

STATE OF NORTH CAROLINA

FILED

IN THE GENERAL COURT OF JUSTICE

COUNTY OF SCOTLAND

2015 AUG 10

CRIMINAL

SUPERIOR DIVISION

SCOTLAND COUNTY, N.C. FILE NO: 88 CRS 1422

STATE OF NORTH CAROLINA

VS

ORDER

CHARLES EDWARD MCINNIS

THIS MATTER COMING ON TO BE HEARD and being heard by the Honorable Tanya Wallace upon a Consent Motion for Appropriate Relief by Kristy Newton, District Attorney for Judicial District 16a and Jonathan McInnis, Public Defender for Judicial District 16a pursuant to N.C.G.S. 15A-1411 – and 15A-1420 (e). The Court makes the **FOLLOWING FINDINGS OF FACT;**

1. That the defendant was arrested on March 19, 1988, by officers with the Laurinburg Police Department;
2. That the defendant was charged with the offenses of First Degree Rape, First Degree Burglary, and Armed Robbery;
3. That attorney, Charles Floyd was appointed to represent the defendant;
4. That the defendant appeared before the Honorable Robert Hobgood in the Superior Court of Scotland County on October 25, 1988, and that the defendant was duly sworn before the Clerk of Superior Court and entered pleas of guilty to the aforementioned charges;
5. That the Defendant signed and executed a plea transcript on that date;
6. That the Defendant was sentenced on October 25, 1988 by the Honorable Robert Hobgood, according to Fair Sentencing and from the presumptive range, to an active term of imprisonment in the North Carolina Department of Adult Correction of Life for the offense of First Degree Rape, following by a consecutive term of 20 years on the offenses of First Degree Burglary and Armed Robbery;
7. That based upon the Defendant's pleas of guilty on October 25, 1988, and the corresponding judgment of the Superior Court, the defendant is currently imprisoned at Brown Creek Correctional Institution through the North Carolina Department of Adult Correction;
8. That the Defendant's claim of actual innocence came to the attention of the North Carolina Innocence Inquiry Commission and with the cooperation of the District Attorney of Judicial District 16A and the Laurinburg Police Department, items were submitted for DNA testing.

9. That, although the Laurinburg Police Department requested DNA testing from Cellmark Diagnostics (currently known as Cellmark Forensics) in 1988, due to technology available at the time no DNA profile could be generated.
10. That on April 18, 1988, Cellmark Diagnostics issued a report indicating that no profile could be generated because the sample was unsuitable for testing.
11. That, using current technology, Cellmark Forensics analyzed certain items of physical evidence, and, using Y-STR SNA analysis, determined that the Defendant was excluded as a contributor of the male DNA from the sample;
12. That members of the North Carolina Innocence Inquiry Commission disclosed the results of the testing to District Attorney, Kristy Newton on August 5, 2015.
13. That, according to the prosecutor, one perpetrator and only one perpetrator was ever suggested by the victim for any of the crimes for which the Defendant pled guilty;

**BASED UPON THE FOREGOING FACT, THE COURT FINDS AS A
CONCLUSION OF LAW, THAT**

That certain new evidence is available that has a direct and actual bearing upon the Defendant's guilt or innocence;

IT IS NOW THEREFORE, ORDERED, ADJUDGED AND DECREED that the Defendant is entitled at a minimum to a new trial for the charges and is released forthwith at this time.

DONE THIS THE 10TH DAY OF AUGUST, 2015.



Honorable Tanya Wallace

Superior Court Judge

STATE OF NORTH CAROLINA

File No.

SCOTLAND

County

88CRS001422

☒ In The General Court Of Justice
☒ District ☐ Superior Court Division

STATE VERSUS

Defendant

EDWARD CHARLES MCINNIS

**DISMISSAL
NOTICE OF REINSTATEMENT**

G.S. 15A-302(e), -931, -932, -1009

File Number	Count No.(s)	Offense(s)
88CRS001422	I	FIRST DEGREE RAPE
88CRS001423	I	FIRST DEGREE BURGLARY
88CRS001424	I	ROBBERY WITH DANGEROUS WEAPON

☒ **DISMISSAL**

NOTE: Recall all outstanding Orders For Arrest in a dismissed case.

The undersigned prosecutor enters a dismissal to the above charge(s) and assigns the following reasons:

- ☐ 1. No crime is charged.
- ☐ 2. There is insufficient evidence to warrant prosecution for the following reasons:

- ☐ 3. Defendant has agreed to plead guilty to the following charges:

in exchange for a dismissal of the following charges:

- ☒ 4. Other: (specify) ☐ See additional information on reverse.
 Defendant has been exonerated by DNA.

A jury has not been impaneled nor has evidence been introduced. (If a jury has been impaneled, or if evidence has been introduced, modify this sentence accordingly.)

☐ **DISMISSAL WITH LEAVE**

The undersigned prosecutor enters a dismissal with leave to the above charge(s) and assigns the following reasons:

- ☐ 1. The defendant failed to appear for a criminal proceeding at which the defendant's attendance was required and the prosecutor believes that the defendant cannot readily be found.
- ☐ 2. The defendant has been indicted and cannot readily be found to be served with an Order For Arrest.
- ☐ 3. The defendant has entered into a deferred prosecution agreement with the prosecutor in accordance with the provisions of Article 82 of G.S. Chapter 15A.
- ☐ 4. The defendant has been found by a court to be incapable of proceeding pursuant to Article 56 of G.S. Chapter 15A.
- ☐ 5. Other: (specify) ☐ See additional information on reverse.

NOTE: This form must be completed and signed by the prosecutor when the dismissal occurs out of court. The better practice is for the prosecutor to complete and sign the form when the charges are orally dismissed in open court.

Also, in accordance with G.S. 15A-931(a1), unless the defendant or the defendant's attorney has been otherwise notified by the prosecutor, a written dismissal of the charges against the defendant must be served in the same manner prescribed for motions under G.S. 15A-951. If the record reflects that the defendant is in custody, the written dismissal shall also be served by the prosecutor on the chief officer of the custodial facility where the defendant is in custody.

Date 08-10-2015	Name Of Prosecutor (Type Or Print) KRISTY M. NEWTON	Signature Of Prosecutor 
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☐ **REINSTATEMENT**

This case, having previously been dismissed with leave as indicated above, is now reinstated for trial.

Date	Name Of Prosecutor (Type Or Print)	Signature Of Prosecutor