

1 STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE
2 COUNTY OF MECKLENBURG 05 CRS 24404-95 AND 05 CRS 76342
3

4 State of North Carolina,)
v)
5 Israel Grant,)
Defendant.)
6

7 COMMISSION HEARING

8 This matter coming on for hearing on November 29, 2017, at
9 the North Carolina Justice Center, Raleigh, North Carolina,
10 before Victoria L. Pittman, BA, FAPR, RDR, CRI, CVR-CM-M,
RCP, Court Reporter and Notary Public, the following
proceedings were had, to wit:

11 APPEARANCES - COMMISSIONERS

12 Judge Anna Mills Wagoner, Chair
Nigle "Tex" Barrow
13 Aurelia Sands Belle
John Boswell
14 Luther Johnson Britt III
Sheriff Kevin Frye
15 Michael A. Grace
Isaac Heard, Jr.
16 Deborrah Newton, Alternate

17 APPEARANCES - STAFF

18 Lindsey Guice Smith, Director
Beth Tanner, Assistant Director
19 Brian Ziegler, Staff Attorney
Catherine Matoian, Grant Staff Attorney
20

21
22
23 Reporter: Victoria L. Pittman, BA, CVR-CM-M, RCP
AOC-Approved Per Diem Reporter
24
25

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1 Wednesday, November 29, 2017 (9:11 a.m.)

2 **JUDGE WAGONER:** Good morning to everyone. Before
3 we begin the formal process, I just wanted to introduce our
4 new commissioners.

5 John Boswell there, if you would tell everybody
6 where you're from, what you do.

7 **MR. BOSWELL:** I am chief legal officer for SAS.
8 SAS is a computer software company here in this area; it's
9 in Cary. I live in Raleigh and have been here in North
10 Carolina for 26 years.

11 **JUDGE WAGONER:** Thank you.

12 And Deborrah Newton is here in her capacity as
13 Alternate Commissioner.

14 **MS. NEWTON:** Yes. Good morning, everyone. I am
15 glad to be here. I'm Deb Newton. I am a federal and state
16 criminal law specialist, and I am from Raleigh.

17 **JUDGE WAGONER:** Thank you.

18 And then we have some new staff members, I
19 believe.

20 Beth Tanner is the associate director.

21 **MS. TANNER:** Hi. Good morning.

22 **JUDGE WAGONER:** And she used to be Sharon
23 Stellato; is that right?

24 **MS. TANNER:** Yes.

25 **JUDGE WAGONER:** Nice to meet you. And I can't

1 read my writing. The grant investigator is --

2 **MS. SMITH:** Derek L. D'Orazio. He is out with a
3 witness.

4 **JUDGE WAGONER:** I can't say his last name.

5 **MS. SMITH:** D'Orazio.

6 **JUDGE WAGONER:** And then the new admin is Donna
7 Rowe.

8 **MS. SMITH:** Yes. And she's probably out as well,
9 working on things.

10 **JUDGE WAGONER:** All right.

11 We are going to be hearing the Mecklenburg County
12 case of State versus Israel Grant. Out of Mecklenburg
13 County, obviously.

14 The hearing is open to the public pursuant to N.C.
15 General Statute 15A-1468(a). Although this hearing is open
16 to the public, we hope to keep distractions at a minimum.
17 The door should remain closed during the hearing, and no one
18 with the exception of Commission staff should go in or out
19 unless we are on a break. If you are serving -- if there
20 are any disruptions, you may be asked to leave.

21 All right. At this time, we are going to go
22 around the table and have the commissioners and commission
23 staff spell -- state and spell their names for the court
24 reporter. And if you are serving as a commissioner,
25 indicate that you're serving as commissioner; if you're

1 serving as an alternate like Ms. Newton, just indicate that
2 you're serving as an alternate.

3 So do you want to start down at y'all's end?

4 **MS. SMITH:** Sure.

5 **MR. ZIEGLER:** I'm Brian Ziegler, Z-i-e-g-l-e-r,
6 staff attorney with the Innocence Inquiry Commission.

7 **MS. TANNER:** Beth Tanner, Associate Director.

8 **MS. SMITH:** Lindsey Guice Smith -- L-i-n-d-s-e-y,
9 G-u-i-c-e Smith, and I'm the Executive Director of the North
10 Carolina Innocence Inquiry Commission.

11 **MS. NEWTON:** I'm Deborrah Newton, D-e-b-o-r-r-a-h
12 N-e-w-t-o-n. I am serving as commissioner alternate.

13 **MR. BARROW:** Nigle Barrow. N-i-g-l-e,
14 B-a-r-r-o-w. I'm serving as a commissioner today.

15 **MR. GRACE:** Michael Grace. I am serving as
16 commissioner today.

17 **JUDGE WAGONER:** Anna Mills Wagoner. I'm serving
18 as a commissioner today.

19 **MR. BRITT:** I'm Johnson Britt. I am a district
20 attorney in Robeson County, and I'm serving as a
21 commissioner.

22 **MS. SANDS BELLE:** Aurelia Sands Belle, and I'm
23 serving as a commissioner. A-u-r-e-l-i-a Sands Belle.

24 **SHERIFF FRYE:** Kevin Frye. I'm serving as a
25 commissioner today.

1 **MR. HEARD:** I'm Isaac Heard, H-e-a-r-d, serving as
2 a commissioner today.

3 **MR. BOSWELL:** John Boswell, B-o-s-w-e-l-l, serving
4 as a commissioner.

5 **JUDGE WAGONER:** Thank you. All right.

6 For the record, we appear to have eight voting
7 members of the Commission present as required by statute.

8 At this time, I am just going to make a formal
9 inquiry as to whether any commissioner or alternate needs to
10 recuse himself or herself pursuant to Rule 7(C)(1) of our
11 rules of procedures, which states that, quote, "A
12 commissioner shall excuse -- shall excuse -- himself or
13 herself if he or she has any involvement -- has had any
14 involvement in the case during the original trial or any of
15 the postconviction motions. A commissioner shall also
16 excuse or recuse himself or herself if some event has caused
17 him or her to become biased about the case and unable to
18 participate in the hearing in a fair and impartial manner."

19 Are there any commissioners who need to be recused
20 based on this rule?

21 (No response.)

22 **JUDGE WAGONER:** Okay. Thank you.

23 Rule 7(C)(3) prohibits commissioners from
24 conducting any independent investigation of the case.

25 Are there any commissioners who have conducted any

1 independent investigation of the case?

2 (No response.)

3 **JUDGE WAGONER:** Seeing none, we will move on.

4 Let me remind those of y'all that are attending as
5 alternates that if an alternate commissioner is not
6 fulfilling full commission duties, he or she may attend
7 hearings of the Commission but may not participate in
8 deliberations and may not vote.

9 I don't think we have any of those here today, do
10 we?

11 **MS. SMITH:** Ms. Newton.

12 **JUDGE WAGONER:** But she's going to participate;
13 right?

14 **MS. SMITH:** (Moves head up and down.)

15 **JUDGE WAGONER:** All right. At this time, I'm
16 going to turn the hearing over to Executive Director Lindsey
17 Guice Smith for presentation.

18 **MS. SMITH:** Thank you, Your Honor.

19 Good morning, Commissioners. This case involves
20 the 2005 robbery with a dangerous weapon of victims
21 Christina Adcock and Jason Taylor in Charlotte, North
22 Carolina, as well as a related possession of a firearm by a
23 felon.

24 You have all been provided with the commission
25 brief that describes the law enforcement investigation, the

1 trial of Mr. Grant, and the postconviction motion for
2 appropriate relief of Mr. Grant.

3 I do have one correction that needs to be made to
4 your brief. On page 10 in the timeline, as well as
5 page 124, although Judge Bell's order vacating the robbery
6 with a dangerous weapon as it related to Christina Adcock
7 was entered on May 26, 2015, Mr. Grant was not released on
8 that time as it says in your brief. Mr. Grant still had
9 some time remaining on the other robbery with a dangerous
10 weapon conviction as it related to Jason Taylor and that
11 possession of a firearm by a felon.

12 He finished that sentence on January 12, 2016, and
13 was released to federal custody on an unrelated conviction
14 at that time.

15 Before we proceed any further, I want to spend
16 just a minute clarifying the Commission's jurisdiction in
17 this case.

18 Pursuant to statute, a claim of factual innocence
19 means a claim on behalf of a living person convicted of a
20 felony in the General Court of Justice of the State of North
21 Carolina asserting the complete innocence of any criminal
22 responsibility for the felony for which the person was
23 convicted and for any other reduced level of criminal
24 responsibility relating to the crime and for which there is
25 some credible, verifiable evidence of innocence that has not

1 previously been presented at trial or considered at a
2 hearing granted through postconviction relief.

3 Although victim Christina Adcock's affidavit
4 recanting her statement and testimony regarding the robbery
5 was the basis for vacating Mr. Grant's conviction based on
6 the robbery with a dangerous weapon of Christina Adcock,
7 this affidavit was not considered at a postconviction
8 hearing as no hearing was held.

9 Procedurally, as I detailed in your brief, Judge
10 Bell originally denied the claim in the motion for
11 appropriate relief that was related to the newly discovered
12 evidence of Christina Adcock's affidavit. An evidentiary
13 hearing was granted on the ineffective assistance of counsel
14 claims, and that was scheduled for hearing.

15 On the date of that hearing -- the day that that
16 hearing was scheduled, Christina Adcock showed up in court
17 and spoke with the assistant district attorney. After
18 speaking with Christina Adcock, the assistant district
19 attorney consented to vacating that single conviction
20 related to Christina Adcock based on her affidavit, and the
21 judge issued an order vacating the robbery with a dangerous
22 weapon relating to Christina Adcock, denied the remaining
23 claims in the MAR, the ineffective assistance of counsel
24 claims, and did not hold a hearing on any of the claims.

25 Further, the Commission's investigation and

1 interview of Christina Adcock, which will be presented
2 today, revealed additional information that has not
3 previously been heard or presented at trial or in
4 postconviction hearing. This information relates to the
5 remaining convictions that Mr. Grant still has -- the
6 robbery with a dangerous weapon of Jason Taylor as well as
7 that possession of a firearm by a felon, and that evidence
8 will be considered and weighed by you-all.

9 For the most part, we're not going to revisit
10 information from your brief, though we will -- it will be
11 interwoven some.

12 Our staff attorney, Brian Ziegler, as well as
13 former associate director Sharon Stellato, were the lead
14 investigators on this case. Throughout the hearing, I will
15 be calling Mr. Ziegler to testify about the Commission's
16 investigation.

17 Three witnesses have also been subpoenaed to
18 testify. They include the victims, Christina Adcock and
19 Jason Taylor, as well as Marquis Funderburk, who was a
20 friend of the defendant who assisted in obtaining that
21 affidavit of Christina Adcock. Both of the victims gave
22 statements about the robbery and testified at Mr. Grant's
23 trial, and you have previously been provided the statements
24 and that testimony in your briefs.

25 All three have been subpoenaed to be here today,

1 and I anticipate that all will be here. One of them is in
2 the building now and the other two should be en route.

3 The claimant, Israel Grant, is currently in
4 federal custody at Manchester Federal Correctional Institute
5 in Kentucky. Judge Wagoner issued a writ for his presence
6 via videoconference. The Federal Bureau of Prisons is under
7 no obligation to honor our writ but has agreed to do so.
8 They have, however, given us some pretty strict time
9 guidelines for when we may have Mr. Grant here today; so
10 although normally I would call Mr. Grant last during this
11 hearing, if we are not at that point at the time at which
12 they have given us to have him here, we're just going to
13 have to reverse some witness order to make sure we get him
14 up on the videoconference.

15 We do have a lot of new technology in this room
16 since the last time you-all were here. We have tested that,
17 and we think that things are going to go smoothly today with
18 that.

19 (Discussion off the record.)

20 **MS. SMITH:** Commission staff has interviewed
21 numerous other individuals who are not going to be called to
22 testify today; however, Mr. Ziegler is going to be
23 testifying about those interviews throughout the day today.

24 Because of the unique nature of this case, you
25 will hear from the victims through testimony rather than

1 through a victim impact statement at the end of the hearing
2 like we normally would do.

3 At the end of the hearing, you will be asked to
4 determine whether there is sufficient evidence of factual
5 innocence to merit judicial review.

6 The case will only move forward to a three-judge
7 panel if five of the eight voting members vote that there is
8 sufficient evidence of factual innocence to merit judicial
9 review. If less than five commissioners vote for further
10 review, the case will be closed with the Commission and no
11 appeal is available to Mr. Grant.

12 Are there any questions about that before we get
13 started?

14 **JUDGE WAGONER:** I have a question. I just want to
15 be sure. He has completed the sentences of robbery with a
16 dangerous weapon and the possession of a firearm by felon --
17 robbery with a dangerous weapon of Taylor; correct?

18 **MS. SMITH:** Yes, ma'am.

19 **JUDGE WAGONER:** And possession of a firearm by a
20 felon?

21 **MS. SMITH:** Yes, ma'am.

22 **JUDGE WAGONER:** Okay.

23 **MS. SMITH:** All right. The Commission calls staff
24 attorney Brian Ziegler.

25 BRIAN ZIEGLER, having been called as a witness at 9:24 a.m.

1 was sworn and testified as follows:

2 EXAMINATION BY MS. SMITH:

3 Q. Will you please state your full name for the
4 record.

5 A. Brian Ziegler.

6 Q. And how are you employed?

7 A. I'm staff attorney with the North Carolina
8 Innocence Inquiry Commission.

9 Q. And how long have you been working with the
10 Commission?

11 A. Since January of 2016.

12 Q. Were you assigned to investigating the Israel
13 Grant case?

14 A. I was.

15 Q. And in the course of your investigation, did you
16 obtain and review files and records from other agencies?

17 A. Yes.

18 Q. Can you tell us what those files were?

19 A. Yes.

20 We reviewed the Charlotte-Mecklenburg police file,
21 which was 67 pages; the court file from Mecklenburg County
22 clerk; the trial transcript; DPS records from Mr. Grant,
23 which included his case management notes, his mental health
24 records, and recorded phone calls.

25 Q. And those phone calls, did that cover the entirety

1 of Mr. Grant's incarceration?

2 A. No. We had calls from January 1st, 2009, through
3 his release on January 12, 2016.

4 DPS indicated that their system automatically
5 deletes recordings after certain period of time; so they
6 gave us what recordings remained.

7 Q. Did you review any other files?

8 A. Yes. We reviewed the file of Reggie McKnight, who
9 was Mr. Grant's trial attorney; the file of James Freeman,
10 who represented Grant on appeal; and the file of Bruce
11 Cunningham, who represented Grant on a motion for
12 appropriate relief and who referred the case to the
13 Commission.

14 Q. And did you obtain a copy of the district
15 attorney's trial or postconviction file in the case?

16 A. No. We asked for that file, and the District
17 Attorney's Office represented that they could not find the
18 file in the case and that it would have been destroyed
19 pursuant to their file destruction policy.

20 Q. Did they provide an affidavit to that effect?

21 A. Yes.

22 MS. SMITH: Commissioners, on your desks, you have
23 notebooks. These notebooks are labeled "Hearing Handouts,"
24 and we will refer to those throughout the hearing.

25 Some of you are aware that, in the past, we passed

1 these around. Everything, this time, is in a notebook for
2 you.

3 If you will refer to Handout 1 in that notebook
4 and take a minute to review that handout. This is an
5 affidavit of Mecklenburg County District Attorney Andrew
6 Murray.

7 Throughout the hearing, if you'll just look up at
8 me once you've had a chance to review the document, I will
9 know that you are ready to move on.

10 Q. Were you able to obtain the files of defense's
11 private investigator?

12 A. No. There were several letters and reports in
13 Reggie McKnight's file from the trial that included reports
14 and some letters from the PI, Ross English. We don't know
15 if that's his full file.

16 We were able to speak with Mr. English, who is now
17 retired, and he informed the Commission that he no longer
18 retained any files. He stated that his normal practice
19 would have been to provide his entire file to the defense
20 attorney, but if the attorney did not want any handwritten
21 notes, he would destroy those within two weeks of giving the
22 file to the attorney.

23 Q. And did we locate any of the PI's handwritten
24 notes in the file of Reggie McKnight?

25 A. No. We do not have handwritten notes.

1 **Q.** Did Mr. English provide an affidavit?

2 **A.** **He did.**

3 **MS. SMITH:** Commissioners, if you would please
4 refer to Handout Number 2 in your hearing handout notebook
5 and take a moment to review that.

6 That is the affidavit of private investigator Ross
7 English.

8 **Q.** Did you make any efforts to obtain the video
9 footage from the Circle K where the crime occurred?

10 **A.** **Yes. We spoke with Lisa Hunter, the human**
11 **resources manager for the Charlotte regional office of**
12 **Circle K on March 10 of this year. She stated that, in**
13 **2005, at the time of the crime, the store was a Pantry**
14 **location that was subsequently bought by Circle K. And she**
15 **said that the security system they used at that time was no**
16 **longer in use.**

17 And we later followed up with her to confirm that
18 "the security system is no longer in use" meant that they
19 didn't have the footage from that time. She said that was
20 correct. They did not have the footage from that time, and
21 back then, it would've been saved for 30 to 45 days.

22 **Q.** Did you make any efforts to speak with the clerk
23 who was working on the day of the crime at the Circle K?

24 **A.** **Yes. In that same conversation with Ms. Hunter,**
25 **the HR manager for Circle K, she stated that employee**

1 records from that time no longer existed due to the change
2 in ownership of the location.

3 Q. Were you able to speak with anyone else that
4 worked at the store at that time?

5 A. Yes. I spoke with a store manager from 2005 at
6 the time of the crime, and she stated that she could not
7 remember any employees from that time.

8 Q. Were you able to determine who was working on that
9 day?

10 A. We were not.

11 Q. Okay. Did you make any effort to obtain video
12 footage from the BB&T that was located next to the Circle K?

13 A. Yes. On April 10 of this year, we spoke with
14 Melanie Donaldson, who was the branch manager of that
15 location. She checked with corporate security and relayed
16 that footage from ATMs was kept for 120 days, per their
17 security policy. So we were unable to get any footage from
18 the ATM at BB&T.

19 Q. Did you make any efforts to obtain bank records
20 for the transactions that were made to Christina Adcock's
21 account at that BB&T ATM for the date of the crime?

22 A. We did. On November 13 of 2017, we subpoenaed
23 BB&T for records related to the account of Ms. Adcock that
24 would show any transactions, account access, or other
25 records for 8/15/2005, the day of the crime.

1 **BB&T responded with a letter that their retention**
2 **period for those type of records is seven years and that**
3 **they were unable to provide any records beyond the seven**
4 **years.**

5 **Q.** Did you make any effort to locate or obtain the
6 video footage from the Quik Pawn II pawnshop?

7 **A.** **Yes. I spoke with the manager, Renée, of the**
8 **location, which is now Cash America, on June 13 of this**
9 **year. She stated that she was not aware of whether any**
10 **security footage from 2005 still existed but indicated that**
11 **they had changed security systems twice since that time, and**
12 **she suggested calling back the following day and speaking**
13 **with her manager, Dale.**

14 **I did call back and spoke with Dale, and he said**
15 **that no footage from 2005 still existed and that, at that**
16 **time, they were still recording on physical VHS tapes, which**
17 **they would retain for a year and then destroy.**

18 **MS. SMITH:** Commissioners, do you have any
19 questions for Mr. Ziegler on this material?

20 **MR. BOSWELL:** I have one question.

21 Did we have any information as to whether the
22 prosecutors or the defense looked for any of this stuff
23 during the time -- any of these files, any of these video
24 footage -- during the time of the initial case?

25 **MR. ZIEGLER:** There was some testimony about the

1 footage from the Circle K, but it didn't indicate whether or
2 not -- this was from law enforcement. It didn't indicate
3 whether or not they looked at it. It was about downloading
4 the video from the system. But they didn't indicate whether
5 or not they looked at it.

6 And there are some -- some notation in the defense
7 file that the private investigator, around the time of
8 trial, wanted to get the pawnshop video. The trial was two
9 years after the crime, and they did not get that video.

10 **MS. SMITH:** Any other questions?

11 (No response.)

12 **MS. SMITH:** Okay. Commissioners, throughout the
13 hearing, several locations in Charlotte will be mentioned.
14 I am going to put a map of the area on your screen. You
15 also have a copy in your hearing handout notebook that's
16 marked Handout 3. You can refer to the copy in your
17 notebook throughout the hearing, but if at any point you
18 want me to put this map back on the screen later on, please
19 just let me know.

20 **Q.** Mr. Ziegler, can you point out the various
21 landmarks on this map? If you need to stand up to point,
22 you can do so.

23 **A.** Yeah. I will stand.

24 **So it's oriented with north at the top. And you**
25 **see at the very bottom of the map, in the southwest, is**

1 Adecco, which is obviously further away from the other
2 locations.

3 Circle K is the farthest north, at the top of the
4 map. The Quik Pawn is over towards the right in the middle.

5 And Christina Adcock, one of the victims' house is
6 right across the street from Israel Grant's friend Marquis
7 Funderburk's house. That's why they're represented with the
8 same dot on the map.

9 And Christina Fitzgibbons' house, who is the
10 sister of Israel Grant's girlfriend, is the furthest
11 northeast on this map.

12 MS. SMITH: Commissioners, throughout the hearing,
13 the Circle K, where the crime occurred, as well as the BB&T
14 ATM are going to be mentioned. We are now going to put up a
15 map of that area on the screen. You also have a copy in
16 your hearing handout notebook, which is labeled Handout 4.
17 You can refer to the copy in your notebook throughout the
18 hearing, but we can also put it on the screen.

19 MR. BRITT: May I ask Mr. Ziegler a question?

20 MS. SMITH: Yes.

21 MR. BRITT: Regarding the first map, were you
22 able -- were you able to determine the distances between
23 each of those locations, like from Adecco to the Circle K?

24 MR. ZIEGLER: We did. We did a Google Maps search
25 for distances. That's based on today's traffic patterns and

1 time of day. We tried to get it at the same time of day.

2 There was some testimony that, at the time of the
3 crime, the 485 loop was not completed; so I don't know how
4 that would change.

5 **MR. BRITT:** Okay. What were the distances? Do we
6 have that?

7 **MS. SMITH:** If I may approach?

8 **JUDGE WAGONER:** Yes.

9 **Q.** Mr. Ziegler, will that help answer Mr. Britt's
10 question?

11 **A.** It will.

12 **MR. ZIEGLER:** Was there a specific distance?
13 Or --

14 **MR. BRITT:** I just know from reading the brief
15 that Mr. Grant was at Adecco and finished there shortly
16 after 3:00 and that this robbery occurred approximately
17 3:30.

18 So what's the distance from Adecco to Circle K?

19 **MR. ZIEGLER:** Sure. From Adecco to Circle K,
20 there was testimony that --

21 **JUDGE WAGONER:** When you say "testimony," you mean
22 at trial?

23 **MR. ZIEGLER:** At trial, yes.

24 There was testimony that Detective Carroll took 24
25 minutes. He doesn't give an indication of the distance, but

1 he testified at trial that it took 24 minutes.

2 **JUDGE WAGONER:** Did he give the route he took?

3 **MR. ZIEGLER:** He said that he took I-77 to Freedom
4 Drive, but that was the route that the detective took. We
5 don't know if that's the route that anyone else may have
6 taken.

7 **Q.** Mr. Ziegler, can you remind the commissioners,
8 when Mr. Grant left Adecco, where he -- who he was with and
9 where he and that individual said they went?

10 **A.** Yes. So also from Adecco to Circle K from my
11 Google map, it says it would have taken about 28 minutes to
12 go 19 miles. And, again, that was at today's estimates.

13 Mr. Grant says that he went from Adecco to drop
14 off his girlfriend at her sister's house. And in today's
15 distances, that's about 15 to 17.8 miles, depending on the
16 route, and could've taken anywhere from 20 minutes to 31
17 minutes, depending.

18 **JUDGE WAGONER:** And the sister's house is?

19 **MR. ZIEGLER:** That's Christina [sic] Fitzgibbons.

20 **JUDGE WAGONER:** Okay.

21 **MS. SMITH:** If you will now turn to Handout 4,
22 which is the Circle K area map. We will put that up on the
23 screen next.

24 **Q.** Mr. Ziegler, if you can point out the various
25 landmarks on the map.

1 A. So this is an aerial view of the Circle K where
2 the crime took place. It's pretty well labeled. The
3 Circle K has glass windows in the front. The victims stated
4 they were parked in this last parking space in front of
5 Little Rock Road and that the suspect pulled in beside them
6 in front of the Dumpsters.

7 MR. GRACE: Quick question. Did they say they
8 parked in the last or next to last?

9 MR. ZIEGLER: To the best of my recollection, they
10 said they parked in the last spot.

11 MR. GRACE: Thank you.

12 A. You will see across Little Rock Road is this
13 shopping center with storefronts. And the BB&T that the
14 victims stated they went to is just in front of the
15 Circle K.

16 MS. SMITH: Commissioners, do you have questions
17 about this map?

18 (No response.)

19 Q. Mr. Ziegler, did you interview any law enforcement
20 that was involved in the case?

21 A. Yes. The Commission interviewed the law
22 enforcement officers who were involved in the original
23 investigation.

