

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

COUNTY OF WAKE

2018 NOV 16 P 4: 18

83 CRS 84695

STATE OF NORTH CAROLINA

WAKE CO., C.S.C.

v.

BY SSC

OPINION

JAMES BLACKMON

**THIS MATTER** came on for hearing before the North Carolina Innocence Inquiry

Commission (Commission) on November 14 - 16, 2018, pursuant to N.C.G.S. §§ 15A-1460 –

1475. After careful review of the evidence presented, the Commission hereby makes and enters the following findings of fact:

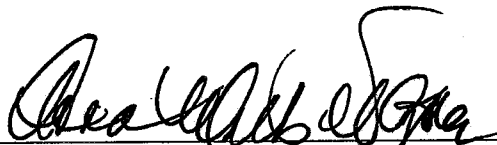
1. On September 28, 1979, Helena Payton was stabbed in a bathroom stall on the sixth floor of Latham Hall on the campus of St. Augustine's College in Raleigh, North Carolina.
2. While hospitalized following the attack, Ms. Payton went into a coma and never recovered. She died on October 30, 1979.
3. On January 14, 1988, Blackmon entered a plea to second degree murder, pursuant to *North Carolina v. Alford*, 400 U.S. 25 (1970).
4. On December 28, 2011, Blackmon's case was referred to the Commission by North Carolina Prisoner Legal Services. Blackmon submitted a questionnaire and consent form to the Commission. Blackmon asserted his complete factual innocence related to the murder of Helena Payton and the Commission began an inquiry pursuant to Article 92, Chapter 15A, of the General Statutes.
5. Throughout this inquiry, Blackmon has fully cooperated with Commission staff, in accordance with N.C.G.S. § 15A-1467(g).

6. On November 14 - 16, 2018, the Commission held a full evidentiary hearing in this matter pursuant to N.C.G.S. § 15A-1468.
7. During the hearing, the Commission considered testimonial and documentary evidence. The evidence included, among other things:
  - a. A 632 page brief provided to the Commission by the staff before the hearing;
  - b. Supplemental documentation and audio/video recordings provided during the hearing, including 51 handouts;
  - c. Live testimony by Commission Staff Attorney Julie Bridenstine, Latent Print Examiner Renee Minella, Ms. Jackie Kelly, former Detective James Holder, expert witness Dr. Edward Landis, expert witness Dr. Allison Redlich, and Claimant James Blackmon;
  - d. Affidavits from Attorney William P. Hart, Attorney Thomas Manning, Attorney Beth McNeill, RPD Evidence Custodian Wendy Lancaster, Assistant Clerk Richard Brown, Chanda Douglas, Sharon Davis, and
  - e. A Statement provided by District Attorney Lorrin Freeman.
8. After carefully considering this evidence, the Commission has concluded unanimously that there is sufficient evidence of factual innocence to merit judicial review.

**WHEREFORE**, pursuant to N.C.G.S. § 15A-1469(a), and as Chair of the Commission, the undersigned refers this case to the Honorable Paul Ridgeway, North Carolina Judicial District Ten Senior Resident Superior Court Judge, and respectfully requests that the Chief Justice of the North Carolina Supreme Court appoint a three-judge panel and issue commissions to its

members to convene a special session of the Superior Court in Wake County to hear evidence relevant to the Commission's recommendation.

This the 16<sup>th</sup> day of November, 2018.

A handwritten signature in black ink, appearing to read "Anna Mills Wagener", written over a horizontal line.

The Honorable Anna Mills Wagener  
Senior Resident Superior Court Judge, Rowan County  
Chair of the North Carolina Innocence Inquiry Commission

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing *Opinion* was served upon the following persons by depositing a copy of the same, postage pre-paid, in an official depository of the United States Postal Service, addressed as follows:

The Honorable Paul Ridgeway  
Senior Resident Superior Court Judge, District Ten  
300 S. Salisbury St.  
Raleigh, NC 27602

Ms. Beth McNeill  
North Carolina Prisoner Legal Services  
PO Box 25397  
Raleigh, NC 27611

The Honorable Lorrin Freeman  
Wake County District Attorney  
P.O. Box 31  
Raleigh, NC 27602

This the 16<sup>th</sup> day of November, 2018.

**NORTH CAROLINA INNOCENCE  
INQUIRY COMMISSION**



Lindsey Guice Smith  
Executive Director  
North Carolina Innocence Inquiry Commission  
Post Office Box 2448  
Raleigh, North Carolina 27602  
Telephone: (919) 890-1580  
Facsimile: (919) 890-1937