise?

17        A.    (Witness nods head affirmatively.)

18        Q.    Okay. And between the time that you interview  
19              him and the second time, did you look up and  
20              find out if his DNA was in CODIS, the databank?

21        A.    I did. And it --

22        Q.    And was it?

23        A.    It was in CODIS.

24        Q.    Okay. All right. Now, when you go back is it

1           you and Grace Wallace again?

2       A.    It is.

3       Q.    Okay. Now, tell us, where do you -- what's the  
4           atmosphere? What room are you interviewing him  
5           in?

6       A.    This time we are taken straight to the third  
7           room that we were in, the guards where they  
8           write their report. I asked the guard not to  
9           stay in and it's just myself, Grace Wallace, and  
10          Craig Taylor in the room.

11      Q.    Okay. And it's the glass room so the guards can  
12          still see you?

13      A.    Uh-huh (yes).

14      Q.    Okay. And how is Mr. Taylor cuffed, if at all?

15      A.    At this time he is cuffed in the back, his hands  
16          behind his back.

17      Q.    Okay. And are his ankles shackled, if you  
18          remember?

19      A.    I don't believe they were, but I can't say that  
20          I remember for sure. I don't believe they were.

21      Q.    And partway through the interview do they remove  
22          his handcuffs? Do you have them remove the  
23          handcuffs?

24      A.    Partway through the interview when we're talking

1 he is crying and his nose is running, and so  
2 there is a roll of toilet paper that was up on  
3 the counter and I got it and I asked them to  
4 unshackle him in the back. And they just looked  
5 at me and I say, well, can you do it in the  
6 front so he can wipe his nose and his eyes?

7 Q. we'll get there. All right. So you start  
8 talking to him and you tell him that his DNA is  
9 in CODIS?

10 A. Yes.

11 Q. And you explain that to him?

12 A. Uh-huh (yes).

13 Q. And then you ask him more about Jacquetta and  
14 was she a regular buyer, and he talks about  
15 knowing her from Halifax Court.

16 A. Uh-huh (yes).

17 Q. And that is indeed where she lived or where she  
18 grew up, right?

19 A. Yes.

20 Q. okay. And he tells you about himself being a  
21 drug dealer?

22 A. He does.

23 Q. what's his demeanor like now?

24 A. He is a lot more comfortable with us this time.

1 Q. Okay. And what makes you say comfortable?

2 A. He's looking at us, he's, you know, sitting at  
3 the table, he's more responsive.

4 Q. At least at this time anyway?

5 A. Right, at this time.

6 Q. So he is looking at you this time?

7 A. Uh-huh (yes).

8 Q. All right. On page 53 you start talking to him  
9 about prior assaults that he's had.

10 A. I had his record.

11 Q. Okay. And did you have it with you? Were you  
12 going through it while you talked to him?

13 A. I had it in the room, uh-huh (yes).

14 Q. Okay. And so you start talking to him about  
15 that, and then on page 354 you actually ask him,  
16 you say about halfway down, have you ever killed  
17 anyone?

18 A. Uh-huh (yes).

19 Q. And what does he do when you ask him that? And  
20 then you qualify, not related to this case.

21 A. When you ask, sometimes when you ask Craig  
22 Taylor a question, he'll just -- if it -- he  
23 will just say huh and, you know, he -- it's his  
24 way of -- I think that I've learned now after

1           these interviews, it's his way of thinking, and  
2           so that's what he did.

3           Q.   It's not an answer, it's --

4           A.   No.

5           Q.   -- it's an exclamation?

6           A.   Right.

7           Q.   Okay.  And so then you qualify and say, have you  
8           ever killed anyone outside of this case?  And  
9           his answer is, several.

10          A.   Yes.

11          Q.   And you go through and you start talking about  
12          those?

13          A.   Uh-huh (yes).

14          Q.   And he talks about some drug related murders and  
15          some prostitutes that he was angry with?

16          A.   Some -- uh-huh (yes).

17          Q.   Okay.  And then it looks like he goes through  
18          that for a number of pages in this transcript.