24 Q. Turning your attention to Detective Randy Carroll,
25 what was Detective Carroll's role in the investigation?

1 A. **He was the lead investigator, lead detective.**

2 Q. And were you able to interview him?

3 A. **No. He is now deceased.**

4 Q. Turning your attention to Detective Randy Owens,
5 what was Detective Owens' role in the investigation?

6 A. **Detective Owens interviewed Israel Grant about
7 this crime when Mr. Grant was arrested on a domestic
8 violence charge that is unrelated on August 27, 2005.**

9 Q. It is Detective Owens still employed by the
10 Charlotte-Mecklenburg Police Department?

11 A. **No. He retired in 2014.**

12 Q. Did you have an opportunity to interview him?

13 A. **We did. We interviewed him on May 10 of 2017.**

14 Q. Was that interview recorded and transcribed?

15 A. **It was.**

16 Q. Did he recall his involvement in this case?

17 A. **He did not.**

18 Q. Did you provide him with a copy of his notes from
19 the interview --

20 A. **Yes.**

21 Q. -- that he had done with Mr. Grant?

22 A. **Yes.**

23 Q. Did that refresh his recollection?

24 A. **It did not.**

25 Q. Did you provide him with a copy of his testimony

1 from Mr. Grant's trial?

2 A. Yes.

3 Q. And did that refresh his recollection?

4 A. No. He stated that he did not recall testifying.

5 Q. Did you do anything else to try and refresh his
6 recollection?

7 A. Yes. I showed him a mug shot of Israel Grant
8 which he did not recognize.

9 Q. Let me turn your attention to Officer Sam
10 Yaravitz.

11 What was Officer Yaravitz's role in this
12 investigation?

13 A. Officer Yaravitz responded to the 911 call and
14 showed up at the Circle K, and he took Christina Adcock's
15 statement at the time of the crime.

16 Q. And is he still employed by the
17 Charlotte-Mecklenburg Police Department?

18 A. He is. He's still a patrol officer with CMPD.

19 Q. Did you have an opportunity to interview him?

20 A. We did. On April 27 of this year.

21 Q. Was that interview recorded and transcribed?

22 A. It was.

23 Q. Did he recall his involvement in the case?

24 A. No. He stated that that area of Charlotte had
25 robberies every day and nothing about this stuck out to him.

1 **Q.** Did you provide them with his typed report and a
2 copy of the statement that Christina Adcock had given?

3 **A.** **Yes.**

4 **Q.** Did that refresh his recollection?

5 **A.** **No.**

6 **Q.** Did you provide him with a copy of his testimony
7 from Mr. Grant's trial?

8 **A.** **Yes.**

9 **Q.** Did that refresh his recollection?

10 **A.** **No. He also didn't recall testifying.**

11 **Q.** Turning your attention to Officer Brian Kiker,
12 what was Officer Kiker's role in the investigation?

13 **A.** **He was the other officer that responded to the 911**
14 **call and went to Circle K. And he took Jason Taylor's**
15 **statement.**

16 **Q.** And is he still employed by the
17 Charlotte-Mecklenburg Police Department?

18 **A.** **He is. He is also still a patrol officer with**
19 **CMPD.**

20 **Q.** Did you have an opportunity to interview him?

21 **A.** **We did. On May 10, 2017.**

22 **Q.** And was that interview recorded and transcribed?

23 **A.** **It was.**

24 **Q.** Did he recall his involvement in the case?

25 **A.** **No.**

1 **Q.** Did you provide him with a copy of the statement
2 of Jason Taylor that he had taken?

3 **A.** Yes.

4 **Q.** And did that refresh his recollection?

5 **A.** No, it did not.

6 **Q.** Did you provide him with a copy of his testimony
7 from Mr. Grant's trial?

8 **A.** Yes.

9 **Q.** Did that refresh his recollection?

10 **A.** No. He did not recall testifying.

11 **Q.** Let me turn your attention to Officer Hank Suhr.
12 What was Officer Suhr's role in the investigation?

13 **A.** He was involved in a traffic stop of Israel
14 Grant's vehicle on August 16, 2005, one day after the crime.

15 **Q.** Is he still employed by the Charlotte-Mecklenburg
16 Police Department?

17 **A.** Yes. He is a detective with CMPD.

18 **Q.** Did you have an opportunity to interview Officer
19 Suhr?

20 **A.** Yes. On April 27, 2017.

21 **Q.** Was that interview recorded and transcribed?

22 **A.** It was.

23 **Q.** Did he recall his involvement in the case?

24 **A.** He said that he vaguely remembered the car because
25 it was beat up, but he doesn't remember this particular

1 incident of the traffic stop, and he doesn't recall Israel
2 Grant at all.

3 Q. Did you provide him with a copy of his testimony
4 from Mr. Grant's trial?

5 A. Yes.

6 Q. Did that refresh his recollection any further?

7 A. After reading his testimony, he said that he
8 vaguely recalled what he described was a strange incident,
9 where someone said they had a connection with someone in
10 dispatch. And he said that he remembered what he called the
11 "higher-ups" looking into it and that he never heard
12 anything else; so he thought that they never found a
13 connection.

14 Q. Did you know what he was referring to when he
15 mentioned that?

16 A. Yes. During the motion in limine hearing right
17 before Israel Grant's trial, there was testimony that Israel
18 Grant, during the traffic stop, said that he knew law
19 enforcement was looking for him when they stopped his car
20 because he had a friend in dispatch.

21 This was inconsistent with Mr. Grant's testimony
22 in the motion in limine hearing, but that is what Officer
23 Suhr was talking about.

24 Q. Did Officer Suhr recall anything else?

25 A. He said he remembered preparing for trial with the

1 DA and Detective Carroll, and that at the traffic stop he
2 remembered having who he called "the guy" in the backseat of
3 his car. But he didn't remember testifying at trial.

4 Q. Let me turn your attention now to Officer Richard
5 Starnes.

6 What was Officer Starnes' role in the
7 investigation?

8 A. He was also involved in the August 16th, 2005,
9 stop of Israel Grant's vehicle.

10 Q. And is this Officer Starnes still employed at the
11 Charlotte-Mecklenburg Police Department?

12 A. No. He's now a federal agent.

13 Q. Did you interview Officer Starnes?

14 A. Yes. I spoke to him over the phone on June 13 of
15 this year.

16 Q. Was that interview recorded and transcribed?

17 A. It was.

18 Q. Did he recall his involvement in the case?

19 A. He didn't. He said that he remembered Mr. Grant's
20 name, but he described a different case that was unrelated.

21 Q. Did you provide him with a copy of his testimony
22 from Mr. Grant's trial?

23 A. Yes. I e-mailed him his testimony, and then we
24 spoke on the phone after he had a chance to read it.

25 Q. And did that refresh his recollection?

1 A. He said that he vaguely remembered the traffic
2 stop that he testified about, but he wasn't the initiating
3 officer of the stop. And he said that that was not the case
4 that he remembered Israel Grant for.

5 Q. Are you aware of the case involving Israel Grant
6 to which Officer Starnes was referring?

7 A. Yes. From what he described, he was referring to
8 the possession of a firearm by felon, which is the federal
9 charge that Grant is now incarcerated for.

10 MS. SMITH: Commissioners, do you have any
11 questions for Mr. Ziegler related to our interviews with law
12 enforcement in this case?

13 (No response.)

14 Q. Did the Commission interview the prosecutor that
15 was involved in the original prosecution of Mr. Grant?

16 A. We attempted to interview former Assistant
17 District Attorney David Graham, who was the prosecutor at
18 trial.

19 Q. Can you tell the commissioners about that
20 conversation with Mr. Graham.

21 A. Sure. He asked several questions about the
22 Commission, about Mr. Grant's postconviction appeals and his
23 motion for appropriate relief. He said that he was retired
24 and that he didn't want to talk about a case when he didn't
25 have access to the case file.

1 **Q.** Were you able to provide Mr. Graham a copy of the
2 district attorney's file to allow him to review it and
3 refresh his recollection?

4 **A.** **No. Since the DA's office informed us that it had**
5 **destroyed the file, we could not give it to him to refresh.**

6 **Q.** Did the Commission do anything further with
7 respect to Mr. Graham?

8 **A.** **We made one follow-up call to Mr. Graham to ask if**
9 **he had any independent recollection of this case, which he**
10 **said he did not.**

11 **Q.** Did the Commission also interview Assistant
12 District Attorney Bruce Lillie?

13 **A.** **Yes. I spoke to him on the phone on December 6,**
14 **2016.**

15 **Q.** And was that interview recorded and transcribed?

16 **A.** **It was.**

17 **Q.** How is Mr. Lillie connected to the case?

18 **A.** **He was the prosecutor that represented the State**
19 **on the motion for appropriate relief.**

20 **Q.** Can you tell the commissioners about your
21 conversation with Mr. Lillie?

22 **A.** **Yeah. Mr. Lillie recalls handling the motion for**
23 **appropriate relief. He recalled that he consented to the**
24 **MAR without a hearing. He said that Christina Adcock was in**
25 **court that day and he spoke with her to make sure that she**

1 would tell him the same thing that she had said in the
2 affidavit.

3 He said that, when he spoke to her, she more or
4 less did say the same thing that was in her affidavit and
5 that he didn't feel it would be appropriate for him to try
6 and fight it when he had a witness that was recanting her
7 part of the case.

8 He told me that Ms. Adcock said she felt bad and
9 that it was his belief that there was some kind of
10 discrepancy in where she was or what she actually saw at
11 Circle K.

12 MS. SMITH: Commissioners, do you have any
13 questions for Mr. Ziegler related to the prosecution
14 interviews in the case?

15 (No response.)

16 Q. Did the Commission interview the trial attorney
17 for Mr. Grant?

18 A. Yes.

19 Q. Who was that?

20 A. That was Reggie McKnight. I spoke to him on the
21 phone on August 16 of this year.

22 Q. Was that interview recorded and transcribed?

23 A. It was.

24 Q. How did Mr. McKnight come to represent Mr. Grant?

25 A. He was appointed by the Public Defender's Office.

1 **Q.** You testified earlier that you reviewed
2 Mr. McKnight's file.

3 Did Mr. McKnight provide that file to the
4 Commission?

5 **A.** **He did. He provided his full file to the**
6 **Commission after he received the waiver of procedural**
7 **safeguards that Mr. Grant had signed.**

8 **Q.** Did you ask Mr. McKnight what statements Mr. Grant
9 made to him regarding his guilt or innocence?

10 **A.** **Yes.**

11 **MS. SMITH:** Commissioners, if you will refer to
12 Number 5 in your notebooks, this is an excerpt from the
13 recorded and transcribed phone interview that Mr. Ziegler
14 conducted of Mr. McKnight on August 16, 2017.

15 I have just marked for you page 9, line 10, and
16 read through page 10, line 21.

17 **Q.** Did the Commission obtain an affidavit from
18 Mr. McKnight?

19 **A.** **We did.**

20 **MS. SMITH:** Commissioners, if you will refer to
21 Handout 6 in your hearing handout notebooks, that is the
22 affidavit of Reggie McKnight.

23 **Q.** Mr. Ziegler, did the Commission have contact with
24 the postconviction attorney for Mr. Grant?

25 **A.** **Yes. Mr. Grant's family hired Bruce Cunningham to**

1 represent him on an MAR, a motion for appropriate relief.
2 We spoke with him several times from prior to his official
3 referral of the case and our attempts to obtain his entire
4 file.

5 Q. Can you provide just a bit of history on how this
6 case came to the Commission?

7 A. Yes. Israel Grant wrote the Commission directly
8 in June of 2013 and requested a questionnaire, which we sent
9 to him and he returned in July of 2013.

10 After reviewing his questionnaire, our former
11 director, Kendra Montgomery-Blinn, realized that he was
12 represented and reached out to Mr. Cunningham.

13 Q. Did Mr. Cunningham refer, ultimately, the case to
14 the Commission?

15 A. He did. After speaking with Ms. Montgomery-Blinn,
16 he indicated that he wanted to refer the case and said that
17 he would provide his entire file. He did refer the case in
18 March of 2014. At that time, he provided Christina Adcock's
19 affidavit and said that he would not take any action in
20 court until the Commission's investigation was complete.

21 MS. SMITH: Commissioners, a copy of that referral
22 letter was provided to you in your brief on page 122, if you
23 need to refer to that.

24 Q. Did Mr. Cunningham file a motion for appropriate
25 relief in the case?

1 A. Yes. The motion was filed on February 3, 2015.

2 Q. And was the Commission still investigating or
3 looking at the case at that time?

4 A. Yes.

5 Q. When did the Commission become aware that the MAR
6 had been filed?

7 A. We first learned about it when Israel Grant wrote
8 a letter to the Commission in May of 2015. He said that he
9 filed the MAR and that one of his robbery with a dangerous
10 weapons convictions was vacated. And later that year, he
11 sent a copy of the judgment of the vacated conviction in
12 December of 2015.

13 Q. Do you know when the MAR was granted?

14 A. Yes. The hearing was scheduled on May 8th of
15 2015. It's our understanding that there was a consent order
16 and the judge agreed to vacate the conviction without
17 actually holding a hearing. The judge signed the order
18 vacating that conviction later that month, on the 26th of
19 May, 2015.

20 Q. So between March 2014, when Mr. Cunningham
21 referred the case to the Commission and said he wasn't going
22 to take any action in court until the Commission's
23 investigation was complete, and May of 2015, when we learned
24 that this MAR had been granted, were we aware of the MAR?

25 A. No.

1 **Q.** During that time period, did the Commission
2 continue the review of the case?

3 **A.** **Yes.**

4 **Q.** And after receiving the notification that the MAR
5 had been granted, did we continue to work on the case?

6 **A.** **Yes. Since Mr. Grant still had two convictions**
7 **and that he was claiming innocence on all of his**
8 **convictions, we continued investigating.**

9 **Q.** You testified earlier that you reviewed
10 Mr. Cunningham's file. Did he provide that file to the
11 Commission?

12 **A.** **He did. When he referred the case, he provided**
13 **his file. During our review, we realized that that was not**
14 **the complete file. We reached out to him again and obtained**
15 **the remainder of the file, which included correspondence**
16 **between him and Mr. Grant.**

17 **Q.** Did you have an opportunity to interview
18 Mr. Cunningham?

19 **A.** **Yes. I spoke to him on November 8, 2017.**

20 **Q.** Was that interview recorded and transcribed?

21 **A.** **It was.**

22 **Q.** Did you ask Mr. Cunningham what statements
23 Mr. Grant made to him regarding his guilt or innocence?

24 **A.** **Yes. We asked him if Mr. Grant ever said anything**
25 **one way or the other about guilt or innocence. He stated**

1 that not that he could recall, and he further stated but he
2 wouldn't have asked about guilt or innocence.

3 He did kind of go on to say that he was aware of
4 the recantation, in his words, which said -- "which would, I
5 guess, by definition, mean he was protesting that he was
6 innocent. That wasn't my focus."

7 Q. In your review of Mr. Cunningham's file, did you
8 locate anything that indicated that Mr. Grant had declared
9 guilt or innocence to Mr. Cunningham?

10 A. Yes. In Mr. Grant's original letter to someone in
11 Mr. Cunningham's office when he was seeking representation,
12 he said that the robbery -- this is Mr. Grant -- said that
13 the robbery was made up by the victims because Grant and his
14 friends had jumped on Jason Taylor after Grant was shorted
15 in a marijuana deal.

16 He wrote further letters in which he said that the
17 Circle K security footage would not show his car. And there
18 are some handwritten notes in the file without a date that
19 say no robbery was ever done.

20 JUDGE WAGONER: No robbery what?

21 THE WITNESS: The note says -- this is a quote --
22 "There was no robbery ever done."

23 MS. NEWTON: Could you go back to the testimony?
24 Who shorted whom?

25 MR. ZIEGLER: At this point, he just said that he

1 was shorted in a marijuana deal, in his letter to
2 Mr. Cunningham.

3 **MS. NEWTON:** Grant did?

4 **MR. ZIEGLER:** (Moves head up and down.)

5 **Q.** Does Mr. Grant's motion for appropriate relief
6 make any reference to Mr. Grant's guilt or innocence?

7 **A. Yes. The motion for appropriate relief states,**
8 **quote, "The defendant contends that he has proffered [sic]**
9 **his innocence consistently throughout this case" and quotes**
10 **Mr. Grant at the sentencing hearing saying, "I did not rob**
11 **them."**

12 **Q.** Did the Commission obtain an affidavit from
13 Mr. Cunningham?

14 **A. Yes.**

15 **MS. SMITH:** Commissioners, if you will refer to
16 Handout 7 in your hearing handout notebooks, this is the
17 affidavit of attorney Bruce Cunningham.

18 **JUDGE WAGONER:** Did Mr. Cunningham indicate why he
19 didn't deliver the whole file when he was asked to at the
20 beginning?

21 **MR. ZIEGLER:** I don't recall whether he said why.

22 **JUDGE WAGONER:** Did he turn over the second court
23 file entirely? Or did you have to go back to him and say,
24 "I think something's missing"?

25 **MR. ZIEGLER:** When we realized that there was no

1 correspondence between him and his client, things like that,
2 we reached out to him. And at that point, he gave us the
3 rest of the file.

4 **MS. SMITH:** Are there other questions the
5 Commissioners have for Mr. Ziegler?

6 **MR. BARROW:** Did Mr. Cunningham indicate why he
7 decided to proceed with the MAR after he initially said he
8 would not?

9 **MR. ZIEGLER:** No. He didn't say that. And I did
10 not specifically ask him about that.

11 **MR. BARROW:** So no explanation was ever given for
12 the change of position?

13 **MR. ZIEGLER:** No, sir.

14 **Q.** Mr. Ziegler, I'm handing you a portion of the
15 transcript in *State versus Grant*, the trial transcript,
16 page 173, lines 14 through 19.

17 One of our commissioners asked about which parking
18 spot at the Circle K Christina and Jason said they pulled
19 into.

20 Can you read that question and the response.

21 **A. Yes. (as read:)**

22 **"Question: You left the BB&T and pulled in a**
23 **parking space, pulled in that parking space right here**
24 **(indicating), the parking space right in front of Circle K?**

25 **"Answer: Yes, sir, the last one. The one right,**

1 right, right before the Dumpster."

2 MS. SMITH: We will put the map back up just
3 briefly so that you-all can see that.

4 Q. Can you point that out, Brian?

5 A. So it's our understanding the last space is right
6 here, where it's labeled "victim's car."

7 MS. SMITH: All right. Any other questions?

8 MS. NEWTON: Well, I have two to ask right now.

9 MS. SMITH: Yes, ma'am.

10 MS. NEWTON: You said that the story was that,
11 according to the defendant, he and a friend jumped on the
12 victim Taylor.

13 Was there any evidence at trial that Taylor had
14 any physical injury in law enforcement report when he was
15 questioned?

16 And was his criminal history reviewed by law
17 enforcement, revealing whether he was a marijuana dealer?

18 MR. ZIEGLER: There was no testimony about any
19 injuries.

20 And what was the second part of your question?

21 MS. NEWTON: Whether Taylor had a history of
22 possession of drug paraphernalia reduced from a PWISD for
23 marijuana or any possession of marijuana charges.

24 MR. ZIEGLER: Mr. Taylor testified; so they would
25 have gone through a basic criminal history. I don't recall

1 what specific charges came out. I do know that, later,
2 you-all will be given the history -- a criminal history.

3 **MS. NEWTON:** Thank you.

4 **MR. BRITT:** I just have a follow-up.

5 **MR. ZIEGLER:** Yes, sir.

6 **MR. BRITT:** With respect to the entry of
7 Mr. Cunningham's file that the defendant stated that he and
8 his friends jumped on Mr. Taylor about the drug deal, was
9 there any time referenced?

10 **MR. ZIEGLER:** Not that I recall. That was in a
11 letter when Mr. Grant was seeking representation. And he
12 was claiming innocence and said that they made it up because
13 "we jumped on Mr. Taylor."

14 **MR. BRITT:** Did you take it from that that the
15 alleged encounter occurred prior to the allegations in this
16 case?

17 **MR. ZIEGLER:** That's what was implied with the way
18 Mr. Grant said it, yes.

19 **MR. BRITT:** Okay.

20 **MS. NEWTON:** Well, I have a follow-up on that.

21 Do I understand the response to Commissioner Britt
22 to mean that it wasn't the date of the offense that there
23 was the drug deal and the jumping on of Taylor, or that
24 happened that night?

25 **MR. ZIEGLER:** I'm not sure I understand.

1 **MS. NEWTON:** Well, he was charged with a robbery
2 on that incident on August 15 of '05.

3 **MR. ZIEGLER:** Yes.

4 **MS. NEWTON:** Was the defendant's position that
5 that was not, in fact, a robbery but a bad -- he was shorted
6 in a drug deal and on that night he jumped on Taylor or on a
7 previous incident?

8 **MR. ZIEGLER:** According to Mr. Grant, it was a
9 previous incident prior to August 15, 2005.

10 **MS. NEWTON:** So on the -- August 15, 2005, the
11 defendant's position was that -- was he having another
12 marijuana deal with them on a different incident on that
13 incident?

14 **MR. ZIEGLER:** No, ma'am. Not on that date, not on
15 August 15.

16 **MS. NEWTON:** What was the testimony that -- the
17 reason they were together?

18 **MR. ZIEGLER:** The reason they were together?

19 **MS. NEWTON:** On August 15 of '05. In other words,
20 there wasn't --

21 **JUDGE WAGONER:** When you say "they," who do you
22 mean?

23 **MS. NEWTON:** The defendant and the victims in this
24 case.

25 **MR. ZIEGLER:** The testimony from the victims was

1 that they were at Circle K and that the defendant came to
2 Circle K and robbed them and left.

3 **MS. NEWTON:** And did you uncover any alternate
4 explanation by the defendant except for the prior drug deal
5 and jumping on of Taylor?

6 **MR. ZIEGLER:** Any alternate explanation for?

7 **MS. NEWTON:** For why he was there with the
8 victims.

9 **MR. ZIEGLER:** He says that he was not there.

10 **MS. NEWTON:** Okay.

11 **JUDGE WAGONER:** As I recall, the defendant said he
12 was there earlier that morning at the Circle K; correct?

13 **THE WITNESS:** That's correct.

14 **JUDGE WAGONER:** But not that afternoon when all
15 this stuff allegedly went down.

16 **MR. ZIEGLER:** Yes. That's correct.

17 **MS. NEWTON:** Thank you.

18 **MS. SMITH:** Anything else?

19 (No response.)

20 **MS. SMITH:** Commissioners, I'm going to turn your
21 attention now to Christina Adcock, who you recall from your
22 brief was a victim in this case. She provided a statement
23 to law enforcement, testified at Israel Grant's trial, and
24 later recanted by providing an affidavit that was the basis
25 for the judge vacating the conviction for the robbery with a

1 dangerous weapon as it related to her.

2 If you will refer to Number 8 in your hearing
3 handout notebooks, this is the summary of Christina Adcock's
4 criminal record.

5 **MR. BOSWELL:** Lindsey, "M" is misdemeanor and "F"
6 means felony?

7 **MS. SMITH:** That's correct.

8 **JUDGE WAGONER:** And most of these -- apparently,
9 all of these incidences occurred after the 2005 incident;
10 right?

11 **MS. SMITH:** I haven't looked at it recently.

12 That's correct. All of the date of offenses are
13 after the date of this crime.

14 **JUDGE WAGONER:** Do we have a date of birth for
15 her? How old is she?

16 **MS. SMITH:** Hold on one minute.

17 (Discussion off the record.)

18 **Q.** Mr. Ziegler, can you tell the commissioners what
19 Christina Adcock's date of birth is?

20 **A.** Yes. She was born September 20, 1985.

21 **JUDGE WAGONER:** And did y'all look for any
22 offenses that she might have committed -- meaning
23 convictions -- before the date of this offense?

24 She should have been 20 by then.

25 **MS. SMITH:** Yeah.

1 **JUDGE WAGONER:** Is this the complete criminal
2 record, excluding juvenile, for Christina Adcock?

3 **MR. ZIEGLER:** Yes. That's her complete criminal
4 record.

5 **JUDGE WAGONER:** Okay.

6 **Q.** Mr. Ziegler, was Ms. Adcock interviewed by law
7 enforcement?

8 **A.** She was. On August 15, 2005, the day of the
9 crime. At the time, she told law enforcement that, around
10 3:30 p.m., she and her boyfriend Jason Taylor pulled into
11 the Circle K on Little Rock Road and Freedom Drive.

12 She said that they were sitting in the car when a
13 burgundy Crown Victoria pulled up. The driver jumped out
14 and placed a black gun to Taylor's head and said, "Give me
15 your money." Taylor reached in his back pocket and gave him
16 the money.

17 She then said that the black male turned to her
18 and said, "Bitch, give me your money too."

19 Christina stated that she gave him \$15. The black
20 male ran back into his car, and he and an unknown passenger
21 who never exited the car drove down Little Rock Road toward
22 I-85 and that Mr. Taylor then called 911.

23 She described the perpetrator as a black male,
24 5 foot, 9 inches tall, 150 pounds, wearing a white shirt and
25 black jeans.

1 **MS. SMITH:** Commissioners, a copy of that
2 statement was provided in your briefs on page 15.

3 **Q.** Was Ms. Adcock interviewed by law enforcement on
4 any additional occasions?

5 **A.** No. When Detective Carroll went to the residence
6 where Ms. Adcock and Mr. Taylor lived together to show a
7 photographic lineup on September 15, 2005, Detective Carroll
8 notes that Ms. Adcock was present but she did not view the
9 lineup and that she advised she was scared and would
10 probably not be able to recognize the suspect.

11 **Q.** Did Ms. Adcock testify at trial?

12 **A.** She did. At trial, she testified that, after she
13 got money out of her account at the ATM at BB&T, she drove
14 Jason Taylor to the Circle K next door.