19          A.   I think it's about three pages he -- this mainly  
20          consists of the prostitutes.

21          Q.   Okay.  And then you sort of take a break from  
22          the murders, but you come back to them and you  
23          ask him, start talking to him about his feelings  
24          for Jacquetta.

1 A. Uh-huh (yes).

2 Q. And he starts talking about how you can't have  
3 control of who you catch feelings for, is that  
4 right?

5 A. He -- I'm sorry, I just have to find it.

6 Q. Sure.

7 A. (Witness examines document.)

8 Q. Or maybe I was wrong about that.

9 A. That's actually a quote or --

10 Q. That's, I think that's later on.

11 A. Similar to what you just asked me is something  
12 that he uses several times when he's talking  
13 about the victim.

14 Q. Okay. But that's later on actually?

15 A. Yeah. I don't see it right there.

16 Q. Okay. But he does tell you on page 357 that he  
17 didn't want to talk to you last week because the  
18 guards were there?

19 A. He does.

20 Q. Okay.

21 A. I think he may as well -- I'm pretty sure that  
22 he also tells me that he feels like the guards  
23 will gossip. I believe he says that to me. Or  
24 he, excuse me, he says they're meddling.

1 Q. Okay. All right. You talk to him about coming  
2 here from Jamaica?

3 A. Uh-huh (yes).

4 Q. And his family?

5 A. Yes.

6 Q. And then the next page he says that his family  
7 thought something was wrong with him when he  
8 didn't cry at his grandmother's funeral?

9 A. Uh-huh (yes).

10 Q. And so you ask him if he has a conscience, is  
11 that right?

12 A. Yes, I ask him that.

13 Q. And what does he talk about with that?

14 A. He says he has a conscience for one of them, not  
15 all of them.

16 Q. For one of the murders?

17 A. Yes.

18 Q. All right. And so he starts talking more about  
19 that murder?

20 A. Uh-huh (yes).

21 Q. And what does he say about that murder?

22 A. In that particular case he says that it was in  
23 the same area as Lenoir Street, which is also in  
24 the area that we were talking about earlier

1           today. He said it was around the time or in the  
2           same month that Jacquetta was killed, maybe two  
3           or three weeks later. There was an older man,  
4           he's not sure if he was homeless. He came home  
5           and he, his crack cocaine was missing. And the  
6           homeless man happened to be in the area and he  
7           states he should have asked him questions first,  
8           but his reactions took over and he beat him with  
9           his hands. He said that he thought -- he said  
10          he didn't know if the man was dead, but when he  
11          came back there was crime scene tape, it was  
12          roped off, and that gave him the impression that  
13          he had killed the man.

14        Q. Did you do anything to try to confirm this  
15          statement?

16        A. We did.

17        Q. Okay. And what did we do?

18        A. We contacted the Raleigh Police Department and  
19          talked with Detective John Lynch in the cold  
20          case division. And it was actually through  
21          talking to him that he was the one that stated  
22          -- we gave him the statement, or that paragraph,  
23          and he stated, just because the area was roped  
24          off didn't mean that it was necessarily a

1 homicide, so you'll want to look at homicides  
2 and aggravated assaults, and he sent over the  
3 charts for those.

4 Q. Okay. So Detective Lynch tried to help find  
5 that?

6 A. He did.

7 Q. The other murders, did Detective Lynch just  
8 indicate there was not enough to even start  
9 trying to look?

10 A. He indicated that he -- actually, he was very  
11 helpful about this, but he didn't believe that  
12 there was enough to even find this one. He  
13 didn't have enough information for the other  
14 ones to look for.

15 Q. And was he ever able to locate this one?

16 A. No. He sent a chart with the unsolved 1991  
17 homicides. Again, you know, he said if somebody  
18 was convicted of it, then they're not going to,  
19 it's not going to show. But the unsolved  
20 homicides, and there was only one that was close  
21 to that area, and he looked in the file and it  
22 was nothing. The man had been convicted, it was  
23 nothing close to that or it was a stabbing. And  
24 then he also sent over the aggravated assaults,

1 but because of the information that it's just  
2 off Lenoir Street, that narrowed it down to  
3 several.

4 Q. Okay. And so Detective Lynch indicated that he  
5 just couldn't tell one way or another?

6 A. Uh-huh (yes).

7 Q. And did Detective Lynch tell you to try -- or  
8 talk to you about, you know, if you get more  
9 information, maybe that can help?

10 A. He said, if you go back again and you get  
11 information, maybe that would help.

12 Q. Okay. And did you ask Craig Taylor about it  
13 more?

14 A. No.

15 Q. And why not?

16 A. Because I was concerned about Greg Taylor's case  
17 and not the other murder.

18 Q. Did you come back and talk to me about referring  
19 it to the Raleigh Police Department?

20 A. I did.

21 Q. And was the decision for the Commission staff  
22 that that would be a matter to refer to the  
23 Raleigh Police Department and let them do an  
24 investigation on that if they chose?

1 A. If they chose to.

2 Q. Okay. So you didn't follow up any more with  
3 Craig Taylor on that?

4 A. Never.

5 Q. Your goal in looking for that was only to  
6 verify, if you could, any outside, any outside  
7 verification of any of the statements he gave  
8 you?

9 A. Consistent, uh-huh (yes).

10 Q. Okay. Did you do other things to try to verify  
11 some of the outside statements that he gave you  
12 later on too?

13 A. When I talked about showing the photographs to  
14 people, you know, he -- I did the same thing  
15 with him much later, but the people that he  
16 tells me he knew or the people that tell me they  
17 knew him, I was trying to verify that that was  
18 correct.

19 Q. So this was not you trying to do an  
20 investigation for the Raleigh Police Department,  
21 this was the Commission just trying to see if  
22 there was any ways to do any independent  
23 verification of his statements?

24 A. Right; right.

1 Q. And you were never able to verify that?

2 A. I was not, no.

3 Q. Okay. All right. So on page 360 now he says at  
4 the bottom, I truthfully don't believe these two  
5 did it because they're just not carry that way,  
6 they aren't tight enough. When I see them they  
7 don't carry like that way. Yeah, he may smoke  
8 his crack, but he's still work.

9 Is he talking about Johnny Beck and Gregory  
10 Taylor?

11 A. I believe when he's saying they in the first,  
12 you know, three sentences, I believe he's  
13 talking about Johnny Beck and Gregory Taylor  
14 there, and possibly just -- I'm not sure. I ask  
15 him, are you talking about Johnny or Greg, and  
16 he says, Johnny. I say Johnny, he says yes.

17 Q. Has he indicated to you that he'd seen those two  
18 together to know how they carry on and what  
19 they're like together?

20 A. He had never indicated that to me until I asked  
21 him if he thought that those two were capable of  
22 that.

23 Q. Okay. And he says that again on page 362, that  
24 they're just not killers. At the bottom he

1           says, they're not -- no, I'm a pretty good  
2           judgement, saying of people, and they not no  
3           killers.

4                     And again, he told you he didn't know  
5           Gregory Taylor, right?

6           A.    Correct.  He's never met --

7           Q.    So he hasn't --

8           A.    He told me he's never met Gregory Taylor.

9           Q.    Okay.  On page 363, what's his demeanor like now  
10           at this time, do you remember?

11          A.    At this time he's still, I mean, he's still  
12           comfortable.  He's answering, he's talking to me  
13           a lot more freely in this interview when the  
14           guards aren't in the room.

15          Q.    Okay.  Page 363 at the bottom of your big  
16           statement in the middle you ask him, you say,  
17           swear to me that you're not involved in this,  
18           and he won't do it.