15 She stated that she -- testified that she went in
16 the store, got a drink and that, as they were getting ready
17 to leave, someone pulled up and put a gun to the side of
18 Jason Taylor's head and demanded money.

19 She further testified -- she identified Israel
20 Grant in court as the perpetrator. And she further
21 testified that he demanded money from her. She gave 270 or
22 \$275. She testified that the perpetrator drove a burgundy
23 Crown Victoria with a busted out rear window with plastic
24 over it and that she had seen the vehicle prior to the
25 robbery at the house across the street from where she lived,

1 and the person who lives at that house where she had seen
2 the car is one of Israel Grant's friends.

3 She testified that, as soon as the car left the
4 parking lot, she called 911 and Jason Taylor got on the
5 phone and spoke to the operator, that law enforcement
6 arrived two to three minutes after the 911 call was made.

7 Q. What else did she testify to?

8 A. She was asked whether she recalled giving the
9 robber \$15, and she said that she did tell him -- she was
10 asked whether she recalled telling law enforcement that she
11 gave the robber \$15. She said that she did recall telling
12 them that, that the \$270 was the money from the ATM that
13 they got from the bank.

14 She testified that Jason Taylor had told her that
15 he had taken Israel Grant to a friend's house to buy
16 marijuana and that, later, Israel Grant came back and said
17 it was short.

18 She said that she didn't tell the officers about
19 this at the crime scene because she didn't want to tell them
20 anything about Jason Taylor having -- excuse me. She
21 testified that she did not tell officers at the crime scene
22 the name of Israel Grant and did not tell them anything
23 about Jason Taylor having a previous relationship with
24 Mr. Grant.

25 She testified that she was sitting on her porch

1 when Detective Carroll showed up to show them a lineup of
2 pictures. Jason Taylor identified a photograph and she
3 didn't participate in the lineup. She testified that she
4 could see the photograph that Jason Taylor picked out, that
5 it was the photo of Israel Grant, and she stated that she
6 did not speak with Detective Carroll at the time of the
7 photographic lineup.

8 Q. Is that different than what Detective Carroll's
9 notes indicate?

10 A. Yes. Detective Carroll's notes indicate that
11 Christina said she would not be able to identify the
12 perpetrator.

13 Q. Anything about why?

14 A. She told -- according to the notes, she told
15 Detective Carroll that she was scared.

16 Q. Did she testify to anything on cross-examination?

17 A. She did. On cross-examination, she stated that
18 she did not get a good look at the perpetrator and could not
19 identify him, but she recognized the car that he drove.

20 Q. And this was after she testified on direct
21 examination and identified Israel Grant in court?

22 A. That's correct.

23 MS. SMITH: Commissioners, the entirety of that
24 testimony was provided in your briefs on pages 69-114.

25 Q. Did Ms. Adcock later come forward and recant that

1 testimony?

2 A. She did. Ms. Adcock signed an affidavit in front
3 of a notary stating that she never witnessed a robbery nor
4 was the victim of any robbery involving Israel Grant at the
5 Circle K convenience store at the corner of Little Rock Road
6 and Freedom Drive in Charlotte, North Carolina.

7 MS. SMITH: Commissioners, the affidavit that was
8 executed by Ms. Adcock on March 10, 2014, was also included
9 in your brief on page 125.

10 MR. GRACE: Who prepared that affidavit?

11 MR. ZIEGLER: There is actually going to be
12 testimony about that in a few minutes.

13 MR. GRACE: Oh. I can wait.

14 MR. ZIEGLER: It's a bit of a complicated answer.

15 SHERIFF FRYE: As I have looked through this,
16 and did -- was there ever anyone -- was there ever any
17 testimony provided as to why they went and withdrew \$270?

18 MR. ZIEGLER: There was not any testimony about
19 that.

20 SHERIFF FRYE: I mean, they never gave a reason
21 why they went to the ATM to get \$270?

22 MR. ZIEGLER: No, sir.

23 SHERIFF FRYE: And do you know? Is that ATM
24 different than any ATM I've ever went to, that it provides
25 odd numbers like that? In other words, most of the time,

1 you can get 280, 260, 300.

2 How do you get \$270 from an ATM?

3 **MR. ZIEGLER:** I could not answer the question.

4 **MR. BRITT:** Okay.

5 **MR. GRACE:** Was it ever reconciled who had the
6 money when it was taken -- allegedly taken from the car?

7 One witness reports here that the male had it, and the other
8 reports that the female had it.

9 **MR. ZIEGLER:** Only when Ms. Adcock clarified that
10 the money was from the ATM.

11 **MR. GRACE:** Well, that doesn't clarify who it
12 actually was taken from.

13 Was that ever reconciled?

14 **MR. ZIEGLER:** No, sir.

15 **JUDGE WAGONER:** Was there any documentation
16 provided by Ms. Adcock or Mr. -- the other victim, alleged
17 victim, as to a withdrawal slip or anything from the ATM?

18 **MR. ZIEGLER:** No, ma'am. There was no
19 documentation.

20 **JUDGE WAGONER:** Did law enforcement ever ask for
21 it?

22 **MR. ZIEGLER:** There was nothing in the file about
23 law enforcement asking for it. That's all I can say.

24 **JUDGE WAGONER:** Okay.

25 **Q.** Did the Commission have an opportunity to

1 interview Ms. Adcock?

2 A. We did. We interviewed her on March 2nd, 2017.

3 Q. Was that interview recorded and transcribed?

4 A. Yes.

5 Q. Can you briefly describe what she told you in that
6 interview?

7 A. Sure. She started by indicating that she already
8 signed a paper, had it notarized, and sent it to "his"
9 lawyer -- is what she said.

10 She went on to say that the allegation didn't
11 happen and it was, quote, "A, big, long thing that wasn't
12 true."

13 We asked her whether the crime happened at all or
14 possibly happened with just Jason. She stated that it
15 didn't happen with her and she didn't know if it happened
16 with Jason, but it did not happen that day and that Jason
17 never told her that he had been robbed by Israel Grant and
18 that she never heard anyone say that the crime actually
19 happened. She stated that Jason told her what to say and
20 that she was pushed into saying it.

21 She also stated that she had dealt with a lot
22 after the case because of Grant's friends who lived across
23 the street from her mother's house broke into her house,
24 threw rocks at her house, and threatened to kill her. She
25 stated that the person that did this was Marquis Funderburk.

1 **Q.** Did she say anything about being threatened to
2 sign the affidavit?

3 **A.** She said that she had not been threatened before
4 signing the affidavit. She stated that she had been
5 approached by Marquis Funderburk, that Israel Grant called
6 her from prison, that she talked to him. She said that she
7 asked Israel Grant for forgiveness and that he said he
8 forgave her and he understood.

9 And she stated that, when she came forward, what
10 she said was the truth.

11 **MS. SMITH:** Commissioners, if you will refer to
12 Handout 9 in your hearing handout notebooks, this is the
13 complete transcript of the Commission's interview with
14 Christina Adcock. It may take you a little bit of time to
15 read it, but go ahead and do that.

16 **SHERIFF FRYE:** The possession of a firearm by a
17 felon, what firearm was that?

18 **MS. SMITH:** May I ask a clarifying question of
19 you, Sheriff Frye?

20 The one for -- that's connected to this robbery?

21 **SHERIFF FRYE:** Yes.

22 **MS. SMITH:** Okay.

23 **MR. ZIEGLER:** It was based on the testimony that
24 he had robbed them with a gun.

25 **SHERIFF FRYE:** So they never found a gun?

1 **MR. ZIEGLER:** There was no firearm recovered or
2 anything like that.

3 **SHERIFF FRYE:** Gotcha. I got the charge, but no
4 one ever mentioned any testimony that there was a gun
5 recovered.

6 The one he's serving federal charges for is a
7 sawed-off shotgun, if I'm correct; is that right?

8 **MR. ZIEGLER:** That's correct. And that was a
9 separate incident from this.

10 **SHERIFF FRYE:** Right. A completely separate
11 incident.

12 **JUDGE WAGONER:** It happened before this crime,
13 didn't it?

14 **MR. ZIEGLER:** Yes.

15 **SHERIFF FRYE:** So just based on the testimony, but
16 there was actually no pistol found at all?

17 **MR. ZIEGLER:** That's correct.

18 **SHERIFF FRYE:** Gotcha.

19 **MR. HEARD:** Even in the initial process of
20 describing the crime, they both said he held a pistol to the
21 guy's head.

22 **MR. ZIEGLER:** That's correct.

23 (Discussion off the record.)

24 **Q.** Mr. Ziegler, did you look into any threats that
25 Ms. Adcock may have received?

1 A. Yes. We interviewed Jennifer Fitzgibbons, who was
2 Israel Grant's girlfriend at the time of the crime and the
3 time of the trial, on March 22, 2017.

4 MS. SMITH: Commissioners, if you will flip to
5 Handout 10 in your hearing handout notebooks, that is the
6 criminal record of Jennifer Fitzgibbons.

7 MR. BOSWELL: What does DWLR stand for?

8 MR. BRITT: Driving while license revoked.

9 MR. BOSWELL: Okay. That's what I thought ...

10 Q. Mr. Ziegler, did Jennifer tell you anything
11 regarding any threats that were made to Christina Adcock?

12 A. She stated that, on the day of Israel Grant's
13 sentencing, all of Israel's family and friends went to
14 Marquis Funderburk's house afterward. She said that on the
15 day Funderburk threw a brick through the window of the house
16 where Christina was living. She said that the police came
17 out and Christina moved out of the house that day.

18 Q. What day was Israel Grant's sentenced?

19 A. That was August 17, 2007.

20 Q. Were you able to confirm that that incident with
21 the brick happened on that day?

22 A. Yes. We determined that Marquis Funderburk was
23 charged with injury to real property for a crime that
24 occurred that day, August 17, 2007. The complainant is
25 listed as Tina Adcock, who is Christina's mother and who

1 lived in that house. And Christina Adcock is listed as a
2 witness. The charge was dismissed on January 3, 2008.

3 Q. Did you ask Marquis Funderburk about this?

4 A. Yes. We interviewed Marquis on March 22, 2017.

5 MS. SMITH: Commissioners, if you will refer to
6 Handout 11 in your hearing handout notebooks, this is a
7 summary of Marquis Funderburk's criminal history.

8 JUDGE WAGONER: Before you go any further, this is
9 the same Marquis Funderburk who got the affidavit from
10 Christina later?

11 MR. ZIEGLER: That's correct. Yes.

12 JUDGE WAGONER: All right.

13 MR. BRITT: With respect to the dismissal of the
14 injury to property charge, did you obtain a copy of the
15 dismissal form?

16 MR. ZIEGLER: I don't recall if we have a copy of
17 the dismissal form.

18 MR. BRITT: Do you know the reason the case was
19 dismissed? Did Ms. Adcock not show up to court?

20 MR. ZIEGLER: We don't know why it was dismissed.

21 MR. BRITT: Okay.

22 Q. What did Marquis Funderburk tell you about the
23 incident with the brick?

24 A. He said that he did not throw a brick at the
25 window of Christina's house and he didn't know of anyone who

1 did. And he stated that he had never heard of this story or
2 scenario at all.

3 Q. Did you learn of any other threats that were made
4 to Christina Adcock?

5 A. During Marquis Funderburk's interview, he stated
6 that at Grant's trial he was asked to leave the courthouse
7 because Christina Adcock went to "them" and told "them" that
8 he had threatened her life in court. He did not clarify who
9 "them" referred to. He said that Ms. Adcock stated, quote,
10 "He said he's going to burn my mama's house down and shoot
11 us when we're coming out."

12 Mr. Funderburk denied threatening Christina.

13 Q. Did you learn of other threats that were made to
14 Christina Adcock?

15 A. When we interviewed Jennifer Fitzgibbons, Israel
16 Grant's then girlfriend, she stated that, the day that Grant
17 was sentenced, she tried to go after Christina Adcock in an
18 attempt to try and fight her but was stopped by police.

19 Q. Did you learn of any other threats that were made
20 to Christina Adcock?

21 A. On June 2nd, 2017, we interviewed Christine
22 Fitzgibbons, who is the sister of Jennifer Fitzgibbons.

23 MS. SMITH: Commissioners, Christine Fitzgibbons
24 does not have a criminal record.

25 Q. What did she tell you about any threats that were

1 made to Christina Adcock?

2 A. Without provocation, Christine Fitzgibbons said
3 that, either on the day of Grant's arrest or the day of his
4 conviction, she knocked on Ms. Adcock's door and, when
5 Adcock answered the door, she hit her twice.

6 Christine Fitzgibbons said that Adcock hit the
7 floor and went sliding across her living room. And she
8 stated that there were other people at Marquis Funderburk's
9 house that told her to leave; so she did.

10 Q. Did you learn of any other specific threats that
11 were made to Christina Adcock after the day that Israel
12 Grant was convicted?

13 A. No. In his deposition and interview on May 18,
14 2017, Jason Taylor stated that Christina Adcock had been
15 threatened and was scared at that time, but that's
16 inconsistent with what Christina has told the Commission.

17 Q. And when you say "at that time," are you referring
18 to May 18 of 2017?

19 A. That's correct.

20 Q. Did you ask anyone about the circumstances
21 surrounding obtaining that affidavit from Ms. Adcock?

22 A. Yes. We interviewed James Grant on April 4,
23 2017. James was dating Israel Grant's brother Elijah at
24 that time and the time that the affidavit was obtained.

25 She stated that she was not involved in getting

1 Christina to sign the affidavit but that she was aware of
2 the fact that Marquis had found Christina and that she had
3 said she was willing to testify and say that she was lying.

4 Jamese Grant stated that she had been asked to go
5 online and google an example of what an affidavit would look
6 like that Christina Adcock would sign. And she recalled
7 googling what an affidavit looks like, and she recalled
8 printing a pretyped affidavit and then giving it to Elijah
9 Grant.

10 JUDGE WAGONER: To Elijah Grant?

11 MR. ZIEGLER: Elijah Grant. That's Israel Grant's
12 brother.

13 MS. SMITH: Commissioners, Jamese Grant also does
14 not have a criminal record.

15 MR. BRITT: With respect to the production of the
16 affidavit, isn't there information in our brief that Israel
17 Grant said he handwrote it and sent it to someone whose
18 girlfriend typed it?

19 MR. ZIEGLER: Israel Grant has said that he had
20 written the affidavit. That's correct.

21 MR. BRITT: All right.

22 Q. Did you interview anyone else related to obtaining
23 the affidavit from Ms. Adcock?

24 A. Yes. On March 22, 2017, we interviewed Rashad
25 Mackey, a friend of Israel Grant's, who asked Grant to pawn

1 a ring for him.

2 MS. SMITH: Commissioners, if you will turn to
3 Handout 12 in your hearing handout notebook, that is the
4 criminal record of Rashad Mackey.

5 Q. What did Mr. Mackey tell you about obtaining the
6 affidavit?

7 A. He stated that he and Marquis Funderburk talked to
8 Christina Adcock about getting the affidavit signed. He
9 stated that all of the conversations they had were peaceful
10 and friendly and that, if they see Christina today, she
11 doesn't have hard feelings towards them.

12 He stated that Christina did everything of her own
13 free will, that no one gave her any money or threatened her
14 to do it. He stated that it was weighing on her conscience
15 and she wanted to come forward and try to get Mr. Grant out.

16 Later in the interview, he stated that Christina
17 Adcock came to court of her own free will, that they did not
18 give her a ride or money for gas or to get the bus, and that
19 she got there herself.

20 This is inconsistent with what Elijah Grant told
21 the Commission on November 13, 2017. Elijah Grant stated
22 that Christina Adcock rode to court with him and Marquis
23 Funderburk.

24 Q. So you interviewed Elijah Grant with respect to
25 obtaining the affidavit from Ms. Adcock?

1 A. **Yes. November 13 of this year.**

2 **Q.** Can you remind the commissioners one more time who
3 Elijah Grant is?

4 A. **Yes. That is Israel Grant's brother.**

5 **MS. SMITH:** Commissioners, if you will refer to
6 Handout 13 in your hearing handout notebook, this is the
7 criminal record of Elijah Grant.

8 **JUDGE WAGONER:** I just want to clarify something.
9 Was Mr. Mackey in court the day this recantation
10 took place?

11 **MR. ZIEGLER:** I am not aware if he was in court
12 that day.

13 **JUDGE WAGONER:** So did he indicate to you how he
14 knew that Christina got there on her own?

15 **MR. ZIEGLER:** He stated to me that Christina did
16 not get to court "with us"; so I believe he was there,
17 according to him. But I don't have any other knowledge of
18 that.

19 **JUDGE WAGONER:** Okay.

20 **SHERIFF FRYE:** I'm trying to think of how to word
21 what I'm trying to word.

22 This group -- Marquis, Grant, his brother, the guy
23 that had the ring pawned -- are they part of -- are they
24 just friends? Or are they actually part of any organized
25 gang?

1 **MR. ZIEGLER:** I am unaware of any organized gang
2 that they are a part of. I know they all lived in the same
3 neighborhood together.

4 **SHERIFF FRYE:** There's been no indication that
5 they are part of a criminal organization, I guess?

6 **MS. SMITH:** Sheriff Frye, we will take a look at
7 their STG status in DPS real quick and see if we can make a
8 determination on that.

9 **SHERIFF FRYE:** Okay.

10 **MR. BOSWELL:** May I ask a question?

11 I heard earlier you said that somebody said
12 Christina was threatened.

13 Did I mishear that?

14 **MR. ZIEGLER:** No. That's correct.

15 **MR. BOSWELL:** Who said that Christina was
16 threatened to give the affidavit?

17 **MR. ZIEGLER:** No one said that she was threatened
18 to give the affidavit -- oh. I'm sorry. Jason Taylor, the
19 other victim in the case, stated that he thought she was
20 threatened.

21 **MR. BOSWELL:** Okay. Gotcha. All right. Thank
22 you.

23 **JUDGE WAGONER:** But she and Jason were not having
24 a relationship for a while?

25 **MR. ZIEGLER:** There will be some testimony about

1 that.

2 **MS. NEWTON:** I have a question.

3 Didn't she say in her statement, when you talked
4 to her -- Exhibit 9, page 10 -- that Taylor -- was she
5 referring to Taylor is your understanding when she said her
6 ribs were broken?

7 **MR. ZIEGLER:** When she said her ribs were broken,
8 I don't know who she was referring to.

9 **MS. NEWTON:** She was --

10 **MR. ZIEGLER:** She said --

11 **MS. NEWTON:** She was talking about Taylor at the
12 time?

13 **MR. ZIEGLER:** She said "ex-boyfriend problems,"
14 and I don't know what ex-boyfriend she was referring to.

15 **MS. NEWTON:** At the time she was talking about her
16 baby daddy, and that was Taylor; right?

17 **MR. ZIEGLER:** When she referred to her baby daddy,
18 she was referring to Taylor. I am unaware if those two
19 things refer to the same person or not.

20 **MS. NEWTON:** Thank you.

21 **Q.** Brian, was she living with another man when you
22 interviewed her?

23 **A.** Yes. At the time of that interview, Ms. Adcock
24 was living with a man who was not Jason Taylor.

25 **MS. SMITH:** Other questions?

1 **MS. NEWTON:** Just to clarify. Exhibit 9, page 10,
2 she said at line 10:

3 "-- it didn't happen?"

4 "Uh-huh."

5 And she says -- Ms. Stellato is asking "About
6 Jason, was he an honest person?"

7 And then Ms. Adcock is talking about Jason; right?

8 **MR. ZIEGLER:** That's correct.

9 **MS. NEWTON:** And then "From my understanding, he's
10 still" -- meaning Jason -- "you know, doing a little bit
11 here and there, whatever. And my ribs are broken. That's
12 why I'm ..."

13 And that was all -- that whole paragraph was about
14 the alleged victim Jason.

15 **MR. ZIEGLER:** That's correct.

16 To give a little context, she had been rubbing her
17 side near her ribs throughout the interview.

18 **MS. NEWTON:** Okay.

19 **MR. ZIEGLER:** So when she says that, she's
20 referring to what she'd been physically doing.

21 **MS. NEWTON:** I see.

22 **MR. ZIEGLER:** Which, again, I don't know whether
23 or not that refers to Jason.

24 **MS. NEWTON:** So someone looked -- like, what's
25 that? And it's just not on the record that that was going

1 on. But she was explaining why she's rubbing her ribs?

2 **MR. ZIEGLER:** That's correct.

3 **MS. NEWTON:** Okay. Thank you.

4 **Q.** You testified earlier that you interviewed Marquis
5 Funderburk.

6 When you interviewed him, did you ask him about
7 obtaining that affidavit from Christina Adcock?

8 **A.** **Yes.**

9 **JUDGE WAGONER:** Lindsey, are we supposed to read
10 Elijah Grant's --

11 **MS. SMITH:** I'm sorry.

12 **JUDGE WAGONER:** -- statement?

13 **MS. SMITH:** Yes. I apologize. Let me go back. I
14 skipped through the wrong handout there.

15 **Q.** You interviewed Elijah Grant?

16 **A.** **That's correct.**

17 **Q.** And was that recorded and transcribed?

18 **A.** **It was.**

19 **Q.** And the substance of your interview with Elijah
20 Grant, was that about the efforts that were undertaken to
21 obtain this affidavit?

22 **A.** **Yes.**

23 **MS. SMITH:** Okay. Now, yes, Commissioners, if you
24 can read Handout 14, that is the transcript of our entire
25 interview with Elijah Grant.

1 If you will take a moment to review that.

2 **SHERIFF FRYE:** Can I ask a question?

3 **MS. SMITH:** Yes.

4 **MR. BRITT:** Page 3 of this affidavit, lines 4 to
5 lines 8, where it talks about him receiving the affidavit,
6 he says "We just talked to her."

7 That "we," is there any clarification in that? Is
8 that him and his girlfriend? him and Marquis?

9 Do we have any idea who the "we" is that talked to
10 her?

11 **MR. ZIEGLER:** Well, you've read the transcript.
12 He doesn't specifically clarify. At the time I took that to
13 be Marquis because he said Marquis was the main one. But
14 there is no verification beyond that.

15 **SHERIFF FRYE:** Okay. But his girlfriend is the
16 one that typed it up; correct?

17 **MR. ZIEGLER:** His girlfriend is Jamese Grant,
18 right, who had --

19 **MR. BRITT:** Who typed it.

20 **MR. ZIEGLER:** -- talked about typing the
21 affidavit.

22 **JUDGE WAGONER:** And this interview was done by
23 phone?

24 **MR. ZIEGLER:** That's correct.

25 **JUDGE WAGONER:** Okay. Did he know he was being

1 taped?

2 **MR. ZIEGLER:** He did not.

3 **Q.** Mr. Ziegler, is it true that Jamese Grant doesn't
4 specifically recall typing the affidavit but rather googling
5 an affidavit and printing something off and giving it to
6 Elijah Grant?

7 **A.** **That's correct.**

8 **Q.** But there is other information that she may have
9 typed -- someone else has said she typed the affidavit?

10 **A.** **That's correct. She did not say she typed the**
11 **affidavit, but someone else may have said that, yes.**

12 **SHERIFF FRYE:** Correct.

13 **MS. SMITH:** Any other questions about that before
14 I move on to the next?

15 **MR. BARROW:** I just have one question about that.
16 Has the notary been interviewed?

17 **MR. ZIEGLER:** No, she's not.

18 **JUDGE WAGONER:** What was the question? I didn't
19 hear.

20 **MR. BARROW:** Whether the notary had been
21 interviewed.

22 **JUDGE WAGONER:** (Moves head up and down.)

23 **Q.** Mr. Ziegler, you testified earlier that you had
24 interviewed Marquis Funderburk.

25 When you interviewed him, did you ask him about

1 obtaining the affidavit from Christina Adcock?

2 A. Yes.

3 MS. SMITH: Commissioners, I have previously
4 provided you Marquis Funderburk's criminal record in your
5 hearing handout notebook. That was hearing Handout
6 Number 11.

7 Q. What did Marquis Funderburk tell you about
8 obtaining the affidavit from Christina Adcock?

9 A. He said that Christina came to his house crying
10 and saying that she did not want them to kill her because
11 she got their friend locked up. He stated that she told him
12 she was scared for her life and that he told her she didn't
13 have to worry about that and that they just needed her to do
14 what was right.

15 He stated that he told her he needed her to sign
16 the papers and to be honest about it. He stated that they
17 went to a notary, that she made a statement, and they
18 shipped it off. And he also stated that Christina Adcock
19 wrote the affidavit and that he was not there when she did
20 it.

21 Q. Mr. Ziegler, is Mr. Funderburk's recollection
22 regarding who drafted the affidavit accurate?

23 A. No. There is some discrepancy between who drafted
24 the affidavit, but all indications point to Israel Grant
25 providing the language for someone else to type up and

1 **Marquis delivering the affidavit to Christina.**

2 **Q.** Did Mr. Funderburk say anything else about the
3 affidavit?

4 **A.** He stated that, on the day they got the affidavit
5 signed, Israel Grant called him and he told him that
6 Christina Adcock had signed the affidavit, and this was when
7 Christina and Israel Grant spoke on the phone.

8 **Mr. Funderburk told the Commission that Israel**
9 **Grant did not know they were trying to get the affidavit and**
10 **it was something they were doing to try as a surprise.**

11 **Q.** Did you have any information -- or do you have any
12 information that Mr. Grant knew that his friends were
13 working to obtain an affidavit from Christina Adcock?

14 **A.** Yes. There are multiple calls made by Mr. Grant
15 from prison in which he discusses with various people the
16 attempts made to get the affidavit signed by Christina
17 Adcock.

18 **Q.** Did you obtain the recordings of these phone calls
19 from the prison?

20 **A.** Yes. Pursuant to a court order issued by Judge
21 Wagoner, we received the calls from DPS.

22 **Q.** What period of time did those cover?

23 **A.** They covered January 1, 2009, through January 12,
24 2016, which is when Grant was released from state custody.

25 **Q.** And did you listen to and review all of those

1 calls?

2 A. Yes. I listened to all of the calls that were
3 provided.

4 Q. For the period from January 1, 2009, through
5 January 12, 2016, are these all of the phone calls that
6 Israel Grant made?

7 A. To the extent that he used his prisoner PIN to
8 make the calls, we were able to get those recordings. We
9 know from listening to the calls that other prisoners would
10 use his PIN; so it's possible that Mr. Grant also used other
11 prisoners' PINs to make his own calls.

12 And in listening to the calls, we know that he had
13 access to a cell phone in prison, which he may have used to
14 make calls.

15 Q. Do you have any reason to believe that the calls
16 that were -- do you have any reason to believe that calls
17 were made that were not provided with those recordings?

18 A. Yes. Christina Adcock, Israel Grant, and Marquis
19 Funderburk all told the Commission during their respective
20 interviews that there was a call made in which Adcock and
21 Grant spoke on the day that she signed the affidavit. This
22 was March 10, 2014. There is no recording for a call on
23 that day.

24 MS. SMITH: Commissioners, if you will refer to
25 Handout 15 in your hearing handout notebooks, this is a

1 summary of the calls that Israel Grant made during that
2 seven-year period that relate to this case.

3 If you will take a few minutes to go through
4 those.

5 **JUDGE WAGONER:** May I ask Mr. Ziegler a question?

6 Did I understand you correctly when you said that
7 Marquis said that Israel did not know about the efforts to
8 obtain an affidavit because they wanted to surprise him?

9 **MR. ZIEGLER:** Marquis said that. That's correct.

10 **JUDGE WAGONER:** Okay.

11 (Discussion off the record.)

12 **Q.** Mr. Ziegler, if I can have you refer to that
13 handout, Number 15, that they just read in the hearing
14 handbook notebook, page 3, call Number 19.

15 In that call -- what's the date of the call?

16 **A.** **September 23, 2013.**

17 **Q.** And who is that call with?

18 **A.** **It's between Israel Grant and Elijah Grant.**

19 **Q.** And is there some indication that a woman reads
20 some text?

21 **A.** **Yes, that's correct.**

22 **Q.** And can you just tell the commissioners whether
23 the text that she reads regarding the affidavit is the
24 wording that's used in the affidavit that's signed by
25 Christina Adcock?

1 A. Yes. She -- speaking to Israel Grant, she read
2 the text that was the exact wording used in the affidavit
3 signed by Israel Grant [sic].

4 Q. And do we know who the female is?

5 A. Context suggests that it was Jamese Grant, but I
6 can't confirm that for certain.

7 **JUDGE WAGONER:** So you heard this woman read the
8 text of the unsigned affidavit on this phone call?

9 **MR. ZIEGLER:** That's correct.

10 **JUDGE WAGONER:** Who is Mary Pollard?

11 **MR. ZIEGLER:** Mary Pollard is the director of
12 Prisoner Legal Services.

13 **JUDGE WAGONER:** Okay.

14 Q. Did you ask Israel Grant in that interview with
15 him whether he was aware of any threats made to Christina?

16 A. Yes. When we spoke with Mr. Grant on June 7,
17 2017, we asked him if he knew of any threats, and he said
18 that he did not.

19 Q. Did you ask him specifically about the incident
20 where the brick was thrown through Christina Adcock's
21 window?

22 A. We did. He said that was the first he had ever
23 heard of that.

24 Q. Did you ask about the circumstances surrounding
25 the affidavit that Christina Adcock signed?

1 A. We did. His words were that he sent the affidavit
2 to the crib and Marquis said he would talk to Christina and
3 see what was up. She stated that she -- he stated that he
4 wrote the affidavit and his brother's fiancée -- that's
5 Jamese Grant -- typed it on the computer.

6 He stated that Marquis then relayed that he had
7 asked Christina about the affidavit and that she said she
8 would sign it but only if she wouldn't face charges. Grant
9 then stated that was why he applied to the Commission,
10 because he had heard the Commission's chair could grant
11 someone immunity for lying on the stand, and he stated that
12 that all took place in 2013.

13 Q. Before we move on, did the Commission chair
14 provide immunity to Christina Adcock before she signed the
15 affidavit in this case?

16 A. No.

17 Q. Since that time, has the Commission chair provided
18 immunity to Christina Adcock?

19 A. No.

20 Q. And for the record, has the Commission chair
21 provided immunity to anyone in this case?

22 A. No.

23 Q. Did you ask Mr. Grant if he had had any contact
24 with Christina Adcock since his conviction?

25 A. We did. He stated that, when the affidavit came

1 about in 2014, Marquis got into contact with him and told
2 him that Christina was with Marquis and that they were
3 walking to the tax place to get the affidavit signed.

4 He said that at that time he spoke with Christina
5 on the phone and that she said she was sorry, that she would
6 try to help him and do everything she could to make it
7 right. And he stated that he told her he appreciated it.

8 Q. Since the motion for appropriate relief was
9 granted, have you been able to uncover any additional
10 threats that may have been made to Ms. Adcock?

11 A. We did not uncover any threats during that time
12 period, and Ms. Adcock told us that she had not been
13 threatened.

14 MS. SMITH: All right. Commissioners, do you have
15 any questions for Mr. Ziegler about our investigation as
16 relates to Christina Adcock and the affidavit before I call
17 Ms. Adcock?

18 MS. NEWTON: Did anyone ever ask her how she broke
19 her ribs?

20 MR. ZIEGLER: She stated boyfriend problems, and
21 that was the extent of it.

22 MR. BOSWELL: How long do you envision Ms. Adcock
23 will be on the stand? I would like to take a break.

24 MS. SMITH: We're going to take a break right now,
25 as soon as you-all ask questions of Mr. Ziegler.

1 **MR. GRACE:** How much of this did Bruce Lillie get
2 into with Ms. Adcock? Do you know?

3 **MR. ZIEGLER:** The extent of it that we have is the
4 affidavit.

5 **MR. BOSWELL:** Did anybody listen to the 911 call?

6 **MR. ZIEGLER:** We tried to obtain the 911 call, and
7 we were informed by Charlotte-Mecklenburg police that it
8 wasn't saved at the time. And because it wasn't saved at
9 the time in 2005, it was no longer available to us.

10 **MR. BOSWELL:** So it wasn't played at the trial or
11 anything as far as you know?

12 **MR. ZIEGLER:** I am not aware of it being played at
13 trial because we were told it wasn't saved at the time.

14 **MR. BOSWELL:** Was there a search for other
15 witnesses that you are aware of that may have been there and
16 seen what would've happened at the time?

17 Was there any discussion about that?

18 **MR. ZIEGLER:** Are you referring to law
19 enforcement?

20 **MR. BOSWELL:** Yeah. Did law enforcement or the
21 prosecutor find any other witnesses or even -- could you
22 tell if they searched for any other witnesses to the actual
23 event at Circle K?

24 **MR. ZIEGLER:** Based on my interviews with law
25 enforcement and the law enforcement file, no.

1 **MR. BOSWELL:** And there weren't any at trial. I
2 mean, we haven't read the full -- the whole trial
3 transcript. There wasn't any --

4 **MR. ZIEGLER:** There were no other witnesses from
5 the Circle K at trial.

6 **MR. BOSWELL:** Okay.

7 **MS. NEWTON:** Did you ask or did Israel Grant offer
8 to the Commission or during your investigation how he
9 resolved the issue of the marijuana short between Taylor and
10 Israel Grant?

11 Did he get his money?

12 **MR. ZIEGLER:** I do not believe that he said he got
13 his money. We did talk to him about that, and there will be
14 testimony about that.

15 **MS. NEWTON:** Thank you.

16 **MS. SMITH:** Any more questions?

17 At this time, Your Honor, I would suggest we would
18 take a 10-15 minute break.

19 **JUDGE WAGONER:** Okay. 15-minute break to a little
20 bit before 11:30.

21 (Recess taken, 11:12 to 11:29 a.m.)

22 **MS. SMITH:** Before I call Christina Adcock, a
23 couple of housekeeping items.

24 First, I've got one follow-up question for
25 Mr. Ziegler.

1 Sheriff Frye, this is in response to your question
2 about whether or not there is any known gang affiliation
3 between Marquis Funderburk, Israel Grant, and Rashad Mackey.

4 **Q.** Mr. Ziegler, were you able to find any known gang
5 affiliation between those three individuals?

6 **A.** In the DPS reports, there are no gang affiliations
7 listed for Rashad Mackey, Israel Grant, or Marquis
8 Funderburk.

9 **SHERIFF FRYE:** Thank you.

10 **Q.** Okay. You may step down.

11 **JUDGE WAGONER:** Thank you.

12 (Witness stands down.)

13 **MS. SMITH:** Commissioners, at this time, my intent
14 was to call Marquis Funderburk. Mr. Funderburk is
15 subpoenaed to be here today, and he is not here at this
16 time.

17 Mr. Funderburk contacted the Commission about an
18 hour ago to let us know his ride from Charlotte fell through
19 this morning. He was subpoenaed to be here by 10:00 this
20 morning. The Commission has since then put him in an Uber
21 and are in the process of getting him to the bus stop in
22 Charlotte. He should arrive in Durham at 3:30. Staff will
23 pick him up then, and we will take his testimony out of
24 order.

25 In order to keep things moving, though, we'll just

1 move into the next witness.

2 If he, for some reason, does not get on that bus,
3 we may have additional information we wish to provide to the
4 Court later and some possible solutions for you to consider.

5 At this time, the Commission would call Christina
6 Adcock.

7 CHRISTINA ADCOCK, having been called as a witness at
8 11:32 a.m. was examined and testified as follows:

9 EXAMINATION BY MS. SMITH:

10 Q. Ms. Adcock, hi. I'm Lindsey Smith. I'm the
11 director of the Commission, and I'm going to ask you some
12 questions, and then our commissioners who are seated around
13 the tables here will have some questions for you as well.

14 A. **Okay.**

15 Q. Can you please state your name for the record.

16 A. **Christina Adcock.**

17 Q. Ms. Adcock, do you recall telling law enforcement
18 that you were robbed at a Circle K on August 15, 2005?

19 A. **Yes, ma'am.**

20 Q. Do you recall testifying at trial about the
21 robbery and identifying Israel Grant as the robber?

22 A. **Yes, ma'am.**

23 Q. Do you recall providing an affidavit recanting
24 your statement and testimony?

25 A. **Yes, ma'am.**

1 **Q.** Do you recall being interviewed by commission
2 staff, Mr. Ziegler here and Mrs. Stellato, who's not
3 present, earlier this year?

4 **A.** Yes, ma'am.

5 **Q.** Do you recall during that interview telling them
6 that the robbery never occurred?

7 **A.** Yes, ma'am.

8 **Q.** Were you robbed at the Circle K on August 15,
9 2005?

10 **A.** No, ma'am.

11 **Q.** Can you repeat that?

12 **A.** No, ma'am.

13 **Q.** Can you tell us what happened that day?

14 **A.** Well, the father of my children --

15 **JUDGE WAGONER:** Speak up just a little bit. Okay?

16 **A.** The father of my children actually put me between
17 a rock and a hard place, and I had to lie to keep safe.
18 Nothing actually occurred that day.

19 **Q.** Can you walk us through what you did that day, if
20 you recall?

21 **A.** I don't remember exactly. That's 12 years ago.

22 **Q.** Okay. Do you recall going to the Circle K that
23 day?

24 **A.** Yes, ma'am.

25 **Q.** And did you go to the BB&T ATM that day?

1 A. **Not that I can recall. Like I said, it's been**
2 **12 years ago. I've had a lot happened within that 12 years.**

3 Q. So if you told law enforcement you got money out
4 of the ATM, is that something that happened --

5 A. **No.**

6 Q. -- or is that something you made up?

7 A. **I did not get money from the ATM.**

8 Q. So that was completely made up?

9 A. **Yes, ma'am.**

10 Q. Okay. When you got to the Circle K, what
11 happened?

12 A. **My baby daddy called the law enforcement and made**
13 **up the story.**

14 Q. And who was that?

15 A. **Jason Taylor.**

16 Q. So he called 911?

17 A. **Yes, ma'am.**

18 Q. Did you-all talk about what you were going to tell
19 law enforcement?

20 A. **No, we didn't. The story just went -- unfolded as**
21 **it came along.**

22 Q. And were you -- prior to going to the Circle K,
23 were you aware that you-all were going to call enforcement?

24 A. **Yes. Because he had told his grandfather that he**
25 **had got robbed of the money that he had gave him.**

1 Q. So he told his grandfather he got robbed?

2 A. **Yeah.**

3 Q. You drove to the Circle K?

4 A. **Yes.**

5 Q. Were you driving or was he?

6 A. **I was driving.**

7 **JUDGE WAGONER:** Did she say he told his
8 grandfather that he got robbed?

9 **MS. SMITH:** That's correct.

10 **THE WITNESS:** Yes.

11 Q. Did you see Israel Grant's car at the Circle K
12 that day?

13 A. **No, ma'am.**

14 Q. Did you know what Israel Grant's car looked like
15 at the time?

16 A. **Yes, ma'am.**

17 Q. Did you see Israel Grant at the Circle K that day?

18 A. **No, ma'am.**

19 Q. Why did you go along with this?

20 A. **Like I said, I was stuck between a rock and a hard
21 place. It was the father of my children.**

22 Q. Was there any threat that he made to you?

23 A. **No.**

24 Q. Just said, "We need to do this"?

25 A. **Well, his grandfather wanted a police report of**

1 where -- because he told his grandfather he had been robbed;
2 so he said his grandfather wanted a police report stating --
3 some evidence, basically, stating that he had been robbed.
4 So that's why he called.

5 Q. Do you remember the officer coming to your house
6 to do a photo lineup with Jason after the crime?

7 A. No, I don't remember that.

8 Q. That officer's report says that an officer did
9 come and do a photo lineup with Jason and that you didn't
10 participate because you were scared.

11 A. (Moves head up and down.)

12 Q. Do you recall being scared?

13 JUDGE WAGONER: Ma'am, you need to say "yes" or
14 "no" for the record. You can't just shake your head.

15 A. Yes, ma'am.

16 Q. You recall being scared?

17 A. Yes, ma'am.

18 Q. Why were you scared?

19 A. Because the friends of Israel Grant lived across
20 the street from my mother, and they were threatening --
21 threatening me. So ...

22 They actually -- they have actually -- they
23 actually threw rocks at my house and threatened to kill me
24 and everything else.

25 Q. Do you know when that happened?

1 A. **Still to this day.**

2 Q. To this day they are doing that?

3 A. **Yeah.**

4 Q. And who is that?

5 A. **Marquis Funderburk.**

6 Q. Does he still live across the street from your
7 mom?

8 A. **No, he doesn't. I don't know -- I don't even live
9 at my mother's house no more.**

10 Q. Okay. So what kind of threat --

11 A. **As of a couple of years ago, yes, they were still
12 doing it.**

13 Q. Okay. Has he made threats to you recently?

14 A. **No. Because I haven't seen him.**

15 Q. Okay. Did he make threats to you in order to get
16 you to sign an affidavit?

17 A. **No.**

18 Q. So why would you sign it if you felt threatened by
19 them?

20 A. **Why would I sign it? Because I know what I did
21 wasn't true; so -- it wasn't right. So that's why I did it.**

22 Q. But you didn't do it because you were threatened?

23 A. **No.**

24 Q. Did anyone ever threaten you to sign the
25 affidavit?

1 A. **No. I did that on my own will.**

2 Q. On your own will? Okay.

3 Did you ever talk to Jason after the crime,
4 between the time of the crime and when you testified, about
5 your story?

6 A. **What you mean did I ever talk to him? We were
7 together.**

8 Q. You were together. So did you-all talk about this
9 story that you had told?

10 A. **No.**

11 Q. Did you want to testify at the trial?

12 A. **No.**

13 Q. Why did you testify?

14 A. **Because I had to. I was subpoenaed to. I was
15 made to by law.**

16 Q. Well, when you testified, did they swear you in on
17 the Bible?

18 A. **Yes.**

19 Q. Tell you to tell the truth?

20 A. **Yes.**

21 Q. What you're telling us now is that the truth is
22 this didn't happen; is that correct?

23 A. **The truth is it did not happen.**

24 Q. So why did you lie at trial?

25 A. **Like I said, I was scared.**

1 Q. Who were you scared of at that point?

2 A. **The courts. I mean, I didn't know if I was going**
3 **to go to jail or not for perjury or whatever.**

4 Q. Did anyone ever tell you, if you testified at
5 trial, it would help Jason on pending charges he had?

6 A. **No.**

7 Q. Are you aware if Jason ever received anything in
8 exchange for his testimony?

9 A. **No.**

10 Q. Did you receive anything in exchange for your
11 testimony?

12 A. **No.**

13 Q. You talked a minute ago about someone throwing
14 rocks at your house. Who did that?

15 A. **Marquis Funderburk.**

16 Q. Do you recall when that happened?

17 A. **I don't. He broke into my house too.**

18 Q. Did anyone come to your home and punch you in the
19 face?

20 A. **Not that I recall.**

21 Q. Do you know Christine Fitzgibbons?

22 A. **Oh, yeah.**

23 Q. Did she assault you?

24 A. **That's Israel's -- yes, she did.**

25 Q. Okay. What can you tell us about that?

1 A. She actually came, knocked on my door, and I
2 opened the door, and she hit me in -- knocked me down.

3 Q. Okay. Do you know when that happened?

4 A. It was a couple months after.

5 Q. After what?

6 A. After the police report was made.

7 Q. Okay. Before the trial?

8 A. Yes. Before the trial. I was actually pregnant
9 at the time.

10 Q. Okay. Walk us through how the affidavit came
11 about.

12 A. I was talking to Marquis one day, and he was
13 telling me how Israel was going back for an appeal or
14 whatnot. And he asked me if I would sign an affidavit or
15 piece of paper. And we actually walked up to a notary, and
16 I signed it in front of a notary, and that's what happened.

17 Q. Prior to that day that you signed the affidavit,
18 did anyone talk to you about signing the affidavit?

19 A. No.

20 Q. No one tried to get you to sign it before then?

21 A. No.

22 Q. Who wrote the affidavit? Do you know?

23 A. I don't know who wrote it.

24 Q. Marquis gave it to you?

25 A. Yes. It wasn't me that wrote it.

1 Q. You didn't write it?

2 A. **(Moves head side to side.)**

3 Q. But what you told us in our interview is that what
4 was in the affidavit is the truth.

5 A. **Yes.**

6 Q. So that's still correct?

7 A. **Yes.**

8 Q. You've said that Marquis was threatening you. Why
9 would you be having a conversation with Marquis?

10 A. **This was before he had threatened -- like I said,**
11 **he had broke into my house, thrown some stuff. And then he**
12 **like -- he even tried to get me to go out of town with him**
13 **so that he could kill me.**

14 **JUDGE WAGONER:** I'm sorry. Could you repeat that
15 again?

16 **THE WITNESS:** He even tried to get me to go out of
17 town with him so that he could kill me.

18 Come to find out that's what he was trying to do,
19 was get me to go out of town so he could kill me. And this
20 is after I had signed the affidavit.

21 Q. Did he threaten you before you signed the
22 affidavit?

23 A. **No.**

24 Q. Ever?

25 A. **Yeah. I mean, I've had plenty threats from him**

1 and his crew.

2 Q. Before the affidavit?

3 A. Yes.

4 Q. And he threatened you after the affidavit?

5 A. Yes. He didn't so-call threaten me after the
6 affidavit. He kind of tried to trick me to go out of town
7 so that -- and then come to find out he was going to try to
8 kill me.

9 Q. And why do you believe that?

10 A. Because it come from a very close friend of mine.

11 Q. That's after the affidavit?

12 A. Yes.

13 Q. So why would you talk to him on the day that you
14 signed the affidavit if you felt threatened by him?

15 A. Like I said, I wanted to make things right because
16 I knew what I did was wrong; so that's the only reason I did
17 that.

18 Q. Did you think, if you changed your story and said
19 it didn't happen, that the threats would stop?

20 A. Yeah.

21 Q. So are you changing your story --

22 A. No, I'm not changing my story. None of this has
23 occurred. That's why I am doing this process; so that he
24 can get justice and can be free or whatever.

25 Q. Okay. So despite all of these threats that may

1 have been made or that you say were made, your testimony
2 today is that this crime never occurred?

3 A. Yes, ma'am.

4 Q. And that it was made up?

5 A. I've even talked to Israel myself on the phone.

6 Q. Tell us about that.

7 A. I just told him that I was sorry and that, you
8 know, I was kind of stuck between a rock and a hard place.
9 And he understood. And he cried with me, and I told him
10 that I would sign, you know, the affidavit stating that it
11 didn't happen. And he thanked me. So -- and that was
12 actually the date of that, when I signed the affidavit.

13 Q. Have you talked to him since then?

14 A. No, ma'am.

15 Q. Did you go to court? Do you remember going to
16 court about the affidavit?

17 A. Uh-uh.

18 Q. You don't remember talking to Assistant District
19 Attorney Bruce Lillie?

20 A. (Moves head side to side.)

21 **JUDGE WAGONER:** You need to say "yes" or "no."

22 **THE WITNESS:** No, I don't.

23 Q. Do you recall Marquis Funderburk taking you to the
24 courthouse in 2007 -- I'm sorry -- in 2015?

25 A. No, I don't. Like I said, I had a lot happen.

1 **Last year, I was beaten. So I have a lot of memory loss.**

2 Q. So that affects your memory?

3 A. **Yes, it does.**

4 Q. Is Jason Taylor the one that beat you?

5 A. **No.**

6 Q. Okay. Was it any of the individuals who --

7 A. **You know, it's no one you-all know, no one that's**
8 **affiliated with this.**

9 Q. No one that's affiliated?

10 When you went to have the notary -- sign your
11 affidavit before the notary, did you do that on your own
12 free will?

13 A. **Yes, ma'am.**

14 Q. Marquis went with you?

15 A. **Yes, ma'am.**

16 Q. Was anybody else with you?

17 A. **No, ma'am.**

18 Q. Let's talk just a little bit about Jason Taylor.

19 Can you describe your relationship with Mr. Taylor
20 at the time of the crime?

21 A. **Yes. We were together. He is the father of my**
22 **children. I really don't care too much for him because he's**
23 **put me in the hardest situations.**

24 Q. Were you-all in a relationship at the time that
25 you signed the affidavit?

1 A. **No, ma'am. We haven't been together in years.**

2 Q. When was last time you were together? Do you
3 remember?

4 A. **It's been at least five years -- well, it's been**
5 **at least seven years, actually.**

6 Q. So you told the Commission during our interview
7 with you in March of this year that you were not in a
8 relationship with Jason Taylor at that time.

9 Is that accurate?

10 A. **That's accurate.**

11 Q. In April of this year, we located Jason Taylor's
12 Facebook page, and on it, he had uploaded some photographs
13 of you and he together.

14 Did you get back together with him this year?

15 A. **We had been together -- we had been spending time**
16 **together. As in a relationship? No.**

17 Q. Okay. So you were spending time together, but you
18 wouldn't say that you were dating?

19 A. **Right.**

20 Q. On May 18 of this year, we deposed Jason Taylor,
21 which means we asked him some questions under oath. When we
22 did that -- were you aware that we had a subpoenaed him for
23 a deposition?

24 A. **No.**

25 Q. Were you aware that we deposed him?

1 A. **Nope.**

2 Q. If he told the Commission that you-all were
3 engaged at that time, would that be accurate?

4 A. **No. That's not accurate.**

5 Q. You weren't engaged to him in this year?

6 A. **No. I don't even want to be around him; so ...**

7 Q. Were you living with him in May of this year?

8 A. **No.**

9 Q. Were you staying with him anywhere in May of this
10 year?

11 A. **No.**

12 Q. If he told us that -- the morning of the
13 deposition, May 18 of this year -- that you told him just to
14 go and tell the truth, did that happen?

15 A. **I mean, I have told him that y'all -- someone had
16 come and talked to me and that they were looking for him and
17 that he did need to tell the truth. Yes, I did tell him
18 that.**

19 Q. Have you and Jason ever talked about what the
20 truth is in this case?

21 A. **No.**

22 Q. You're currently not together with Jason?

23 A. **No.**

24 Q. When was last time you spoke to him?

25 A. **Before -- it was a couple weeks -- it was last**

1 month sometime.

2 Q. Okay. And what was that conversation about?

3 A. Nothing, really. Just, "Hey." You know, he --
4 nothing.

5 Q. Do you still have interaction with him because you
6 have children together?

7 A. No. Like I said, I don't -- I try not to
8 conversate with him. I try not to have anything to do with
9 him because of what he's put me through in our entire life
10 that we've been together, known each other.

11 Q. When was the last time you talked to him about
12 this case?

13 A. I don't -- we don't talk about it. I don't bring
14 it up. He don't bring it up.

15 Q. But you did talk to him sometime after we talked
16 to you and told him to tell the truth?

17 A. Yes, ma'am.

18 Q. Since you signed the affidavit, has Jason ever
19 asked you to change your story back and say that Israel
20 Grant committed the crime?

21 A. No.

22 Q. Has he ever threatened you?

23 A. No.

24 Q. Has he threatened you related to this case?

25 A. No.

1 **Q.** Are you scared of him?