19          A.    No.

20          Q.    And he talks about the other murders that he  
21           confessed to and says he didn't give you enough  
22           information.

23          A.    Uh-huh (yes).

24          Q.    And then he goes on and he starts talking about

1 on page 364, what's going to happen if I, you  
2 know, say that I did this, what's going to  
3 happen if I confess?

4 A. He asked at the bottom of page 363, I'm more  
5 than likely saying just, I'm saying, uh, uh --  
6 and then there's a big pause, 21 seconds -- more  
7 likely to try to seek the death penalty too,  
8 aren't they?

9 Q. Okay. So he brings that up?

10 A. He brings up the death penalty.

11 Q. And are you taken aback by that?

12 A. I was taken aback by that, yes.

13 Q. Okay. And your response is that they didn't  
14 seek the death penalty for Gregory Taylor and  
15 Johnny Beck.

16 A. Yes.

17 Q. Okay. And he talks about why he thinks that's  
18 different and he says, they had two innocent  
19 people locked up for the past 18 years. They're  
20 going to seek compensation, whatever you want to  
21 call it.

22 A. Uh-huh (yes).

23 Q. And so then you start to have some longer pauses  
24 in here. And he says after a 23-second pause,

1           what if I say if I did, what's going to happen  
2           to me?  What's going to happen to me?

3                   And then you tell him --

4    A.   I tell him --

5    Q.   -- innocent people will be released and you'll  
6           be charged with the murder, I can't lie to you  
7           about what will happen.

8                   And then there's a 92-second pause.

9    A.   Uh-huh (yes).

10   Q.   And he starts thinking about it, I guess.  He  
11           says he wants to think about it.

12                   what's his demeanor like now?  We've got  
13           this 92-second pause.

14   A.   During the 92-second pause is when he's  
15           sniffing.  And I wasn't sure, you know, because  
16           he -- I just wasn't sure.  And then I looked at  
17           him and he had tears in his eyes at that point.

18   Q.   Okay.  And then on page 365 is when he does  
19           start talking about an attorney.  And he says,  
20           before he says anything else he wants to have an  
21           attorney present.  And then you guys talk that  
22           for a while.  And do you have the authority to  
23           assign him an attorney?

24   A.   I do not.

1 Q. Does the Commission staff have the authority to  
2 assign him an attorney?

3 A. We do not.

4 Q. Okay. And you do talk to him about that and you  
5 do say, I'll do everything I can to get you an  
6 attorney in here. But you, you really couldn't  
7 get him an attorney in there?

8 A. I could not.

9 Q. Okay. And, you know, reading it now, I know  
10 it's easy to read a transcript after you've done  
11 the interview. And when you read it now do you  
12 -- what do you think about that?

13 A. There are a few things reading it, particularly  
14 that one that of course I wish that I hadn't of  
15 said and that I wouldn't say again. At the time  
16 it wasn't probably as blatant as it looks on  
17 paper. It was that he was breaking down and  
18 crying, he was really, really close. I mean, he  
19 was talking to me, he was telling me things, you  
20 know, and I just kind of in that moment didn't  
21 really think about what I was saying.

22 Q. You didn't plan to go in there and say that?

23 A. I didn't plan to go in there and I didn't plan  
24 any of this, no.

1 Q. Okay. And later on, multiple other times you  
2 tell him, talk to him about how you don't have  
3 the authority to give him an attorney, and all  
4 of that stuff?

5 A. I do; yeah, I do. But at that moment I didn't.

6 Q. Okay. At the bottom of that page you start  
7 trying to figure out if he's, if he's trying to  
8 cover this up for somebody else, and you ask him  
9 about that. And he says there wasn't anybody  
10 else. And when he says, I don't take no fall  
11 for no crime I did not commit or I don't commit,  
12 what he's talking about there is saying that he  
13 would not confess falsely, is that right?