2 **A.** **No.**

3 **Q.** Has he ever hit you?

4 **A.** **Yes.**

5 **Q.** Has he ever hit you with respect to this case?

6 **A.** **No.**

7 **Q.** You testified earlier that the robbery never
8 occurred and that Jason made it up and that you went along
9 with it.

10 Is that the truth?

11 **A.** **That is the truth.**

12 **MS. SMITH:** Commissioners, questions for
13 Ms. Adcock?

14 **MR. BRITT:** Ms. Adcock, my name is Johnson Britt.
15 I'm a district attorney on this Commission. I just wanted
16 to ask you some questions.

17 You lived across the street from Marquis
18 Funderburk?

19 **THE WITNESS:** Yes.

20 **MR. BRITT:** For how long?

21 **THE WITNESS:** 20-some years.

22 **MR. BRITT:** And in that 20-some years, you came to
23 know Israel Grant?

24 **THE WITNESS:** Yes.

25 **MR. BRITT:** How long would you say that you knew

1 Israel Grant?

2 **THE WITNESS:** Not long. I mean, I lived there for
3 20-some years. I don't know. How long has Israel been
4 locked up? Since 2005?

5 So it was just a couple years before that that I
6 actually interacted with him.

7 **MR. BRITT:** And what was your relationship with
8 Israel Grant?

9 **THE WITNESS:** I didn't know him at all. He
10 wasn't -- I wouldn't say friends; I would say associates.

11 **MR. BRITT:** What was your relationship with
12 Marquis?

13 **THE WITNESS:** Associates. We grew up together
14 right across the street, went to school together and
15 everything.

16 **MR. BRITT:** And do you know Elijah Grant? Do you
17 know Israel's brother?

18 **THE WITNESS:** No.

19 **MR. BRITT:** So it's your testimony before this
20 Commission that this whole allegation was made up?

21 **THE WITNESS:** Yes, sir.

22 **MR. BRITT:** And to use your language, the story
23 just unfolded?

24 **THE WITNESS:** Yes, sir.

25 **MR. BRITT:** So when you went to the Circle K that

1 day with Jason Taylor, did you know what he was about to do?

2 **THE WITNESS:** I knew that he was going to call the
3 law and tell them that he had been robbed because his
4 grandfather wanted proof that he had been robbed for the
5 money that he had gave him.

6 **MR. BRITT:** How did you know that he was going to
7 do that when you went to the Circle K?

8 **THE WITNESS:** Because that's what he told me he
9 was going to do, that he was going to call the law. He
10 didn't tell me what kind of story he was going to give the
11 law or anything. I just -- he told the story and I went
12 along with it.

13 **MR. BRITT:** Okay. Did you make the phone call and
14 did he spoke or did he make the phone call and speak?

15 **THE WITNESS:** He made the phone call.

16 **MR. BRITT:** Okay. And when the police arrived,
17 were the two of you separated --

18 **THE WITNESS:** No, sir.

19 **MR. BRITT:** -- from each other?

20 **THE WITNESS:** No, sir.

21 **MR. BRITT:** Do you recall making a statement to an
22 officer?

23 **THE WITNESS:** We were not separated.

24 **MR. BRITT:** So when you made your statement to the
25 police officer, where were you when that occurred?

1 **THE WITNESS:** We were both sitting in the car.

2 **MR. BRITT:** Were you talking to the same police
3 officer?

4 **THE WITNESS:** Yes, sir.

5 **MR. BRITT:** Do we have a copy of the police report
6 that she can see?

7 **MS. SMITH:** We do.

8 **MR. BRITT:** I think it's page 15 of our brief.

9 **MS. SMITH:** Thank you. Just hers?

10 **MR. BRITT:** Just hers for right now.

11 Ms. Adcock, you've been handed a piece of paper
12 that has an exhibit number on it. It says State's Exhibit 5
13 at the bottom.

14 Do you see that?

15 **THE WITNESS:** Uh-huh.

16 **MR. BRITT:** And do you recognize your signature on
17 that document?

18 **THE WITNESS:** Yes, sir.

19 **MR. BRITT:** And do you recognize this document to
20 be a police report?

21 **THE WITNESS:** Yes, sir.

22 **MR. BRITT:** And do you recognize at the bottom, in
23 the box labeled Number 23, the name of the officer who took
24 your statement?

25 **THE WITNESS:** Uh-huh.

1 **MR. BRITT:** And is this statement -- does it
2 reflect what you told the police that day?

3 **THE WITNESS:** That's what the statement says.

4 **MR. BRITT:** Okay. And you signed that statement
5 acknowledging the content?

6 **THE WITNESS:** Yes, sir.

7 **MR. BRITT:** Okay. And the officer who took your
8 statement, if I pronounce his name correctly, is Yaravitz?

9 **THE WITNESS:** Uh-huh.

10 **MR. BRITT:** And, Madam Director, can you hand her
11 page 13 and 14 of our brief, the report from Jason Taylor?

12 Do you have that document in front of you now,
13 Ms. Adcock?

14 **THE WITNESS:** Yes, sir.

15 **MR. BRITT:** On the second page, which has the
16 number 14 at the bottom, do you recognize Jason Taylor's
17 signature?

18 **THE WITNESS:** Yes, sir.

19 **MR. BRITT:** And in box Number 23 on both pages 13
20 and 14 of that document, do you see the name of the officer
21 who interviewed Mr. Taylor?

22 **THE WITNESS:** Yes, sir.

23 **MR. BRITT:** And that's Officer Kiker?

24 **THE WITNESS:** Yes, sir.

25 **MR. BRITT:** So there were two different police

1 officers who were taking the information down?

2 **THE WITNESS:** Yes, sir. They arrived in the same
3 vehicle, as I recall.

4 **MR. BRITT:** And were you sitting in your car -- in
5 the car when you were interviewed --

6 **THE WITNESS:** Yes, sir.

7 **MR. BRITT:** -- or did you sit in the police car?

8 **THE WITNESS:** I was sitting in my car.

9 **MR. BRITT:** Where was Jason when he was
10 interviewed?

11 **THE WITNESS:** Sitting in my car.

12 **MR. BRITT:** In your statement, you told the
13 officers that the person who robbed you actually demanded
14 money from both you and Jason.

15 **THE WITNESS:** Yes, sir.

16 **MR. BRITT:** And when -- let me ask this.

17 After you were interviewed there at the Circle K,
18 were you ever interviewed by any other police officer?

19 **THE WITNESS:** No, sir.

20 **MR. BRITT:** So there was no follow-up?

21 **THE WITNESS:** No, sir.

22 **MR. BRITT:** Were you ever interviewed by the
23 assistant DA who tried the case?

24 **THE WITNESS:** No, sir.

25 **MR. BRITT:** So when you went to court for this

1 trial, was that the first time you had any interaction with
2 the assistant DA or anyone from the police department --

3 **THE WITNESS:** Yes, sir.

4 **MR. BRITT:** -- after the initial report was taken?

5 **THE WITNESS:** Yes, sir.

6 **MR. BRITT:** And in court, you identified Mr. Grant
7 as the person who robbed you and Jason Taylor.

8 **THE WITNESS:** Yes, sir.

9 **MR. BRITT:** You had not previously identified him.

10 **THE WITNESS:** No, sir.

11 **MR. BRITT:** When did the threats start?

12 **THE WITNESS:** The threats started after he had
13 been arrested.

14 **MR. BRITT:** So the threats started almost
15 immediately?

16 **THE WITNESS:** Yes, sir.

17 **MR. BRITT:** Beginning in 2005?

18 **THE WITNESS:** Yes, sir.

19 **MR. BRITT:** Did they continue up until the time of
20 the trial?

21 **THE WITNESS:** Yes, sir.

22 **MR. BRITT:** Who was making those threats?

23 **THE WITNESS:** His crew.

24 **MR. BRITT:** What do you mean by "his crew"?

25 **THE WITNESS:** All of his friends. He has a little

1 gang or whatnot that he hangs out with.

2 **MR. BRITT:** Marquis was with those individuals?

3 **THE WITNESS:** Yes, sir.

4 **MR. BRITT:** Do you know the names of anyone else?

5 **THE WITNESS:** I don't know the real names.

6 **MR. BRITT:** You know the street names?

7 **THE WITNESS:** Yeah.

8 **MR. BRITT:** When you say they threatened you,
9 specifically what did they say? What did they do?

10 **THE WITNESS:** They threatened to kill me.

11 **MR. BRITT:** And that was they threatened to kill
12 you if you testified against him? They threatened to kill
13 you if -- for what?

14 **THE WITNESS:** For making the false allegations.

15 **MR. BRITT:** Did they make that comment? Did they
16 describe it as a false allegation?

17 **THE WITNESS:** Yes, sir.

18 **MR. BRITT:** And up until the time that you signed
19 the affidavit, had you told anyone other than Marquis and
20 Israel that you had made a false allegation?

21 **THE WITNESS:** No. Because I didn't -- I didn't
22 conversate with any other ones besides Marquis.

23 **MR. BRITT:** So Marquis, it was a constant thing?

24 **THE WITNESS:** Yes.

25 **MR. BRITT:** Anytime you saw him or ran into him,

1 was he harping on --

2 **THE WITNESS:** It wasn't every time, but there were
3 times, yes, that he would --

4 **MR. BRITT:** He would comment about Israel's
5 situation?

6 **THE WITNESS:** Yes, sir.

7 **MR. BRITT:** And at some point you became aware
8 that Israel had filed a motion for appropriate relief.

9 **THE WITNESS:** Uh-huh.

10 **MR. BRITT:** How did you find that out?

11 **THE WITNESS:** Marquis.

12 **MR. BRITT:** From Marquis?

13 And it was Marquis who approached you about the
14 affidavit?

15 **THE WITNESS:** Yes, sir.

16 **MR. BRITT:** It was Marquis who actually presented
17 you the affidavit?

18 **THE WITNESS:** Yes, sir.

19 **MR. BRITT:** Do we have a copy of the affidavit?

20 **MS. SMITH:** Yes. It's page 125 in the brief.

21 **MR. BRITT:** Do you have that in front of you,
22 Ms. Adcock?

23 **THE WITNESS:** Yes, sir.

24 **MR. BRITT:** So when Marquis presented you with
25 this document, was it already filled in?

1 **THE WITNESS:** No, sir. That's my handwriting.

2 **MR. BRITT:** So you wrote in your name, your age,
3 Mecklenburg County -- you wrote that?

4 **THE WITNESS:** Yes, sir.

5 **MR. BRITT:** And Marquis accompanied you to where
6 it was notarized?

7 **THE WITNESS:** Yes, sir. We walked up on Bradford
8 and got it notarized.

9 **MR. BRITT:** And Bradford is a street?

10 **THE WITNESS:** Yes, sir.

11 **MR. BRITT:** And when you appeared before the
12 notary, were you placed under oath?

13 **THE WITNESS:** No.

14 **MR. BRITT:** Were you asked to affirm what was in
15 this document?

16 **THE WITNESS:** Yes. I had to present my ID and
17 everything.

18 **MR. BRITT:** So you were asked if the content of
19 this affidavit were true.

20 **THE WITNESS:** Yes, sir.

21 **MR. BRITT:** Who did you give the affidavit to
22 after you signed it?

23 **THE WITNESS:** Marquis.

24 **MR. BRITT:** Did you keep a copy?

25 **THE WITNESS:** No, sir.

1 **MR. BRITT:** This was -- the copy you had -- the
2 original that you had, that was the only one?

3 **THE WITNESS:** Yes, sir.

4 **MR. BRITT:** And do you know what Marquis did with
5 it?

6 **THE WITNESS:** No, sir.

7 **MR. BRITT:** At any time, did you have any
8 conversation with Israel Grant or James Grant?

9 **THE WITNESS:** I had talked to Israel that day,
10 actually, on the way up to get it notarized.

11 **MR. BRITT:** Did you ever talk to Elijah Grant
12 about it?

13 **JUDGE WAGONER:** No.

14 **MR. BRITT:** When you say that you talked with
15 Israel on the way to get the affidavit notarized, you talked
16 via Marquis' cell phone?

17 **THE WITNESS:** Yes, sir.

18 **MR. BRITT:** And did he call a number and directly
19 speak to Israel?

20 **THE WITNESS:** He -- Israel called his cell phone.

21 **MR. BRITT:** Israel called Marquis' cell phone?

22 **THE WITNESS:** Yes, sir.

23 **MR. BRITT:** All right. Did it appear to you that
24 that was a prearranged call?

25 **THE WITNESS:** No.

1 **MR. BRITT:** And when you talked with Israel, did
2 he ask you if you were going to sign the affidavit?

3 **THE WITNESS:** He did, and I told him that I was.

4 **MR. BRITT:** So did the affidavit originate with
5 Israel?

6 **THE WITNESS:** I have no idea.

7 **MR. BRITT:** How many times were you asked by
8 Israel to sign an affidavit?

9 **THE WITNESS:** I was never asked by Israel. I was
10 asked by Marquis.

11 **MR. BRITT:** And how many times would you estimate
12 that you were asked to do that?

13 **THE WITNESS:** Just that day.

14 **MR. BRITT:** That was the first and only time?

15 **THE WITNESS:** Yes, sir.

16 **MR. BRITT:** Now, had the threats continued up
17 until that time?

18 **THE WITNESS:** The threats have not continued since
19 that date.

20 **MR. BRITT:** No. Up to that day, were the threats
21 continuing?

22 **THE WITNESS:** Not continuously but here and there
23 when I would see them.

24 **MR. BRITT:** And when you would see them, that
25 would be when you were at your mother's?

1 **THE WITNESS:** Yes, sir.

2 **MR. BRITT:** And would it be a situation where, if
3 you drove up or however you arrived and they were outside,
4 somebody would say something to you?

5 **THE WITNESS:** Not all the time but yeah.

6 **MR. BRITT:** Did they harass you?

7 **THE WITNESS:** They harassed me. Yes, they did.

8 **MR. BRITT:** And when you signed the affidavit, was
9 part of it to get that type of activity to stop?

10 **THE WITNESS:** No. I was doing it on my own free
11 will just so that he could get, like I said, some justice
12 and could get free.

13 **MR. BRITT:** Let me ask you this: In talking with
14 Israel Grant, did you ever talk with him about the fact that
15 his federal prison sentence might be reduced if this
16 occurred?

17 **THE WITNESS:** No.

18 **MR. BRITT:** How about Marquis?

19 **THE WITNESS:** Never -- I didn't know that he had
20 federal time until after the fact that I had signed the
21 affidavit.

22 **MR. BRITT:** But you knew that, if -- that he would
23 get his state time cut?

24 **THE WITNESS:** Yeah. I knew about his state time.

25 **MR. BRITT:** And so since the affidavit was signed

1 and your part of his conviction was vacated, have the
2 threats continued?

3 **THE WITNESS:** No, sir.

4 **MR. BRITT:** So they stopped?

5 **THE WITNESS:** Except for one time when they tried
6 to get me to go out of town.

7 **MR. BRITT:** But they stopped with you signing the
8 affidavit?

9 **THE WITNESS:** Yes.

10 **MR. BRITT:** So, in essence, you waited nine years
11 to come forward.

12 **THE WITNESS:** (Moves head up and down.)

13 **JUDGE WAGONER:** Is that a "yes"?

14 **THE WITNESS:** Yes, sir.

15 **MR. BRITT:** And with respect to Jason Taylor, have
16 the two of you ever had any conversation about what you've
17 done?

18 **THE WITNESS:** No.

19 **MR. BRITT:** Did the two of you ever talk after
20 Israel Grant was convicted about what you contend was done?

21 **THE WITNESS:** No.

22 **MR. BRITT:** And the situation between Israel and
23 Jason, that was over a drug deal in which Israel got
24 shorted?

25 **THE WITNESS:** Yes. That's all how it started.

1 **MR. BRITT:** \$50?

2 **THE WITNESS:** I don't know how -- I wasn't there
3 at the transaction, but that's how it all got -- how this
4 all started, over a drug transaction and Israel said it was
5 short.

6 **MR. BRITT:** And let me ask you a little bit about
7 that.

8 You and Jason were living together at that time.

9 **THE WITNESS:** Yes, sir.

10 **MR. BRITT:** How --

11 **THE WITNESS:** He was actually living in my
12 mother's house.

13 **MR. BRITT:** All right. How often was Israel
14 applying pressure to Jason about coming up with this money
15 that he was owed?

16 **THE WITNESS:** He was consistent about it.

17 **MR. BRITT:** What did he do?

18 **THE WITNESS:** He just said he needed his money.
19 You know, Jason even offered to take it back over to the
20 person's house that he had had the dealings with because,
21 from what I understand is, the transaction was made from the
22 other guy and Israel, and Jason had nothing to do with it.
23 I don't know that because I wasn't there.

24 **MR. BRITT:** Did you ever hear Israel threaten
25 Jason?

1 **THE WITNESS:** Yeah. He threatened to do -- he
2 would do something if he didn't give him his money.

3 **MR. BRITT:** What did he say he would do?

4 **THE WITNESS:** I don't recall that but I do recall
5 him threatening him.

6 **MR. BRITT:** And did Marquis --

7 **THE WITNESS:** He didn't threaten to take his life
8 or anything, but ...

9 **MR. BRITT:** Did Marquis threaten him?

10 **THE WITNESS:** Not that I recall.

11 **MR. BRITT:** Did any of the crew threaten him?

12 **THE WITNESS:** Not that I recall.

13 **MR. BRITT:** All right. Thank you. I don't have
14 any other questions.

15 **MR. GRACE:** Madam Chair?

16 **JUDGE WAGONER:** Sure.

17 **MR. GRACE:** Good morning. My name is Mike Grace.
18 I'm an attorney out of Winston-Salem.

19 How are you today?

20 **THE WITNESS:** I'm alive.

21 **MR. GRACE:** I understand. I understand this is a
22 difficult situation for you, but do you understand why we
23 are all here?

24 **THE WITNESS:** No.

25 **MR. GRACE:** Do you understand that we are here

1 trying to get to the truth?

2 **THE WITNESS:** (Moves head up and down.)

3 **MR. GRACE:** Do you understand how important it is
4 to this Commission and to what we do that you tell us the
5 truth?

6 **THE WITNESS:** Yes, sir.

7 **MR. GRACE:** Were you all getting high back in 2005
8 together?

9 **THE WITNESS:** No, sir.

10 **MR. GRACE:** Were you using drugs back then?

11 **THE WITNESS:** No, sir.

12 **MR. GRACE:** How about Jason?

13 **THE WITNESS:** Yes, he was.

14 **MR. GRACE:** What drugs was he using?

15 **THE WITNESS:** I don't know but -- because he hid a
16 lot of stuff from me.

17 **MR. GRACE:** This drug deal that you have
18 indicated --

19 **THE WITNESS:** I know he smokes crack.

20 **MR. GRACE:** You know he did crack?

21 **THE WITNESS:** Yes.

22 **MR. GRACE:** This drug deal that you indicated that
23 went down between Israel and a friend of Jason's, when did
24 it happen in relationship to this report you made to the
25 police? Two weeks before? Three weeks before? A month

1 before?

2 **THE WITNESS:** It wasn't long before. And I can't
3 tell you a time frame but probably a week or two before.

4 **MR. GRACE:** And it's your testimony here today
5 that, notwithstanding that fact, the report given to the
6 police was about the money that Jason had messed up that his
7 grandfather had given him?

8 **THE WITNESS:** Right.

9 **MR. GRACE:** So the report to the police had
10 nothing to do with this drug deal in your estimation; is
11 that correct?

12 **THE WITNESS:** Correct. The drug deal was over
13 some weed.

14 **MR. GRACE:** How much money was involved?

15 **THE WITNESS:** I don't know. I wasn't there, like
16 I said.

17 **MR. GRACE:** Would that have been enough money for
18 Jason to have set Israel up on a false report?

19 **THE WITNESS:** I don't know.

20 **MR. GRACE:** The testimony you gave at trial, was
21 any of it true?

22 **THE WITNESS:** No, sir.

23 **MR. GRACE:** Did you ever go into the convenience
24 store that day?

25 **THE WITNESS:** No, sir.

1 **MR. GRACE:** I think you testified that you went in
2 and used the bathroom. That wasn't true?

3 **THE WITNESS:** No, sir.

4 **MR. GRACE:** Did you have an ATM account at that
5 point?

6 **THE WITNESS:** No, sir. His grandma did. That's
7 it.

8 **MR. GRACE:** But neither you nor Jason had an
9 account?

10 **THE WITNESS:** No, sir.

11 **MR. GRACE:** You testified at trial that the
12 suspect, after robbing you, ran back to his car. That
13 obviously wasn't true.

14 **THE WITNESS:** No, sir.

15 **MR. GRACE:** Did you hear Jason testify that the
16 man parked right next to you and opened the door far enough
17 to get back into his car?

18 **THE WITNESS:** That's what he said.

19 **MR. GRACE:** So there wasn't any running on behalf
20 of this -- on the part of this person.

21 **THE WITNESS:** No, sir.

22 **MR. GRACE:** You also testified to the director's
23 question you felt threatened when the police officer showed
24 the lineup; is that correct?

25 **THE WITNESS:** Yes.

1 **MR. GRACE:** At that point, you had not, and
2 neither had Jason, identified Israel as the robber, had they
3 [sic]?

4 **THE WITNESS:** No.

5 **MR. GRACE:** Why would you feel threatened at that
6 point? Or afraid?

7 **THE WITNESS:** Because Jason gave the description
8 of the car, which -- there was only one car on that side of
9 town. That was Israel's car; so ...

10 **MR. GRACE:** But no one had threatened you. You
11 felt threatened because you knew you had lied on this man --

12 **THE WITNESS:** Correct.

13 **MR. GRACE:** -- and you knew he hadn't done it.

14 **THE WITNESS:** Correct.

15 **MR. GRACE:** Were you aware that Jason had pending
16 charges at the time you-all went to trial?

17 **THE WITNESS:** No, sir.

18 **MR. GRACE:** Did you hear him testify about those
19 pending charges?

20 **THE WITNESS:** No, sir.

21 **MR. GRACE:** Did you hear his testimony -- Jason's
22 testimony?

23 **THE WITNESS:** No. He -- wasn't he incarcerated at
24 the time? At the trial?

25 **MR. GRACE:** I'm asking you if you heard his

1 testimony.

2 **THE WITNESS:** No, sir.

3 **MR. GRACE:** You were not in the courtroom when he
4 testified?

5 **THE WITNESS:** No, sir.

6 **MR. GRACE:** What reason did Marquis or anyone give
7 you for wanting to take you out of town?

8 **THE WITNESS:** They had a phone call, and I -- I
9 was told later on that -- from another neighbor of mine that
10 he was planning to kill me.

11 **MR. GRACE:** I want to back up. And my question
12 was what reason did he give you at the time for inviting you
13 or for taking you out of town?

14 **THE WITNESS:** To make some money.

15 **MR. GRACE:** What kind of money? Doing what?

16 **THE WITNESS:** He didn't specifically say.

17 **MR. GRACE:** Come on, you knew what he was talking
18 about. Tell us what he was talking about.

19 **THE WITNESS:** He didn't specifically say. He said
20 he had some money to make out of town.

21 **MR. GRACE:** And wanted you to go along.

22 **THE WITNESS:** Yes, sir.

23 **MR. GRACE:** What did you have to offer this deal?

24 **THE WITNESS:** Nothing.

25 **MR. GRACE:** Was it a drug deal?

1 **THE WITNESS:** No.

2 **MR. GRACE:** Was it prostitution?

3 **THE WITNESS:** No. I don't do that.

4 **MR. GRACE:** I didn't suggest you were.

5 But what was it that he suggested to you?

6 **THE WITNESS:** It was something he had lined up. I
7 don't -- I had no idea. He didn't tell me.

8 **MR. GRACE:** Did you ask him about it?

9 **THE WITNESS:** No. Because I wasn't going out of
10 town. I wasn't going to take that offer because it didn't
11 feel right to me in the first place; so -- because why would
12 I go out of town with someone that's threatened to kill --
13 threatened my life to begin with?

14 **MR. GRACE:** Has anyone in the crew, as you call
15 them, physically assaulted you other than the young lady you
16 say hit you?

17 **THE WITNESS:** No.

18 **MR. GRACE:** When did you move out of your mother's
19 home?

20 **THE WITNESS:** I stay there periodically. I'm back
21 and forth.

22 **MR. GRACE:** You weren't living there at the time
23 of the trial, were you?

24 **THE WITNESS:** Not that I recall. Like I said, I
25 have brain injury from where I was beaten; so ...

1 **MR. GRACE:** I understand that. We have great
2 sympathy for that. None of the people we're talking about
3 here today beat you, did they --

4 **THE WITNESS:** No.

5 **MR. GRACE:** -- and caused the brain injury?
6 Help us -- because obviously you told two
7 different stories, and it's tough for us to discern here
8 which is the truth.

9 Tell us whether or not the robbery occurred.

10 **THE WITNESS:** The robbery did not occur. I've
11 stated that plenty of times sitting here. The robbery did
12 not occur.

13 **MR. GRACE:** And why should we believe you?

14 **THE WITNESS:** Because I'm here today to say that
15 it didn't and I've signed papers saying that it didn't.

16 **MR. GRACE:** Do you realize that you have
17 potentially placed yourself in the way of a perjury charge
18 for doing this?

19 **THE WITNESS:** Yes, sir. That's what I was scared
20 of in the first place. That's why I got on the stand the
21 first time and told that it did happen. Now I'm going back
22 because I don't want -- I don't want any trouble from now
23 on. Like I said, this happened 12 years ago.

24 **MR. GRACE:** At your trial -- at the trial, you
25 testified that the money -- the \$270 was taken from you or

1 that you gave it to the robber.

2 That wasn't true, was it?

3 **THE WITNESS:** No. I had no money at the time.

4 **MR. GRACE:** Did you also hear Jason testify or
5 have you been made aware that he testified that the money
6 was taken from him?

7 **THE WITNESS:** It says right here that I only gave
8 him \$15; so where's the \$200-something coming in?

9 **MR. GRACE:** Do you remember your trial testimony?

10 **THE WITNESS:** No.

11 **MR. GRACE:** Madam Director, would you see if you
12 could find that portion of it, where she testified to giving
13 the money to the person?

14 **MS. SMITH:** Yes.

15 **MR. GRACE:** Did either you or Jason get out of the
16 car prior to making the phone call to the police?

17 **THE WITNESS:** Not that I recall.

18 **MR. GRACE:** You don't recall that he went in and
19 got a soda?

20 **THE WITNESS:** No, I don't recall that.

21 **MR. GRACE:** Subject to one last question, I would
22 yield the floor.

23 **JUDGE WAGONER:** Let me just ask you a question
24 while she is looking.

25 Tell me what is true or false. You went to the

1 Circle K that day with Jason?

2 **THE WITNESS:** Yes, ma'am.

3 **JUDGE WAGONER:** Is that true?

4 **THE WITNESS:** That's true.

5 **JUDGE WAGONER:** Did you go to the bank before
6 that?

7 **THE WITNESS:** No. No, ma'am.

8 **JUDGE WAGONER:** How much money did you have
9 with -- did you and/or Jason have with you on that day?

10 **THE WITNESS:** I don't recall having any money.

11 **JUDGE WAGONER:** Were you driving the car?

12 **THE WITNESS:** Yes, ma'am.

13 **JUDGE WAGONER:** Okay. Now tell me, you parked at
14 the Circle K; is that right?

15 **THE WITNESS:** Yes man.

16 **JUDGE WAGONER:** And then what happened?

17 **THE WITNESS:** And Jason had called 911.

18 **JUDGE WAGONER:** Had you seen Israel's car?

19 **THE WITNESS:** No, ma'am.

20 **JUDGE WAGONER:** Israel's car was not there?

21 **THE WITNESS:** No, ma'am.

22 **JUDGE WAGONER:** And when Jason called 911, did he
23 use his phone?

24 **THE WITNESS:** He is -- yes, ma'am. He used his
25 phone.

1 **JUDGE WAGONER:** Not your phone?

2 **THE WITNESS:** (Moves head side to side.)

3 **JUDGE WAGONER:** You said something a while back at
4 the beginning. Did you say that you stayed with Jason
5 because he was providing for your children?

6 **THE WITNESS:** No.

7 **JUDGE WAGONER:** You never said that?

8 **THE WITNESS:** No.

9 **JUDGE WAGONER:** Did Jason have a job ever?

10 **THE WITNESS:** He's had a job but he's never kept a
11 job.

12 **JUDGE WAGONER:** And did Jason know that you signed
13 the affidavit?

14 **THE WITNESS:** I don't know if he did or not.

15 **JUDGE WAGONER:** Do you know if he knows now?

16 **THE WITNESS:** I don't know.

17 **JUDGE WAGONER:** But you've talked to him since
18 then, obviously.

19 **THE WITNESS:** Yes. But I don't know if I have
20 told him that I signed the affidavit because it's really not
21 something we talk about. I don't bring this up. It's not
22 an everyday conversation that I want to talk about.

23 **JUDGE WAGONER:** Do you have any other questions,
24 Mr. Grace?

25 **MR. GRACE:** I do not. I continue to yield.

1 **MS. SMITH:** I've got the transcript pages.

2 **MR. GRACE:** I would still yield so that we don't
3 hold everyone up, and let me review it.

4 **MR. BOSWELL:** Judge Wagoner, can I ask?

5 **JUDGE WAGONER:** Sure.

6 **MR. BOSWELL:** If all Jason was trying to do is
7 generate a police report, why did he pin it on Israel?

8 **THE WITNESS:** That's something I can't answer.

9 **MR. BOSWELL:** But you guys didn't talk about
10 pinning it on Israel?

11 **THE WITNESS:** No.

12 **MR. BOSWELL:** Just getting a police report?

13 **THE WITNESS:** Yes, sir.

14 **MR. BOSWELL:** Do you think that, once he started
15 describing --

16 **THE WITNESS:** It wasn't a set person that he was
17 going to pin it on, but the -- it being the car, the
18 description that he gave, the police knew whose car it
19 belonged to.

20 **MR. BOSWELL:** Do you think that, once Jason sort
21 of described the car -- came up with that car, that it led
22 to --

23 **THE WITNESS:** -- them pinning it on him.

24 **MR. BOSWELL:** On Israel, and then your story sort
25 of focused on Israel because he'd already gone down that

1 path?

2 **THE WITNESS:** Correct.

3 **MR. BOSWELL:** Okay. You said something earlier --
4 and maybe I misunderstood -- that after you gave the
5 affidavit was when Marquis wanted to take you out of town
6 and kill you.

7 **THE WITNESS:** Uh-huh.

8 **MR. BOSWELL:** Do you have any reason why he would
9 do that? You'd already given the affidavit.

10 **THE WITNESS:** I have no clue.

11 **MR. BOSWELL:** You'd already come clean; right?

12 **THE WITNESS:** I was told by a friend of mine
13 that -- actually, the neighbor across the street that
14 actually lives directly beside Marquis, that is the one that
15 he told the plans to.

16 **MR. BOSWELL:** When did she tell you that? The
17 neighbor tell you that?

18 **THE WITNESS:** Because I had to -- it was actually
19 a guy --

20 **MR. BOSWELL:** Okay.

21 **THE WITNESS:** -- and I told him that Marquis was
22 wanting to go out of town, wanting me to go out of town with
23 him; and he was like, "That wouldn't be a smart idea." And
24 that's when he told me that he had planned to do something
25 to me.

1 **MR. BOSWELL:** Have you seen Marquis since then?

2 **THE WITNESS:** No.

3 **MR. BOSWELL:** Okay. Since the time he asked you
4 to go out of town, you haven't him since then?

5 **THE WITNESS:** No.

6 **MR. BOSWELL:** Okay. Thank you.

7 **JUDGE WAGONER:** Sheriff?

8 **SHERIFF FRYE:** You said that he wanted to file the
9 police report -- that Jason did -- because his grandfather
10 needed to see it?

11 **THE WITNESS:** Right.

12 **SHERIFF FRYE:** How much money did his grandfather
13 give him?

14 **THE WITNESS:** I think it was over \$200.

15 **SHERIFF FRYE:** So it was over \$200?

16 **THE WITNESS:** I think.

17 **SHERIFF FRYE:** For what?

18 **THE WITNESS:** For drugs.

19 **SHERIFF FRYE:** So his grandfather gave him \$200 to
20 go buy drugs?

21 **THE WITNESS:** Yeah. To flip -- to make money,
22 yeah.

23 **SHERIFF FRYE:** His grandfather knew that's what it
24 was for?

25 **THE WITNESS:** To my recall, he did.

1 **SHERIFF FRYE:** Okay.

2 **THE WITNESS:** It's all over drugs. That's what
3 this is all over, is drugs.

4 **SHERIFF FRYE:** Okay. So his grandfather loaned
5 him, said, "Here, I'll give you \$200 to flip some drugs"?

6 **THE WITNESS:** Yeah. Because Jason said he could
7 make some money, he could flip some money, and that's what
8 he did. And instead, he spent the money on whatever -- I
9 don't know what he spent the money on, but it wasn't to flip
10 drugs. I know that. And that's what he was -- that's what
11 his grandfather was upset about.

12 **SHERIFF FRYE:** So how long was it between the time
13 that your grandfather loaned him the money to the time that
14 yinz you concocted the story about being robbed?

15 **THE WITNESS:** It was in a week period.

16 **SHERIFF FRYE:** About a week period?

17 So why did you go to the Circle K?

18 **THE WITNESS:** That's just where we had pulled up
19 at.

20 **SHERIFF FRYE:** Hadn't even talked about it?

21 **THE WITNESS:** No.

22 **SHERIFF FRYE:** And all of a sudden, he just
23 says -- he just dials 911 on his phone and yinz have no
24 conversation?

25 **THE WITNESS:** He said he somehow needed to make a

1 police report, and that's why we pulled over, to do that,
2 and that's the destination we pulled up at.

3 **SHERIFF FRYE:** So you just pulled up there and he
4 dialed 911, and you didn't have a clue what he was doing?

5 **THE WITNESS:** Yes, sir.

6 **SHERIFF FRYE:** And then --

7 **THE WITNESS:** I knew that he had to make a police
8 report; so ...

9 **SHERIFF FRYE:** So he was making the police report
10 saying that he had been robbed.

11 **THE WITNESS:** Yes, sir.

12 **SHERIFF FRYE:** But yet you told the officers and
13 you give the same description of the car that he gave.

14 **THE WITNESS:** Yes. Because that's the description
15 that Jason had gave.

16 **SHERIFF FRYE:** So he gave the description first?

17 **THE WITNESS:** Yes, sir.

18 **SHERIFF FRYE:** And you said, "Yeah, that's what it
19 was"?

20 **THE WITNESS:** Yes, sir.

21 **SHERIFF FRYE:** And you knew whose car it was?

22 **THE WITNESS:** Yes, sir.

23 **MR. BRITT:** Why would you go along with that?

24 **THE WITNESS:** Like I said, I was stuck between a
25 rock and a hard place. If you are -- if your significant

1 other would put you in a position, and -- I mean, how would
2 you go along with it? What would you do?

3 **SHERIFF FRYE:** So, you -- under a police report,
4 you said that the robber put the gun to the side of his
5 neck.

6 **THE WITNESS:** (Moves head up and down.)

7 **JUDGE WAGONER:** Is that a "yes"? Please say "yes"
8 or "no."

9 **THE WITNESS:** Yes.

10 **SHERIFF FRYE:** Had you heard him say that that's
11 what happened?

12 **THE WITNESS:** Yes, sir.

13 **SHERIFF FRYE:** So everything you said --

14 **THE WITNESS:** I went along with his story is what
15 I did.

16 **SHERIFF FRYE:** How do you do that at the same
17 time?

18 **THE WITNESS:** Because we were in the same car.

19 **SHERIFF FRYE:** I know, but how does this -- how
20 does this -- I guess how does the sequence work that this
21 officer is talking to him and an officer's talking to you,
22 and you're able to pay attention enough --

23 **THE WITNESS:** Because only one officer come up to
24 us and asked us first, and then another officer came and
25 questioned me.

1 **SHERIFF FRYE:** So you'd heard the story prior.

2 **THE WITNESS:** I had heard the story prior to me
3 giving my statement.

4 **SHERIFF FRYE:** Okay. That's all I have at the
5 moment.

6 **JUDGE WAGONER:** Ma'am, do you live -- does your
7 mother still live in this neighborhood we're talking about?

8 **THE WITNESS:** Yes, ma'am.

9 **JUDGE WAGONER:** And do you live there sometimes
10 too?

11 **THE WITNESS:** I stay there.

12 **JUDGE WAGONER:** Do you live there now?

13 **THE WITNESS:** I don't have a residence. I am
14 homeless right now.

15 **JUDGE WAGONER:** Okay. And where are your
16 children?

17 **THE WITNESS:** My children are with my grandmother
18 and his grandmother.

19 **JUDGE WAGONER:** Your grandmother and -- so Marquis
20 does not live across from your mother anymore?

21 **THE WITNESS:** I don't know where he lives.

22 **JUDGE WAGONER:** Do any of these folks live across
23 or near your mother --

24 **THE WITNESS:** No.

25 **JUDGE WAGONER:** -- the rest of his crew?

1 **THE WITNESS:** I have no clue.

2 **JUDGE WAGONER:** Okay. So if you are homeless --
3 but you're staying with your mother?

4 **THE WITNESS:** I live -- I stay there sometimes. I
5 don't have a place of residence right now.

6 **JUDGE WAGONER:** Okay. Yes, ma'am.

7 **MS. NEWTON:** Thank you.

8 Ma'am, my name is Deb Newton. I am a lawyer but
9 an alternate on this Commission. I just have a few
10 questions for you. Some of them will duplicate questions
11 you've been asked; so with your patience.

12 This Commission is attempting to find out the
13 whole truth. Now, would you agree that sometimes you can
14 make a statement that is partially true but the information
15 that you don't give may lead one to believe that you know
16 the whole truth?

17 Do you understand what I said?

18 **THE WITNESS:** No.

19 **MS. NEWTON:** The Commission is trying to find out,
20 when you made the statement "The robbery did not occur,"
21 that statement infers that your testimony is the robbery did
22 not occur by Mr. Grant on August 15, 2005, at the Circle K;
23 correct?

24 **THE WITNESS:** Correct.

25 **MS. NEWTON:** Okay. Now, that's what I want to

1 talk to you about.

2 Now, do you know from Jason how much money
3 Mr. Grant was shorted with regard to the marijuana deal?

4 **THE WITNESS:** I do not know.

5 **MS. NEWTON:** Okay. You do know that Jason's
6 grandfather gave him a little over \$200; correct?

7 **THE WITNESS:** Correct.

8 **MS. NEWTON:** Okay. You do know, based on the
9 questioning, that Mr. Grant was threatening Jason, not the
10 person he got the marijuana from; correct?

11 **THE WITNESS:** Correct.

12 **MS. NEWTON:** Okay. And at least a week prior to
13 Jason taking you to Circle K; right?

14 **THE WITNESS:** Correct.

15 **MS. NEWTON:** Okay. So we know that Jason needed
16 to file a police report based on the money he lost, the over
17 \$200 --

18 **THE WITNESS:** Right.

19 **MS. NEWTON:** -- because his grandfather gave it to
20 him to buy, apparently, more drugs; correct?

21 **THE WITNESS:** Correct.

22 **MS. NEWTON:** Do you know, in that time -- between
23 the time that Jason lost \$200 of his grandfather's and the
24 incident at the Circle K on August 15 of 2005, when the
25 false police report was made, do you know if Jason and

1 Mr. Grant had any interaction?

2 **THE WITNESS:** I do not know.

3 **MS. NEWTON:** Jason did not tell you?

4 **THE WITNESS:** No, ma'am.

5 **MS. NEWTON:** Okay. So you know that, when Jason
6 took you to the Circle K on the 15th, that that call for
7 that robbery against Mr. Grant was not true.

8 **THE WITNESS:** Correct.

9 **MS. NEWTON:** Because it didn't happen on that day.

10 **THE WITNESS:** Correct.

11 **MS. NEWTON:** Okay. Do you know -- and only if you
12 know or you heard Mr. Taylor say it to you. Do you know if
13 Mr. Grant lived up to his threats against Jason in the
14 period of time before the alleged -- the police report?

15 **THE WITNESS:** I do not know.

16 **MS. NEWTON:** Okay. So do you know -- ask it a
17 different way -- how Jason lost the \$200 that his
18 grandfather gave him?

19 **THE WITNESS:** He spent it on something.

20 **MS. NEWTON:** How do you know that?

21 **THE WITNESS:** Because I know what's been done --
22 what he was told to spend it on.

23 **MS. NEWTON:** What was he told to spend it on?

24 **THE WITNESS:** Drugs and flip it to make more
25 money.

1 **MS. NEWTON:** Okay. So you said his grandfather
2 gave him that money to flip -- to buy drugs and make more
3 money.

4 **THE WITNESS:** Yes, ma'am.

5 **MS. NEWTON:** And you also said that grandfather is
6 upset.

7 **THE WITNESS:** He probably spent it on crack, to be
8 honest with you.

9 **MS. NEWTON:** Well, are you assuming that?

10 **THE WITNESS:** Yes, I'm assuming that.

11 **MS. NEWTON:** Okay. You don't know whether
12 Mr. Grant, in fact, robbed Jason before this incident.

13 **THE WITNESS:** I do not.

14 **MS. NEWTON:** Okay. And you don't know if
15 Mr. Grant robbed Jason in the week before --

16 **THE WITNESS:** I do not.

17 **MS. NEWTON:** -- or took the money back from Jason
18 that he believed he was due, do you?

19 **THE WITNESS:** I do not know.

20 **MS. NEWTON:** Okay. And if -- would Jason have
21 necessarily told you if Mr. Grant had taken the money he
22 felt he was due from Jason?

23 **THE WITNESS:** No. He wouldn't have told me. He
24 lies all the time, especially to me.

25 **MS. NEWTON:** But you didn't see Jason with extra

1 crack, did you?

2 **THE WITNESS:** No. He always hid that from me.

3 **MS. NEWTON:** Okay. And if he had bought drugs
4 with the money his grandfather gave him to buy those drugs,
5 would his grandfather have been looking for -- in other
6 words, why did he come up with this story with his
7 grandfather that he was robbed?

8 **THE WITNESS:** I guess that's the only thing he
9 knew to tell him.

10 **MS. NEWTON:** Do you know when he told his
11 grandfather he was robbed?

12 **THE WITNESS:** No.

13 **MS. NEWTON:** Okay. Was it -- did he tell you why
14 he needed to file a police report? Because his grandfather
15 was looking for money, but --

16 **THE WITNESS:** Yes. His grandfather said he wanted
17 a police report of why he didn't -- evidence of he had been
18 robbed.

19 **MS. NEWTON:** And when did that first come up?

20 **THE WITNESS:** That there -- it was a couple days
21 before the statement was made.

22 **MS. NEWTON:** All right. So at some time just
23 before the false statement was made, Jason needed an
24 explanation for losing money.

25 **THE WITNESS:** Yes, ma'am.

1 **MS. NEWTON:** And at the same time, Grant was
2 threatening him for being shorted in a drug deal, and he
3 wanted the money from Jason.

4 **THE WITNESS:** Yes, ma'am.

5 **MS. NEWTON:** Not the guy you bought the money
6 [sic] from.

7 **THE WITNESS:** Yes, ma'am.

8 **MS. NEWTON:** You just don't know if Grant got that
9 money from Jason.

10 **THE WITNESS:** I don't think he ever did get any
11 money from anybody.

12 **MS. NEWTON:** What makes you think that?

13 **THE WITNESS:** Because, I mean, the threats were
14 still going on after that.

15 **MS. NEWTON:** The threats were going on the couple
16 of days before the police report?

17 **THE WITNESS:** Yes, ma'am.

18 **MS. NEWTON:** Against you or against Jason?

19 **THE WITNESS:** Against Jason, because I had nothing
20 to do with the drug dealings.

21 **MS. NEWTON:** Okay. When was the last time you
22 heard Jason say that Grant was threatening him?

23 **THE WITNESS:** Up to this day.

24 **MS. NEWTON:** Up to this day? So he was still
25 threatening him up until --

1 **THE WITNESS:** Yes, ma'am.

2 **MS. NEWTON:** -- the 15th?

3 Now, do you -- have you ever been around
4 Mr. Grant, the defendant in this case, when he was shorted
5 in a drug deal?

6 **THE WITNESS:** No.

7 **MS. NEWTON:** Okay. Have you ever shorted him in a
8 drug deal?

9 **THE WITNESS:** No.

10 **MS. NEWTON:** Okay. Have you ever been shorted in
11 a drug deal?

12 **THE WITNESS:** No.

13 **MS. NEWTON:** Okay.

14 **THE WITNESS:** I had no dealings with them in that
15 part.

16 **MS. NEWTON:** Do you know -- last question. Do you
17 know for a certainty that Mr. Grant did not take the
18 grandfather's over \$200 from Jason before he filed this
19 false police report?

20 **THE WITNESS:** I do know that. He did not take the
21 money.

22 **MS. NEWTON:** And how do you know that?

23 **THE WITNESS:** Because I was around him at that
24 time, and I don't recall him ever giving -- if he would have
25 done that, then, if he would've got the money back from him,

1 then Jason wouldn't have made this -- made this up.

2 **MS. NEWTON:** You were around "he," meaning
3 Mr. Grant?

4 **THE WITNESS:** I was not around him. But if he
5 would've got the money back from him, none of this would've
6 occurred -- these statements would've occurred.

7 **MS. NEWTON:** If Grant had gotten the money back
8 from Jason, Grant would have been satisfied. He'd felt like
9 it was his money to start with; so it wasn't robbing Jason.

10 **THE WITNESS:** Correct.

11 **MS. NEWTON:** You would agree with that; correct?

12 **THE WITNESS:** Correct.

13 **MS. NEWTON:** But Jason still had a problem; right?

14 **THE WITNESS:** Jason would not have -- Jason
15 would've had a problem, yeah, because he had to make -- he
16 had to come up with evidence to his grandfather that he was
17 robbed.

18 **MS. NEWTON:** His grandfather. That's right.

19 So Jason no longer -- if that happened, Jason
20 wouldn't owe Grant because Grant got his money.

21 **THE WITNESS:** Correct.

22 **MS. NEWTON:** That's not a robbery. That's "I got
23 my money back."

24 **THE WITNESS:** Correct.

25 **MS. NEWTON:** But Jason would still have a problem

1 with his grandfather.

2 **THE WITNESS:** Yes.

3 **MS. NEWTON:** Is Jason afraid of his grandfather?

4 **THE WITNESS:** No.

5 **MS. NEWTON:** So why did he have to fake a police
6 report?

7 **THE WITNESS:** That's a question I still have.

8 **MS. NEWTON:** Thank you very much.

9 **JUDGE WAGONER:** Did Jason ever tell you why he was
10 saying that Israel did this robbery?

11 **THE WITNESS:** Like I said, he gave the police
12 report description of the car, and the police are the ones
13 that come up with the name.

14 **JUDGE WAGONER:** Did he say why he decided to say
15 it was Israel?

16 **THE WITNESS:** No.

17 **JUDGE WAGONER:** So you don't have any idea why
18 Jason decided to say it was Israel that robbed him instead
19 of Mr. Britt?

20 **THE WITNESS:** No, ma'am.

21 **JUDGE WAGONER:** Just popped in his mind?

22 **THE WITNESS:** I don't know. That's something you
23 would have to ask him.

24 **JUDGE WAGONER:** Okay.

25 **MR. BOSWELL:** How does a police report -- two days

1 later from when Jason told his grandfather that he was
2 robbed, how does a police report of a robbery two days later
3 help him with his grandfather?

4 **THE WITNESS:** I don't know.

5 **MR. BOSWELL:** Because police reports have the date
6 when it's supposed to have happened.

7 **THE WITNESS:** Right. I guess just evidence to his
8 grandfather that it -- I don't know. Like I said, he's put
9 me in positions and ...

10 **MR. BOSWELL:** Okay. It seems like kind of a dumb
11 idea to come up with the police report --

12 **THE WITNESS:** Correct. You're right.

13 **MR. BOSWELL:** -- after you've already said you
14 were robbed, and then two days later you come up with a
15 police report saying "I was robbed."

16 **THE WITNESS:** Yeah.

17 **MR. BOSWELL:** That doesn't make any sense, does
18 it?

19 **THE WITNESS:** No, sir.

20 **MR. BOSWELL:** It just popped into my head. I
21 thought I would ask.

22 **THE WITNESS:** I've been in a lot of positions that
23 I would never put myself in.

24 **MR. BOSWELL:** I got it.

25 **THE WITNESS:** He's a great father, huh? Great

1 baby's daddy.

2 **MR. BARROW:** Ms. Adcock, I have just a couple of
3 questions.

4 You have made reference a couple of times to some
5 traumatic incident which caused memory loss on your part.

6 **THE WITNESS:** Yes, sir.

7 **MR. BARROW:** Was that event before or after the
8 date when you signed the affidavit?

9 **THE WITNESS:** This was just last year that I was
10 beaten. After that.

11 **MR. BARROW:** Last year?

12 **THE WITNESS:** Yes, sir.

13 **MR. BARROW:** So at the time you signed the
14 affidavit, this event had not occurred?

15 **THE WITNESS:** Correct.

16 **MR. BARROW:** Now, I know it's a long ways back,
17 but in 2005 -- in August of 2005, about the time this report
18 to the police was made, where did you live?

19 **THE WITNESS:** With my mother.

20 **MR. BARROW:** And this was immediately across the
21 street from the location where Israel Grant was staying?

22 **THE WITNESS:** He wasn't staying there. His friend
23 stayed there.

24 **MR. BARROW:** And who was his friend?

25 **THE WITNESS:** Marquis Funderburk.

1 **MR. BARROW:** And Marquis had lived in that
2 vicinity since you and he were in school together.

3 **THE WITNESS:** Yes, sir.

4 **MR. BARROW:** Did you --

5 **THE WITNESS:** His mother still resides there.

6 **MR. BARROW:** Marquis' mother still lives there?

7 **THE WITNESS:** Yes, sir.

8 **MR. BARROW:** Still lives across the street from
9 your mother?

10 **THE WITNESS:** Yes, sir.

11 **MR. BARROW:** So in 2005, you were living with your
12 mother.

13 **THE WITNESS:** Yes, sir.

14 **MR. BARROW:** And did you have any means of support
15 at that time to make ends meet?

16 **THE WITNESS:** My mother. My mother has always
17 supported me.

18 **MR. BARROW:** Then if we could ratchet forward,
19 could you tell us where you were living at the time Marquis
20 came and got you to sign this affidavit?

21 **THE WITNESS:** I was at my mother's that day. I
22 was -- I can't recall if I was living there, but I was at my
23 mother's the day that he asked me to sign that.