14 A. Correct.

15 Q. Okay. And that's contexted in above and below  
16 that when you talk about that more?

17 A. Right. He says twice, I think, there ain't no  
18 one else, and then like I was concerned and  
19 started talking to him, and he says, I don't  
20 take a fall for no one. And --

21 Q. Okay. And then on the next page about halfway  
22 down is when you, in the middle of this long  
23 section that you're talking, you say, could you  
24 cuff him in front, please, is this where you're

1 asking the guards to move those cuffs?

2 A. This, during this kind of long Sharon paragraph,  
3 he was crying during that point. And like I  
4 said, his nose was running and he wasn't looking  
5 at us at that point, he was bent over with his  
6 hands on his knees and actually he was dripping,  
7 his eyes, you know, he was dripping. And so I  
8 asked them to uncuff him and then I said, can  
9 you cuff him in the front, please? And they  
10 did.

11 Q. Okay. And then you start talking to him about  
12 touch DNA. And you explain, you know, roughly  
13 how that works to him. And he says, if that's  
14 how you all running it, I'm saying it should be.

15 And that's in response to your question  
16 saying, is your DNA going to be on her clothing?

17 A. Correct.

18 Q. Okay. And his demeanor here, he's crying and  
19 using the tissue?

20 A. He's using the tissue, yeah.

21 Q. Okay. At the top of page 367 you say, were you  
22 angry with her, can you tell me about that? And  
23 he's not giving a verbal response. Is he giving  
24 a physical response?

1 A. He is nodding at that point.

2 Q. can you demonstrate that for me?

3 A. He was -- he had his tissue, he was bent down  
4 and he had his tissue over his nose area, and he  
5 was going like this (indicating).

6 Q. Okay. And then he says on page 367, he says in  
7 the middle of this -- I'm sorry, his thing is  
8 you're asking him, were you angry with her? Can  
9 you tell me that? And he says, somewhat, she  
10 was never raped though.

11 Had you asked him if she was raped?

12 A. I had not.

13 Q. Okay. And so then you guys talk about that a  
14 little bit. And then he asks if he can have a  
15 cigarette break, right?

16 A. He does.

17 Q. And then he returns. What's his demeanor when  
18 he returns from the cigarette break?

19 A. He's -- when he left for the cigarette break he  
20 was very emotional, and when he came back he had  
21 no emotion, like he was not crying, you know, he  
22 was -- his nose was not running, he was actually  
23 sat down in the chair and leaned against the  
24 other wall and looked at me.

1 Q. Okay. And there's a little portion right here  
2 in the transcript where it's, it looks like you  
3 and Grace Wallace are having a conversation.  
4 He's not in the room for that, that's when he's  
5 out having a cigarette break?

6 A. Right.

7 Q. Okay. And you just keep your recorder on the  
8 whole time?

9 A. Right.

10 Q. Okay. But he wasn't there? He didn't hear you  
11 guys saying any of that?

12 A. He was not.

13 Q. Okay. Then he comes back and he says that he  
14 was stalking the victim, and he uses that word,  
15 he says, possessed stalker, I want to keep an on  
16 her or on and following.

17 A. Uh-huh (yes).

18 Q. And then he says he shot the victim?

19 A. Twice.

20 Q. Right. And at this point -- and you call him on  
21 that?

22 A. I do.

23 Q. And he backs off of that. And then this is when  
24 you start telling him or, you know, telling him,

1 well, you did give us enough on those other  
2 murders to go to the police.

3 And you'd already given the police the  
4 information at that point so it wasn't really  
5 that you were going to the police, were you just  
6 keeping him talking?

7 A. I was just keeping him talking.

8 Q. And just pushing him?

9 A. I didn't have the information yet from the  
10 police at that point.

11 Q. Oh, okay. And on page 370 you caution him. I  
12 mean, are you trying to stop him right here? I  
13 don't want you to lie. If you didn't do this, I  
14 don't want you to say this. Please don't do  
15 that. I don't want it on my conscience that  
16 another innocent person could go to prison.