24 **MR. BARROW:** Put a beginning point on the date
25 that you reported this robbery to the police and the date

1 you signed the affidavit. That went on for nine years.

2 **THE WITNESS:** (Moves head up and down.)

3 **MR. BARROW:** During that time, were you able to go
4 to your mother's house without fear of Marquis or Grant's
5 crew?

6 **THE WITNESS:** Yes.

7 **MR. BARROW:** How frequent was the time that you
8 were made to feel uncomfortable?

9 **THE WITNESS:** I mean, I always felt uncomfortable,
10 but I didn't fear nothing because I got God on my side
11 regardless; so ...

12 **MR. BARROW:** You didn't --

13 **THE WITNESS:** They'd throw rocks through my
14 windows and ...

15 **MR. BARROW:** Did they threaten you with physical
16 violence?

17 **THE WITNESS:** I mean, I think throwing rocks
18 through my window -- it's physical to me.

19 **MR. BARROW:** Okay. But were there words? Did you
20 ever hear words --

21 **THE WITNESS:** Of course they would throw words at
22 me.

23 **MR. BARROW:** What would they say to you?

24 **THE WITNESS:** Threaten to kill me. "Bitch, you
25 know you wrong."

1 **MR. BARROW:** Do you recall anything else?

2 **THE WITNESS:** No, sir.

3 **MR. BARROW:** When you signed the affidavit, the
4 threats went away except for this one episode with Marquis.

5 **THE WITNESS:** Except for the incident where he
6 tried to get me to go out of town.

7 **MR. BARROW:** Can you tell us what he said to you?

8 **THE WITNESS:** I can't recall. I mean, I can't
9 recall word for word, but he tried to get me to go out of
10 town. I do recall that.

11 And I had talked to the friend across the street
12 which lives directly beside him, like I said, and he told me
13 that that would not be a smart idea. I told him that he had
14 tried to get me to out of town, and he said, "The reason
15 he'd try to get you to go out of town is to kill you, is to
16 do away with you."

17 **MR. BARROW:** Had you and Marquis ever dated?

18 **THE WITNESS:** No.

19 **MR. BARROW:** So there was no relationship between
20 the two of you other than growing up in the same
21 neighborhood.

22 **THE WITNESS:** Correct.

23 **MR. BARROW:** At the time you signed the affidavit,
24 how were you supporting yourself at that time?

25 **THE WITNESS:** I was supporting -- my mother was

1 supporting me.

2 **MR. BARROW:** Okay. And I believe you said at the
3 present time that you're homeless.

4 **THE WITNESS:** Uh-huh.

5 **MR. BARROW:** How many of your children live with
6 your mother?

7 **THE WITNESS:** None live with my mother. One lives
8 with my grandma, my oldest son lives with his father, and
9 then me and Jason's two daughters live with his mother.

10 **MR. BARROW:** That's all.

11 **JUDGE WAGONER:** Sheriff and then Mr. Heard.

12 **SHERIFF FRYE:** At one point in time, there was a
13 warrant issued for Marquis for throwing rocks and damaging
14 your mom's house.

15 **THE WITNESS:** Do y'all have that on file?

16 **SHERIFF FRYE:** That charge was dismissed. Can you
17 tell us why it was dismissed?

18 **THE WITNESS:** I have no clue.

19 **SHERIFF FRYE:** Were you ever subpoenaed to testify
20 in that case?

21 **THE WITNESS:** No, sir.

22 **SHERIFF FRYE:** Were you there when that happened?

23 **THE WITNESS:** When the rocks were thrown? Yes,
24 sir.

25 **SHERIFF FRYE:** Were there ever any shots fired at

1 the house?

2 **THE WITNESS:** There's actually rocks thrown
3 through my bedroom window.

4 **SHERIFF FRYE:** Okay. Were there ever -- did
5 anybody ever shoot at the house?

6 **THE WITNESS:** I don't know if they were shooting
7 at my house, but, yeah, there's been shootings. I mean, we
8 live in a bad neighborhood; so ...

9 **SHERIFF FRYE:** But no bullets into your house --

10 **THE WITNESS:** No, sir.

11 **SHERIFF FRYE:** -- that you know of?

12 **THE WITNESS:** No, sir.

13 **SHERIFF FRYE:** And you do not know why the charge
14 was dropped against Marquis.

15 **THE WITNESS:** No, sir.

16 **SHERIFF FRYE:** Okay.

17 **THE WITNESS:** But that is on file; correct? There
18 was a warrant? See, I didn't even know that.

19 **SHERIFF FRYE:** Who took out the warrant? Do you
20 know? Was it your mother?

21 **THE WITNESS:** Maybe. It wasn't me.

22 **SHERIFF FRYE:** Going back to Marquis asking you to
23 go out of town, why do you think he would want to hurt you
24 after you had signed an affidavit to get his friend out of
25 jail?

1 **THE WITNESS:** That's something I can't answer.

2 **SHERIFF FRYE:** Could it be because he would be
3 afraid that you would recant --

4 **THE WITNESS:** Possibly.

5 **SHERIFF FRYE:** -- your affidavit?

6 **THE WITNESS:** Possibly.

7 **SHERIFF FRYE:** Okay.

8 **JUDGE WAGONER:** Mr. Heard.

9 **MR. HEARD:** I am curious with regard to the time
10 concerning the photographic lineup.

11 If I understood this correctly, the officer came;
12 both you and Jason were at home at the same time. He
13 presented a photographic lineup to Jason, who then
14 identified Israel, but you did not identify Israel.

15 **THE WITNESS:** Correct.

16 **MR. HEARD:** But you were close enough to hear the
17 conversation between the officer and Jason.

18 **THE WITNESS:** Correct.

19 **MR. HEARD:** When he identified the photograph, did
20 he say he knew the individual in the photograph or just say
21 "That's the guy who did it"?

22 **THE WITNESS:** That he knew -- as far as I recall,
23 that he knew the guy.

24 **MR. HEARD:** Significant to my question is this:
25 If -- since he had already said he -- since at the time he

1 filed the report he said he had been robbed but didn't
2 identify the individual, coming back later and identifying
3 the picture and saying, "This is the guy" -- I'm curious --
4 the officer never asked, "Why didn't you tell me that you
5 knew this guy before?"

6 **THE WITNESS:** I don't know.

7 **MR. HEARD:** Tell me a little bit about the
8 conversation between the officer and Jason.

9 **THE WITNESS:** I don't recall the conversation, of
10 what was said. It's been 12 years ago. And I --

11 **MR. HEARD:** But you were close enough you could
12 hear basically that they were talking to each other and
13 could hear when Jason identified Israel.

14 **THE WITNESS:** Yes. Like I said, there was only
15 one car in that neighborhood of -- the description of the
16 car was given, and they put two and two together.

17 **MR. HEARD:** And the officer, either to you nor to
18 Jason, as far as you know, ever asked about the fact that,
19 since the car was so identifiable and you knew who owned the
20 car, that you never said anything to them about who that
21 person was?

22 **THE WITNESS:** No, sir.

23 **MR. HEARD:** Thank you.

24 **JUDGE WAGONER:** Ms. Adcock, you told us earlier
25 that you had been threatened a lot by Israel's buddies, for

1 lack of a better word.

2 When you were being threatened with rocks being
3 thrown at your house, wasn't Jason staying there some?

4 **THE WITNESS:** No, ma'am.

5 **JUDGE WAGONER:** He never spent the night there
6 with you?

7 **THE WITNESS:** He has spent the night but he wasn't
8 there at that time. My mother does not care for him; so ...

9 **JUDGE WAGONER:** When did your mother stop caring
10 for him?

11 **THE WITNESS:** My mother has never really cared for
12 him.

13 **JUDGE WAGONER:** But he would stay there some.

14 **THE WITNESS:** Yes, ma'am.

15 **JUDGE WAGONER:** But he wasn't -- as far as you
16 know, he was never threatened.

17 **THE WITNESS:** The first time I went to jail over
18 him, and he swam the river on me.

19 **JUDGE WAGONER:** Say that again.

20 **THE WITNESS:** I said the first time I ever got in
21 trouble, he was breaking into cars, and he swam the river on
22 me and I went to jail.

23 **JUDGE WAGONER:** You certainly can't blame your mom
24 for not liking him.

25 **THE WITNESS:** Exactly. That's why I don't have

1 any dealings with him, because of the situations that he's
2 put me in.

3 **JUDGE WAGONER:** Okay. But you sort of still have
4 dealings because you do -- he has Facebook pictures of you.

5 Are you afraid of him?

6 **THE WITNESS:** No.

7 **JUDGE WAGONER:** Does he provide support for your
8 children?

9 **THE WITNESS:** No.

10 **JUDGE WAGONER:** I could have guessed that. Okay.

11 **THE WITNESS:** That's a good one.

12 **JUDGE WAGONER:** Anything else?

13 **MS. SMITH:** I have a couple more questions.

14 **Q.** Ms. Adcock, I am handing you a portion of your
15 trial testimony. It starts here, and I am going to turn you
16 to the pages that are flagged.

17 Does that indicate that it's your testimony at
18 trial?

19 **MR. BOSWELL:** Where are you?

20 **MS. SMITH:** This will be on page 69 of your
21 briefs.

22 **JUDGE WAGONER:** Everybody hear that? 69?

23 **Q.** If you will flip over, at the bottom of the
24 page -- we'll go by those page numbers. Flip over to
25 page 70.

1 If you will read for us lines -- you see the line
2 numbers on the side, the left-hand side? Read lines 17
3 through 21.

4 A. (Reading:)

5 "And what was your purpose in going to the BB&T?

6 "To get money.

7 "Say that again.

8 "To get money out of my account.

9 "How did you do that?"

10 Q. That's good.

11 So in your testimony there, you told the Court
12 that you were getting money out of your account.

13 A. Yes, ma'am.

14 Q. And your testimony here today is you didn't have
15 an account at that time.

16 A. Correct.

17 Q. Which is accurate?

18 A. I didn't have an account.

19 Q. If you will flip to the page marked 74 at the
20 bottom and read out loud lines 10 through 14.

21 A. (Reading:)

22 "What did you do at the time in regards to that
23 demand?

24 "I gave him the money.

25 "How much did you give him?"

1 **"It was like 270, 275."**

2 **Q.** Okay. And then if you will flip to the page
3 marked 77 at the bottom and read out loud lines 22 through
4 24.

5 **A.** **(Reading:)**

6 **"And where were you when you were talking to**
7 **Officer Yaravitz?**

8 **"I was outside the car."**

9 **Q.** So there you told the Court that, when you were
10 giving your statement or talking to Officer Yaravitz, you
11 were outside the car.

12 Do you recall that?

13 **A.** **Do I recall being outside the car?**

14 **Q.** Yes, ma'am.

15 **A.** **I don't recall being outside or inside the car.**

16 **Q.** You told us here earlier you were inside the car.

17 **A.** **I was inside.**

18 **Q.** You were inside?

19 **A.** **Yes, ma'am.**

20 **Q.** That's your memory?

21 **A.** **Yes, ma'am. I was inside the car, not outside.**

22 **Q.** And I'm also going to -- do you have page 80
23 there?

24 **A.** **No.**

25 **Q.** Okay. I am going to refer you to lines 16 through

1 25, if you will read those out loud.

2 A. (Reading:)

3 "Do you recall telling the officer that you gave
4 the robber \$15?

5 "Yes, sir.

6 "Did you do that?

7 "Yes, sir."

8 How many lines?

9 Q. To 25.

10 A. (Reading:)

11 "When he -- you referred to the amount of money
12 earlier, you said 270. What money were you referring to?

13 "Jason had money and I had the 15.

14 "Where had the 270 come from?

15 "The bank."

16 Q. Okay.

17 MS. SMITH: Commissioners, do you have other
18 questions?

19 (No response.)

20 Q. One more question for you. You've mentioned that
21 your neighbor told you that, when Marquis was going to take
22 you out of town, he was going to kill you.

23 What is that neighbor's name?

24 A. John Phifer.

25 Q. How do you spell Mr. Phifer's last name?

1 A. **P-h-i-f-e-r.**

2 **Q.** Do you know his address?

3 A. **I think it's 931 Interurban.**

4 **Q.** And do you have a phone number for him?

5 A. **I do not.**

6 **MS. SMITH:** Okay. I don't have any other
7 questions.

8 **JUDGE WAGONER:** I have one last question.

9 The father of your other children that are not by
10 Jason, were any of them involved in this group of people?

11 **THE WITNESS:** No. My son's father is dead.

12 **JUDGE WAGONER:** All right. Thank you.

13 **MS. SMITH:** Judge Wagoner, if you-all believe you
14 might want to hear from her again today, we have her here
15 until about 4:15, 4:30, before we need to get her back to
16 the train station.

17 **JUDGE WAGONER:** Okay.

18 **MS. SMITH:** Would you like me to keep her under
19 subpoena for now?

20 **JUDGE WAGONER:** Let's have her hang around until
21 at least we get done with lunch, and maybe by then we will
22 know.

23 Will that be okay?

24 **MS. SMITH:** All right. If you will show her back
25 to the room.

1 Q. Mr. Ziegler, was Mr. Grant interviewed by law
2 enforcement about this crime?

3 A. Not after his arrest. He was interviewed on
4 August 27, 2005, when he was arrested for a domestic
5 violence charge against his then girlfriend, Jennifer
6 Fitzgibbons. The police file indicates that on that date
7 Detective Randy Owens interviewed him.

8 Q. Okay.

9 A. He was asked about August 15, 2005, the day of the
10 crime.

11 And according to handwritten notes of that
12 interview, Mr. Grant told law enforcement that he picked up
13 someone known as Tank, who lives in Roseland Apartments,
14 from the Circle K on Little Rock Road and Freedom Drive and
15 took him to his apartment.

16 He said that he then arrived at Adecco at
17 10:30 a.m., left Adecco to get his ID, and returned around
18 3:00 p.m. And at that time, the employee at Adecco ran his
19 background and he completed the application.

20 He said that the employee that did his application
21 told him that she was getting off at 3:00 and he was going
22 to be the last person processed that day. And he described
23 her as a white female with short, curly red hair and
24 glasses.

25 Q. Did Mr. Grant testify at trial?

1 A. He testified in a pretrial motion in limine about
2 the stop of his vehicle the day after the crime, but he
3 didn't testify in the trial.

4 Q. What, if anything, did he say in his testimony
5 during that motion in limine about his guilt or innocence?

6 A. He testified that the officers that stopped his
7 car asked him if the car was involved in a robbery the day
8 before and he said no. He testified that he told law
9 enforcement that day that he knew they were looking for him,
10 but he did not say he knew they were looking for him because
11 of the robbery.

12 He was asked about how he knew they were looking
13 for him, and he said that a friend named Marlon Sylver
14 called him and told him that police were looking for him.
15 And he said that Marlon called him and said that someone had
16 called Marlon and told Marlon that Grant's car was used in a
17 robbery.

18 He further testified that he wondered why police
19 would be looking for him for a robbery when he did not rob
20 anyone.

21 Q. Did the Commission interview Israel Grant?

22 A. We did. We interviewed him on June 7, 2017.

23 Q. Was that interview recorded and transcribed?

24 A. It was.

25 Q. And where did that take place?

1 A. **At Manchester Federal Correctional Institute in**
2 **Manchester, Kentucky.**

3 Q. Was his attorney present that interview?

4 A. **Yes. Chris Fialko is his attorney, and he was**
5 **present.**

6 Q. And has Mr. Fialko been appointed to represent
7 Mr. Grant throughout the Commission's formal inquiry?

8 A. **Yes.**

9 Q. During that interview, did you ask Mr. Grant about
10 his relationship with the victims, Christina Adcock and
11 Jason Taylor?

12 A. **We did.**

13 He said that he knew Christina Adcock because she
14 lived across the street from his friend Marquis Funderburk.
15 He said that he would stay with Marquis. He stated that he
16 began interacting with Christina when she was in a
17 relationship with Jason Taylor. He said that he and Jason
18 Taylor had begun doing business and that Christina Adcock
19 was present as well, but he didn't have conversations with
20 him.

21 He said that he met Jason Taylor about three
22 months before the alleged crime. Mr. Grant said that Jason
23 Taylor would fix Grant's car because he was a mechanic and
24 that Grant would sell crack to Jason Taylor.

25 Q. Do you know whether Jason Taylor is a mechanic?

1 A. **He is.**

2 Q. Did you ask Mr. Grant whether there was a drug
3 deal that he and Jason Taylor were involved in prior to the
4 alleged robbery?

5 A. Yes. Mr. Grant recalled being involved in a
6 marijuana deal that Mr. Taylor put together. He said that
7 he told Mr. Taylor he needed a quarter pound, or 4 ounces,
8 of marijuana and that Taylor took him to a guy's house. Mr.
9 Grant gave the other guy money and Mr. Grant left.

10 He couldn't recall the other guy's name and said
11 that he didn't ever know his name. But he said that the
12 location that they went to was in the trailer park off Sam
13 Wilson Road.

14 Mr. Grant said that he figured out the marijuana
15 was an ounce short when he got home and weighed it. He then
16 said that he called Jason Taylor and said that he was
17 shorted and that Jason said that he would make up for it.

18 Mr. Grant told us that, two days later, he called
19 Jason Taylor and asked if he was going to give him \$50 and
20 Taylor said that he didn't have it then but that he would
21 get it.

22 Q. Did you ask Mr. Grant whether he made any threats
23 to Mr. Taylor about this transaction and the shorted money?

24 A. Yes. He said that he didn't threaten him
25 initially because Jason Taylor said that he would take care

1 of it but that, later on, Jason kept avoiding him and he
2 told Jason that he would beat him up if he didn't get the
3 money.

4 He said that on one occasion, about a month after
5 the drug deal, he saw Jason Taylor coming out of Christina
6 Adcock's house and went toward him and that, at that time,
7 Jason Taylor ran to his car and took off; so Mr. Grant
8 grabbed a brick, threw it, and hit the car.

9 Q. Did he indicate whether he had any other
10 interaction with Jason Taylor after that day?

11 A. He said that about a week after that Jason Taylor
12 and Christina Adcock were sitting on the front porch of the
13 house that they lived in on Interurban Avenue. Mr. Grant
14 said that he pulled up and talked to Jason, said that he
15 wanted the \$50 and asked Jason, "Why are you ducking me?"
16 He said that Christina then jumped in and told Israel Grant
17 that he's always causing trouble.

18 But Jason said he would take care of it and give
19 Grant the money, and Mr. Grant told us that's the last time
20 he saw Jason Taylor.

21 Q. Did you ask him about his whereabouts on the day
22 of the crime?

23 A. We did.

24 We asked him to walk us through the day in as much
25 detail as possible. He said that on August 15th, 2005, he

1 picked up Jennifer Fitzgibbons from her sister's house.
2 Jennifer told him the night before that, because she was
3 pregnant with his child, he needed to find a job, and they
4 went to look for a job that day.

5 They stopped at Circle K around 9:00 or 9:30 that
6 morning. And when they left, they went to Adecco, filled
7 out the application. He said that, when he turned it in, he
8 didn't have his Social Security card; so he called his
9 friend Marquis' mother. She said that she had to leave work
10 to come home because the alarm went off, so she would put
11 his Social Security card in her mailbox for him to pick up.

12 He then said that he left Adecco, went back to get
13 the Social Security card from the mailbox, and then returned
14 to Adecco.

15 He said it was about 2:55 when they got back to
16 Adecco and he spoke to the lady that was handling his
17 application to finish the process. He said that, when he
18 left, he dropped off Jennifer Fitzgibbons at her sister's
19 house, then went to see his friend Rashad, who gave him a
20 ring to pawn at a pawnshop. He said that he took the ring
21 to the pawnshop. And after leaving there, he went back to
22 Marquis' house, which he thinks was around 4:00 or a little
23 bit after.

24 Q. Did you ask anyone else about Israel Grant's
25 whereabouts on the day of the crime?

1 A. Yes. We interviewed a lot of people who were
2 mentioned by Israel Grant, including Jennifer Fitzgibbons,
3 who was dating him at the time; Christine Fitzgibbons, who's
4 Jennifer's sister; Jennifer Gaddy, formerly Jennifer
5 Jefferson, who is Marquis Funderburk's mother and the person
6 who put Mr. Grant's ID in the mailbox; and Rashad Mackey,
7 Mr. Grant's friend who gave him a ring to pawn on that day.

8 Q. Generally, what did they say about Israel Grant's
9 whereabouts on the day of the crime?

10 A. They mostly recalled portions of what they had
11 originally said, but no one could remember the specific
12 times with Mr. Grant that day. With the exception of
13 specific times, what they recalled was generally consistent
14 with Mr. Grant's recollection.

15 Q. Did you ask Mr. Grant specifically about the time
16 he spent at the pawnshop?

17 A. We did. He said that he got there around 3:30 or
18 3:40 and estimated that he was there for 15-20 minutes. He
19 thinks there were four or five customers in the pawnshop and
20 thinks he had to wait on one or two of them before his
21 transaction.

22 Q. Did you follow up with anyone at the pawnshop?

23 A. Yes. On June 13, 2017, I called the number for
24 Quik Pawn II, which is the pawnshop that he pawned the ring
25 at, and I spoke with the manager, Renée. Renée stated that

1 at that time, the time that it would take to pawn a piece of
2 jewelry would probably be about 10-30 minutes, but it would
3 depend on the pawnbroker for how long it would take exactly.

4 I also spoke with Dale, who's Renée's manager at
5 the pawnshop, and he said that in 2005, you could get in and
6 out real quick and estimated that it would take 5-10 minutes
7 to pawn a ring but that it could be longer if the pawnbroker
8 was tired.

9 Q. Mr. Ziegler, can you turn in your notebook there
10 to the back section where you did the Google map distances
11 and times?

12 A. Yes.

13 Q. And I know the commissioners had some questions
14 earlier about time and distance -- can you actually put that
15 map back up? -- times and distances from Adecco to the
16 various locations.

17 And just walk the commissioners through the
18 distances that you were able to find from Adecco to where
19 Mr. Grant says he went and back.

20 MS. SMITH: Commissioners, I will caution that
21 these times and distances were done using today's Google
22 Maps. We did map them around 3:00 p.m., but we -- these are
23 estimates because we don't know the exact route he took and
24 we can't account for how traffic would've been then.

25 So we are going to give you estimates on those.

1 **JUDGE WAGONER:** And 485 was not there?

2 **MS. SMITH:** 485 was not there, and I believe
3 Mr. Ziegler avoided 485 when he was doing his distances and
4 times.

5 **JUDGE WAGONER:** Okay.

6 A. Yes.

7 So the time that Google estimated to get from
8 Adecco to Christina's house, which is where Grant says he
9 dropped off Jennifer, without using 485 was approximately
10 17 miles and 31 minutes.

11 The time to get from Christina's house to
12 Circle K, depending on the route, would have been about
13 5 miles and about 10 minutes.

14 And the time to get from Adecco to -- excuse me.
15 The time to get from Christina's house to the pawnshop would
16 have been approximately 3-5 miles, depending on the route,
17 and about 10 minutes regardless.

18 To get from Circle K to the pawnshop would've been
19 about 10 minutes and about 5 miles, depending on the route.

20 **Q.** So if you were to follow the path that Mr. Grant
21 says he took, you would be going from Adecco to Christine
22 Fitzgibbons' house and then directly to Quik Pawn; is that
23 correct?

24 A. That's correct.

25 **Q.** If Mr. Grant were to have committed this crime, he

1 would have needed to have gone from Adecco to Christine
2 Fitzgibbons' house to drop off Jennifer Fitzgibbons, his
3 girlfriend?

4 **MR. BOSWELL:** It says Christina [sic] Fitzgibbons.

5 **MS. SMITH:** Christine is the sister and Jennifer
6 was living at Christine's house at the time.

7 **MR. BOSWELL:** I've got it.

8 **Q.** Let me ask you this. Is there any indication from
9 Jason or Christina that a female was in the vehicle that
10 Israel Grant was driving on the day of the crime?

11 **A. No.**

12 **Q.** Okay. So if he left Adecco, went to Christine's
13 house to drop off Jennifer Fitzgibbons, then he would've
14 gone to Quik Pawn -- sorry -- then he would have gone to
15 Circle K and then Quik Pawn?

16 **A. That's correct.**

17 **Q.** If that's the way the route --

18 **A. If that's what happened --**

19 **Q.** Okay.

20 **A. -- he would've made those stops, yes.**

21 **Q.** Now, even though you've mapped these, were you
22 able to conclusively establish an alibi for Mr. Grant during
23 the time of the crime?

24 **A. We were not.**

25 **Q.** What do we know for certain?

1 A. The only times we know for certain is that he was
2 at Adecco at 2:47 p.m. and that he was at the pawnshop at
3 4:03 p.m.

4 MS. SMITH: Commissioners, I am going to stop
5 there and see if you have questions about that before we
6 move on.

7 JUDGE WAGONER: 2:47 p.m. at the pawn -- Adecco.

8 MR. BOSWELL: And at the pawnshop at what time?

9 MR. ZIEGLER: 4:03 p.m.

10 MS. SANDS BELLE: The pawn time, was that at the
11 conclusion of the transaction or was that when he arrived?

12 THE WITNESS: Yes. That was the conclusion of the
13 transaction.

14 MS. SANDS BELLE: Okay. So he could've been there
15 before.

16 MR. BRITT: In Jennifer Fitzgibbons' interview,
17 she says they went to Circle K, but it was just she, her
18 child, and Israel Grant?

19 MR. ZIEGLER: She says that they went to
20 Circle K -- she, her child, and Israel Grant -- that
21 morning. Yes, that morning.