17 So you're trying to caution him at this  
18 point and prevent a false confession?

19 A. When I was asking him and he was talking about  
20 shooting the victim twice and I called him on  
21 it, he, during this 39-second pause he looked at  
22 me and said, basically what you want me to say  
23 is that I beat her with my hands saying I  
24 strangled her, is that what you want me to say?

1                   And I felt like, yeah, I felt like don't  
2                   give me a false confession, like I wouldn't want  
3                   that.

4           Q.    It's not what you want him to say, you just want  
5           him to tell you the truth?

6           A.    I just want him to tell me what happened.

7           Q.    Okay.  And he again says that he was mad at her  
8           and, again, that she was not raped?

9           A.    Correct.

10          Q.    Right.  He says at the bottom of page 370 -- and  
11          again, you haven't brought that up, he brings  
12          that up?

13          A.    Correct.

14          Q.    Okay.  And then this is when he talks about, on  
15          page 371, how you have no control over who you  
16          catch feelings for?

17          A.    And that, that was his statement.  I think that  
18          I had just mentioned to you he uses that more  
19          than one time in the interviews.

20          Q.    Okay.  What's his demeanor like now, if you can  
21          remember?

22          A.    He's still, he's upset.  When I, when I'm  
23          talking to him about the things that he did tell  
24          me, he's looking nervous and, you know,

1           uncomfortable. As far as he listens to me, like  
2           the whole time I'm talking about it and reading  
3           it back to him, he's leaned up listening to me,  
4           but he's still upset at this point.

5       Q.    Okay. And then he starts talking for a while,  
6           and then on page 374 he says that -- he starts  
7           talking about, he says, they should never have  
8           moved the body. And you, are you taken aback  
9           here because you say, you think Greg and Johnny  
10          moved the body?

11       A.   I'm taken aback, yes.

12       Q.    Is this the first time you've ever heard that  
13          mentioned?

14       A.    Yes.

15       Q.    Okay. Does he talk about that? I mean, then he  
16          goes on to say, well, that's why the police were  
17          looking for this car. And he'd earlier told you  
18          that he thought --

19       A.    That there was blood in the vehicle.

20       Q.    -- that there was blood inside the vehicle?

21       A.    Uh-huh (yes).

22       Q.    Okay. Now you take a break and you tell him  
23          you're going to call me. Did you actually call  
24          me?

1 A. I did not.

2 Q. Okay. And that was just because you needed to  
3 take a break and get your thoughts together?

4 A. Uh-huh (yes).

5 Q. Okay.

6 A. When he was talking about moving the body, that  
7 statement confused me. I didn't know what he  
8 meant by that, you know, they should have never  
9 moved the body. So I was trying to just have a  
10 moment to think about what he was saying.

11 Q. Okay. All right. So now he comes back in and  
12 he starts talking about the drug sale, right?.

13 A. He does, yes.

14 Q. Okay. And now he starts to be inconsistent from  
15 the first interview with you?

16 A. Correct.

17 Q. Okay. And tell us about that.

18 A. Hold on, I'm sorry.

19 Q. That's all right.

20 A. (Witness examines document.) So now he's  
21 telling me that -- I ask him if he really did  
22 sell it to Johnny and the victim, and he said, I  
23 sold it to her. I asked him where the money  
24 came from and -- no, excuse me, he tells me that

1 Johnny was where the, Johnny Beck was where the  
2 money came from. I ask him if he followed them,  
3 and he didn't answer. I keep telling him that  
4 -- or right here I'm telling him that she was  
5 not in the vehicle. And then he says, all I  
6 know is that they left. And then he says, I  
7 don't really recall who, who got in it, they  
8 left.

9 Q. And then on page 376 he starts talking about the  
10 DNA and he says, well, DNA is going to help, and  
11 he's talking about the case. He says, you're  
12 saying you can't -- I can't undo what's been  
13 done to them, I can't even make it right because  
14 you won't help. And he says, well, the DNA is  
15 going to help. And then you say, well, you  
16 think the DNA is going to match you? And then  
17 he starts to accuse you of messing with his mind  
18 basically, right?

19 A. Yes.

20 Q. Okay. And how's his demeanor now?

21 A. He's paying attention, listening to me a lot  
22 more. I think he appeared to be thinking about  
23 things a lot more because of the long pauses.

24 Q. Okay. And on page 378 you give him a really,

1 really long lecture. How's his demeanor during  
2 that?

3 A. (Witness does not respond.)

4 Q. Is he paying attention to you? Does he appear  
5 to be paying attention to you? Is he looking at  
6 you?

7 A. He is paying attention during my lecture.

8 Q. Okay.

9 A. He tells me right before my lecture -- I tell  
10 him, I'm telling him about the Commission and I  
11 tell him that I, you know, I don't want him to  
12 lie, I just want someone who didn't do this to  
13 get their life back. And he tells me that he's  
14 getting ready to, whether it's from my end or  
15 from the police. And then he says, you know,  
16 it's all going to come out regardless as however  
17 way turning, so it all will be set forth.

18 And then I lecture him.

19 Q. Okay. And he pays attention during that  
20 lecture?

21 A. He does, he pays attention.

22 Q. And then you conclude that interview, you feel  
23 like he's just not going anywhere at this point?

24 A. Uh-huh (yes).

1 Q. Okay. And you talk about that you're going to  
2 come back to get his DNA?

3 A. Yes.

4 Q. Which you ultimately do?

5 A. I do.

6 Q. All right. And then there's two more interviews  
7 to go.

8 MS. MONTGOMERY-BLINN: Is this a good  
9 stopping point for the evening,  
10 Commissioners?

11 JUDGE SUMNER: This would be a good  
12 place to stop. Thank you.

13 MS. MONTGOMERY-BLINN: Are we resuming  
14 at 9:00 a.m.?

15 JUDGE SUMNER: Yes, ma'am.

16 MS. MONTGOMERY-BLINN: And I will ask  
17 you all just to let me know if you want me  
18 to prepare to summarize that deposition or  
19 if you want to watch the whole thing.

20 JUDGE SUMNER: All right,  
21 Commissioners, let me just caution you,  
22 remind all of you that you are the triers  
23 of fact in this situation, that you must  
24 avoid contact with the media, which means

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that the TV coverage of this matter will be off limits to all of our purposes for the evening, do not discuss the matter with anyone. We will resume tomorrow morning at 9:00 a.m.

Have a good evening and drive safely those who are traveling.

(THEREUPON, THE HEARING WAS ADJOURNED AT 6:01 P.M.)

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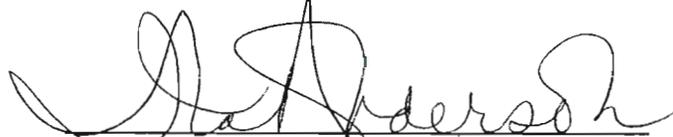
NORTH CAROLINA  
CABARRUS COUNTY

C E R T I F I C A T E

I, Ira Anderson, Court Reporter and Notary Public, the officer before whom the foregoing proceeding was conducted, do hereby certify that the proceeding was taken by me to the best of my ability and thereafter transcribed under my supervision; and that the foregoing pages, inclusive, constitute a true and accurate transcription of the proceeding.

I do further certify that I am neither counsel for, related to, nor employed by any of the parties to this action in which this proceeding was conducted, and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereof, nor financially or otherwise interested in the outcome of the action.

This the 3rd day of September, 2009.



Ira Anderson, Notary Public  
Notary Public No. 20022840073

CERTIFICATION  
NULL AND VOID IF  
ENVELOPE SEAL IS BROKEN