22 MR. BRITT: She does not say that they gave a ride
23 to this person named Tank?

24 MR. ZIEGLER: I do not specifically recall what
25 she said regarding Tank.

1 **MR. BRITT:** And did Israel Grant give you a
2 description of Tank?

3 **MR. ZIEGLER:** He did not. He stated that he knew
4 this individual as Tank from the neighborhood, but he did
5 not know his given name.

6 **MR. BRITT:** Thank you.

7 **MR. BOSWELL:** I'm struggling a little bit here.
8 So if he is at Adecco at 2:47 -- we know he left Adecco at
9 2:47; right?

10 **MR. ZIEGLER:** We know that he was at Adecco at
11 2:47 and that he would have been free to leave at 2:47.

12 **MR. BOSWELL:** Okay.

13 **MR. ZIEGLER:** We don't know that that's what he
14 did.

15 **MR. BOSWELL:** And it would have taken -- to get to
16 Christine's house, it would have taken 30 minutes, roughly?

17 **MR. ZIEGLER:** That's correct.

18 **MR. BOSWELL:** Okay. So that puts him there at
19 3:15 or something, 3:20.

20 And then how long would it have taken to get from
21 Christine Fitzgibbons' house to the Circle K? 10 minutes?

22 **MR. ZIEGLER:** Approximately 10 minutes. Yes.

23 **MR. BOSWELL:** So that would've been 3:30. He
24 could have gotten there at 3:30?

25 **MR. ZIEGLER:** All I can say is the time that

1 Google estimated the distances between.

2 **MR. BOSWELL:** No, I -- just doing the math,
3 though. 2:47, 30 minutes is, you know, roughly 3:15 and
4 then dropped her off, and then 10 more minutes -- so he
5 could have been at Circle K at 3:30, and that's what time
6 they said the robbery happened?

7 **MR. ZIEGLER:** All I can say is we know where he
8 was at 2:47 and 4:03.

9 **MR. BOSWELL:** No, I get it. But they also say the
10 robbery happened at what time at the Circle K?

11 **MR. ZIEGLER:** We have the time of the 911 call,
12 which I believe was 3:41 p.m.

13 **MR. BOSWELL:** Okay.

14 **MS. SMITH:** Other questions about that?

15 **JUDGE WAGONER:** I have another question. Yes.

16 The 2:47 p.m. at Adecco, was that when he picked
17 up the application or dropped it off?

18 **MR. ZIEGLER:** That was signed by his name at the
19 bottom of the application. And in prior interviews, Adecco
20 had indicated that's when he would have been free to leave
21 after completing it.

22 **JUDGE WAGONER:** Okay. This is after he had gone
23 to get his Social Security card or whatever he needed?

24 **MR. ZIEGLER:** That's correct. Yes.

25 **JUDGE WAGONER:** Okay. Anybody else?

1 **SHERIFF FRYE:** Where did he say he picked up Tank
2 at?

3 **MR. ZIEGLER:** According to Mr. Grant, he picked up
4 Tank from the Circle K that morning, prior to going to
5 Adecco.

6 **MS. SMITH:** If you will give me just one moment.

7 **MR. BOSWELL:** Brian, you said the 911 was 3:41?

8 **MR. ZIEGLER:** To the best of my recollection. We
9 can double-check on that, but I believe it was 3:41.

10 **MR. BOSWELL:** How far was it from the Circle K to
11 Quik Pawn?

12 **SHERIFF FRYE:** That was my question. Thank you.

13 **MR. ZIEGLER:** From Circle K to Quik Pawn, it was
14 about 10 minutes, approximately 5 miles.

15 **MR. BOSWELL:** And it was 10 minutes from
16 Christina's to Circle K?

17 **MS. SMITH:** That's correct.

18 **Q.** Did you ask Mr. Grant how he found out he was a
19 suspect in the robbery?

20 **A.** Yes. He said that his friend Marlon's sister
21 worked for a radio station and reported the news. He said
22 that Marlon called him and told him that the sister had
23 called Marlon and said that she heard that Israel Grant's
24 car was described and someone who fit his description for a
25 robbery.

1 He said that the sister said she thought her
2 brother Matthew was -- fit the description of the second
3 person in the car. Mr. Grant told us that he told Marlon
4 when Marlon called that he was at Adecco and had not seen
5 Matthew that day. He says that he told Marlon they had the
6 wrong car.

7 Q. Were you able to follow up on that information?

8 A. We did. We interviewed Marlon Sylver on the phone
9 on July 14 of this year. He stated that his sister called
10 him while he was sitting inside Mr. Grant's car in the
11 driveway of his mom's house, and the sister told him that
12 police were looking for Mr. Grant's car for being involved
13 in a robbery. He said that his sister worked at a radio
14 station, and he said that he believed she called him on the
15 same day.

16 He provided us some other information unrelated to
17 the call that was inconsistent with anything we heard
18 before, including stating that Israel Grant was with him
19 playing video games at the time of the crime and that Israel
20 Grant was arrested for this on the same day as the crime.

21 MS. SMITH: Commissioners, if you will refer to
22 Handout 22 in your hearing about notebooks, this is a
23 summary of Marlon Sylver's criminal record.

24 Q. Did you do anything else to follow up on this
25 information?

1 A. We did. We interviewed Brenda McConico, who is
2 Marlon Sylver's sister, about the call. She stated that she
3 listened to police scanners as part of her job at the radio
4 station doing the traffic and that she worked from 6:00 a.m.
5 to 9:00 a.m. and again from 3:00 p.m. to 7:00 p.m.

6 She said that, after she got back to work for her
7 afternoon shift, she heard on the police scanner that they
8 were looking for Israel Grant about a gas station being
9 robbed and that she called her brother to tell him about it,
10 and her brother stated that Grant was at his house and they
11 were sitting around.

12 MS. SMITH: Commissioners, Brenda McConico does
13 not have a criminal record.

14 Q. Did you ask Mr. Grant about being stopped by
15 police after the robbery?

16 A. We did. He said he was stopped, that David Carter
17 was driving and Israel Grant was in the passenger seat.
18 Rashad Mackey and Matthew Sylver were in the back.

19 He said that law enforcement did not tell him why
20 he was stopped. He said that, when they were stopped, they
21 were asked names and he lied about his name. He said he
22 gave a fake name because, once he knew they were looking for
23 his car as being involved in a robbery, he was scared to go
24 to jail.

25 And he stated that they asked him if he would come

1 downtown to talk to someone and he said yes but that they
2 came back and told him he was free to go and they did not
3 want to talk to him.

4 Q. Did you ask him about any statements that he made
5 to law enforcement?

6 A. Yes. He said that sometime between the date of
7 the crime and September 20, 2005, when he was arrested for
8 this crime, he was arrested on a domestic violence charge
9 and that, at that time, he went downtown, signed a rights
10 waiver, and he was asked about what he knew about a robbery
11 Circle K on August 15.

12 He said that he told him he didn't know anything
13 about a robbery. He said that the officer asked him where
14 he was on August 15 and that he said he was at Adecco with
15 his child's mother, Jennifer.

16 He said that the officer asked if he was at
17 Circle K and that Grant told him that he was there in the
18 morning around 9:30. The officer asked if he was at the
19 store that afternoon. Mr. Grant said no, and he told the
20 officer that he could contact Jennifer Fitzgibbons to vouch
21 for him, but she did not have her phone with her.

22 Q. Okay.

23 A. He said that he continued to deny any robbery on
24 August 15, and then he was arrested on the domestic
25 violence.

1 **JUDGE WAGONER:** Before we go any further, it's
2 almost 2:00. Do we need to start with --

3 **MS. SMITH:** We're almost done with this line of
4 questioning, and we will be able to jump on with him in just
5 a few minutes.

6 **JUDGE WAGONER:** Okay.

7 **Q.** Later in your interview with Mr. Grant, did you
8 show him the handwritten notes of Detective Owens?

9 **A.** We did. He said that was accurate.

10 **Q.** And are the handwritten notes of the officer
11 consistent with what Mr. Grant told you earlier in that
12 interview with him about that statement to law enforcement?

13 **A.** They are.

14 **Q.** Did you ask Mr. Grant about his arrest and any
15 subsequent interview with law enforcement?

16 **A.** Yes. He said that he was at Marquis Funderburk's
17 house on September 20 when he was arrested for the robbery.
18 He said that they didn't try to question him that day when
19 he was taken to the station. He said that he wanted to talk
20 to someone but was told they had already talked to him. And
21 he stated that, when he got downtown, he saw the paperwork
22 that had Jason Taylor and Christina Adcock's names, and that
23 was the first he learned that they were the ones accusing
24 him of a robbery.

25 **MS. SMITH:** Commissioners, I sent out on Monday

1 evening a 57-page transcript of our interview with Israel
2 Grant. I hope everyone's had an opportunity to read that.
3 If you haven't, you can do so -- not right now but a little
4 later on.

5 We are going to take just about five minutes to
6 get the technology set up with the federal prison, and then
7 we will call Israel Grant to testify via videoconference.

8 **JUDGE WAGONER:** All right.

9 **MS. SMITH:** We can be at ease for just a moment,
10 Your Honor.

11 (Court stands at ease.)

12 **JUDGE WAGONER:** I think we have everybody here.

13 **MS. SMITH:** Commissioners, Israel Grant is
14 currently incarcerated at federal prison at Manchester
15 Federal Correctional Institute in Manchester, Kentucky. He
16 is incarcerated, as I said before, on an unrelated
17 possession of a firearm by a felon charge and is scheduled
18 to be released on, we believe, July 8 of 2018.

19 Because he's in federal custody, Judge Wagoner had
20 to issue a writ for his presence today. And we have worked
21 with Manchester and the Federal Bureau of Prisons to get him
22 here via this videoconference.

23 Because we have got some time constraints and I
24 want to make sure that you-all get to ask any questions that
25 you have, I'm actually going to limit the questions that I

1 ask of him so that you can get any questions that you may
2 have answered. And I think that's it, and we are ready to
3 call Mr. Grant.

4 **JUDGE WAGONER:** Mr. Grant, good afternoon. If
5 you -- do have a Bible?

6 ISRAEL GRANT, having been called as a witness at 2:04 p.m.
7 was sworn and testified as follows:

8 EXAMINATION BY MS. SMITH:

9 **Q.** Hi, Mr. Grant. I don't know if you can see me.

10 **A.** **Yes.**

11 **Q.** My name is Lindsey Smith, and I am the executive
12 director here at the Innocence Inquiry Commission. I am
13 going to ask some questions of you. And then the nine
14 commissioners seated around the table will also have
15 questions to ask.

16 **A.** **Yes, ma'am.**

17 **Q.** Because we are on a video delay a little bit, our
18 court reporter has just asked that everybody in the room be
19 mindful of that and allow one another to finish responding
20 before we ask another question or before you start to
21 answer. Okay?

22 **A.** **Yes, ma'am.**

23 **Q.** Can you please state your name for the record.

24 **A.** **Israel Sebastian Grant.**

25 **Q.** Mr. Grant, did you rob Christina Adcock and Jason

1 Taylor at the Circle K on August 15, 2005?

2 A. No, ma'am.

3 Q. Were you involved in any way in a robbery of
4 Christina Adcock and Jason Taylor on August 15, 2005?

5 A. No, ma'am.

6 Q. Where were you on August 15, 2005?

7 A. I was with -- I was with my then girlfriend,
8 Jennifer Fitzgibbons. We had went to Adecco that afternoon
9 on Westinghouse Boulevard.

10 Q. What did you do after that?

11 A. I took her home -- I took her home, back to her
12 sister's house, and I went in to pawn a ring that my friend
13 gave me, and then I went back to my other friend Marquis'
14 house.

15 Q. Did you go to Circle K on August 15, 2005?

16 A. I went there that morning around about 9:00.

17 Q. Did you go there that afternoon?

18 A. No, ma'am.

19 Q. When did you learn you were wanted for the
20 robbery?

21 A. I think it was in -- I think it was in July, when
22 they had -- I had got picked for a domestic violence charge,
23 and they had questioned me about a robbery.

24 Q. Would that have been August 27 of 2005?

25 A. Yes, ma'am.

1 **Q.** And that domestic violence charge, who was that
2 against?

3 **A.** That was my then girlfriend, Jennifer Fitzgibbons.

4 **Q.** When did you find out who had accused you of the
5 robbery?

6 **A.** The day I went to central booking and they gave me
7 warrants.

8 **Q.** That's the first time you knew who had accused you
9 of that?

10 **A.** Yes, ma'am.

11 **Q.** I'm going to skip ahead in time.

12 On March 10, 2014, Christina provided an affidavit
13 recanting her statement and testimony from trial. What did
14 you know about this affidavit prior to learning that it had
15 been signed?

16 **A.** I had -- I actually sent the affidavit home. I
17 actually wrote it out and sent it home, and I asked my
18 friend Marquis, who lives across the street from her, to see
19 if he had signed it -- to see would she sign it. And he
20 said -- because he said he had talked to her a few times
21 before then. And I had just asked him to see if she would
22 sign it, and she had signed it.

23 **Q.** Why did you think that she would recant her
24 statement?

25 **A.** Because, like I used to deal with her back in the

1 day -- I used to deal with her before this so-called robbery
2 happened, and she wasn't a bad girl. So I figured it was
3 just her boyfriend made her do it; so I just -- I just
4 really took a chance.

5 Q. Who all did you talk to about trying to obtain
6 that affidavit?

7 A. Well, I had talked to my lawyer at the time, which
8 was Bruce Cunningham, because I was in prison. And the dude
9 told me about an affidavit, like, if you get a victim to
10 sign an affidavit, that would be like new discovered
11 evidence in a case. And I had talked to my lawyer about it,
12 and he was like, well, he don't know. So I just really just
13 said -- I just -- like I said, I just took a chance with it.

14 Q. Did you talk to any of your other friends about
15 the affidavit? Or family?

16 A. My brother -- my brother Elijah Grant, his then
17 girlfriend Jamese Grant, and my friend Marquis Funderburk.

18 Q. So you said that you wrote the affidavit?

19 A. I had -- I wrote it and sent it to -- I wrote it
20 and sent it to -- I wrote it and sent it to my brother. And
21 his girlfriend -- his then girlfriend Jamese Grant had typed
22 it up.

23 Q. How did you know what to put in the affidavit?

24 A. I just read law books in the -- in the state.

25 Q. Did you tell anyone to threaten Christina Adcock

1 to obtain the affidavit?

2 A. No. No, ma'am.

3 Q. Did you yourself threaten her?

4 A. No, ma'am.

5 Q. Are you aware of any threats that were made to
6 Christina to obtain the affidavit?

7 A. No, ma'am.

8 Q. Are you aware of any threats that were made to
9 Christina after your arrest and after your conviction but
10 prior to the affidavit?

11 A. No, ma'am.

12 Q. Are you aware that Marquis Funderburk was charged
13 with throwing a brick or rocks through the window of
14 Christina Adcock's mom's house?

15 A. No, ma'am. The first time I heard of a rock being
16 thrown through a window is when the people came to see me at
17 the prison and they said something about it. But that was
18 the first time I heard something about it.

19 Q. And when you say "the people," was that Brian
20 Ziegler and Sharon Stellato from the Commission?

21 A. Yes, ma'am.

22 Q. Are you aware that Christine Fitzgibbons went to
23 Christina Adcock's home, and when she answered the door, hit
24 her in the face and knocked her on the floor sometime after
25 your conviction?

1 A. **I was told about that later. I was told about**
2 **that.**

3 Q. Did you have anything to do with that?

4 A. **No, ma'am.**

5 Q. Are you aware of Marquis Funderburk making any
6 threats to Christina Adcock to kill her?

7 A. **No, ma'am.**

8 Q. Have you asked Marquis Funderburk or anyone else
9 to threaten to kill Christina Adcock?

10 A. **No, ma'am.**

11 Q. Tell me how you found out the affidavit had been
12 signed.

13 A. **I actually -- while I was on the state, I actually**
14 **had a cell phone, and Marquis had called me on the cell**
15 **phone.**

16 Q. So Marquis initiated that call to the cell phone?

17 A. **Yes, ma'am.**

18 Q. All right. Now I am going to allow the
19 commissioners to ask questions of you. Okay?

20 A. **Yes, ma'am.**

21 **MS. SMITH:** Commissioners?

22 **JUDGE WAGONER:** Mr. Heard.

23 **MR. HEARD:** I am curious to know if, at the time
24 of this alleged robbery, you had owed any money to Jason
25 Taylor.

1 **THE WITNESS:** No, sir, I did not owe him nothing.

2 **MR. HEARD:** Had you been engaged in any sort of
3 disagreement or argument with Jason or with Christina?

4 **THE WITNESS:** Me and Jason.

5 **MR. HEARD:** What was that argument about?

6 **THE WITNESS:** It was about some money that he owed
7 to me.

8 **MR. HEARD:** So he owed you money; you didn't owe
9 him money?

10 **THE WITNESS:** Correct.

11 **MR. HEARD:** From looking at some of the
12 information, particularly with regard to some phone calls, I
13 understand that you expect that one of the results of this
14 process from the Innocence Commission is going to be that
15 you should be able to get paid in some fashion; is that
16 correct?

17 **THE WITNESS:** Correct.

18 **MR. HEARD:** How will that have any impact on
19 the -- seeking justice with regard to this assertion that
20 you were involved in the robbery?

21 **THE WITNESS:** I'm saying, really, it's just that
22 the time that I did and the time that I lost with my family,
23 I can -- no amount of money could really never give me that
24 back. It's just really -- I didn't even know nothing about
25 it until somebody gave me a law on it and that it's like, if

1 you get found not guilty and -- if you found guilty and you
2 have the Innocence Commission or Actual Innocence Project,
3 then you get a pardon, and then you are awarded up to
4 \$50,000 a year, not exceeding 750,000.

5 **MR. HEARD:** Okay. Thank you.

6 **JUDGE WAGONER:** Yes, sir.

7 **SHERIFF FRYE:** Now, tell me about the phone call
8 that you had when the affidavit was signed.

9 Who did you talk to?

10 **THE WITNESS:** I had talked to -- I had talked to
11 Marquis Funderburk, and he told me he got Christina right
12 here, and I talked to Christina Adcock.

13 **SHERIFF FRYE:** And what did she say to you?

14 **THE WITNESS:** She told me that she was sorry that
15 this happened, and she said that she was messed up at the
16 time. And she said that she really apologized that she did
17 this to me, and I told her I forgive her and I just want to
18 come home to my family.

19 **SHERIFF FRYE:** Do you really forgive her? I mean,
20 she calls you to -- she's part of the reason that you sit in
21 prison.

22 Do you still hold a grudge against her?

23 **THE WITNESS:** You -- you right. She took me away
24 from my family, her and her boyfriend. But at the same
25 time, it's like I can't -- I can't get the time back. I

1 forgive her because I know she was actually forced -- I know
2 she was actually forced to do what she did because of her
3 boyfriend and -- who she loved at the time. Maybe she
4 figured she were doing the right thing for him. So I really
5 don't even blame her.

6 **JUDGE WAGONER:** Anyone else?

7 **MR. BOSWELL:** May I ask a question?

8 **JUDGE WAGONER:** Yes.

9 **MR. BOSWELL:** Mr. Grant, have you had any
10 communication with Jason Taylor since you were convicted?

11 **THE WITNESS:** The only conversation me and Jason
12 Taylor ever had is the day I went to court. That's the only
13 time I ever talked to him.

14 **MR. BOSWELL:** Tell us about that conversation.

15 **THE WITNESS:** When I was coming through the court
16 on trial, I seen him and I was asking him why could he do
17 this. He said -- he said that they are making him do it.

18 And I told him, I said, "Man, they trying to give
19 me 24 years because of a lie."

20 And he said, "They are making me do it."

21 **MR. BOSWELL:** Do you know who "they" was he was
22 talking about?

23 **THE WITNESS:** From my understanding, from what I
24 got from the situation, he was brought to court from Gaston
25 County jail. So I'm assuming they told him, if they

1 testify -- if he testify on me, they will give him some type
2 of lenience towards his charges he were facing in Gastonia.

3 But that's just what I'm assuming.

4 **MR. BOSWELL:** That's it.

5 **MR. BRITT:** Mr. Grant -- can you hear me?

6 **JUDGE WAGONER:** Can you hear him?

7 **THE WITNESS:** Yes, sir.

8 **MR. BRITT:** You said that you had -- you used to
9 deal with Christina back in the day.

10 **THE WITNESS:** Yes, sir.

11 **MR. BRITT:** Define "deal with" her.

12 **THE WITNESS:** Like I met her through Marquis. I
13 met her through Marquis Funderburk. They was -- they was
14 neighbors. They lived across the street from each other; so
15 she used to come over to his crib, and we used to go over
16 there. When Jason would come over to Marquis' crib
17 sometimes, she would be with him.

18 **MR. BRITT:** Did you have any type of relationship
19 with her?

20 **THE WITNESS:** No, sir.

21 **MR. BRITT:** You had a relationship with Jason
22 Taylor.

23 **THE WITNESS:** Like a business-type relationship,
24 yes, sir.

25 **MR. BRITT:** He would work on your car.

1 **THE WITNESS:** Yes. He would work on my car and I
2 would sell drugs to him.

3 **MR. BRITT:** And then this dispute about the money
4 arose over a 4-ounce deal for marijuana that he set up for
5 you.

6 **THE WITNESS:** Yes, sir.

7 **MR. BRITT:** And when did you discover that you had
8 been shorted?

9 **THE WITNESS:** When I went home and put it on the
10 scale.

11 **MR. BRITT:** And when was that -- what day was that
12 deal completed in relationship to when you were accused of
13 the robbery?

14 **THE WITNESS:** I would say it had to be -- it had
15 to be at least in March, April.

16 **MR. BRITT:** So from March or April until August,
17 had you been after him about paying you the money?

18 **THE WITNESS:** I just -- I just was on him because
19 we had -- we had regular dealings. So it's like if he
20 didn't pay me, he was like, "Okay. Well" -- and you work on
21 my car, I just take it off that. But he just -- he just
22 wouldn't do nothing for me. You know, he was avoiding me.
23 He was avoiding me all the way around the board.

24 **MR. BRITT:** Did you ever threaten to beat him up
25 if he didn't -- if you didn't get your money?

1 **THE WITNESS:** Yes, sir.

2 **MR. BRITT:** How many times?

3 **THE WITNESS:** I seen him twice -- twice.

4 **MR. BRITT:** And on either of those occasions, did
5 you beat him up? Did you jump him?

6 **THE WITNESS:** No, sir. He -- I was trying to
7 approach him one time. He ran to his car and drove off.
8 And I grabbed a brick out of Marquis' yard and I threw it at
9 his car.

10 **MR. BRITT:** How about, to your knowledge, did
11 Marquis or anyone else try to collect your money?

12 **THE WITNESS:** No, sir.

13 **MR. BRITT:** And when you were in state prison, you
14 said that you had a cell phone.

15 **THE WITNESS:** Yes, sir.

16 **MR. BRITT:** And are you aware that, in state
17 prison, they were recording your phone calls when you called
18 out over the phone that was provided to inmates?

19 **THE WITNESS:** Yes, sir.

20 **MR. BRITT:** And are you aware that we have
21 summaries of your telephone conversations from state prison?

22 **THE WITNESS:** I am now. I wasn't aware, but I am
23 now.

24 **MR. BRITT:** How many times did you talk with your
25 brother about getting the paper or the affidavit signed by

1 the white lady?

2 **THE WITNESS:** Probably a few times because he were
3 the initial one that supposed to go -- to go get it signed,
4 but he kept dragging. He kept, "I'm going to do it, I'm
5 going to do it, I'm going to do it," but he never -- he
6 didn't. He was dragging his feet.

7 **MR. BRITT:** How many times do you remember talking
8 to Marquis about getting the lady to sign the paper?

9 **THE WITNESS:** Quite a few times too.

10 **MR. BRITT:** And how many times did you talk with
11 both of them over the cell phone about getting a lady to
12 sign the paper?

13 **THE WITNESS:** Quite a few times.

14 **MR. BRITT:** And it is my understanding someone in
15 prison told you about the possibility of getting your case
16 overturned if you got an affidavit from a witness taking
17 back their testimony.

18 **THE WITNESS:** Yes, sir.

19 **MR. BRITT:** And this prison -- I'm just going to
20 call him a jailhouse lawyer. This jailhouse lawyer told you
21 that you could get an affidavit; then your case would be
22 overturned?

23 **THE WITNESS:** It's -- he didn't say actually
24 overturned, but he said it would be like newly discovered
25 evidence in an MAR, which was -- it's a -- it's a good

1 issue. So I was banking on it.

2 **MR. BRITT:** So who was the first person you talked
3 to on the outside about getting Christina or anyone to sign
4 an affidavit taking back their testimony?

5 **THE WITNESS:** I had asked Marquis.

6 **MR. BRITT:** And describe your relationship with
7 Marquis.

8 **THE WITNESS:** He's really like a brother. He's --
9 we're like -- like a brother.

10 **MR. BRITT:** Marquis, is he the type of person, if
11 you asked him to do something, he was going to do it?

12 **THE WITNESS:** He would try to do it.

13 **MR. BRITT:** You said earlier that Christina was
14 forced into testifying against you.

15 **THE WITNESS:** Yes, sir.

16 **MR. BRITT:** What evidence do you have that she was
17 forced to testify against you?

18 **THE WITNESS:** None whatsoever.

19 **MR. BRITT:** On the day of August 15, you went to
20 Circle K; is that correct?

21 **THE WITNESS:** Yes, sir.

22 **MR. BRITT:** You went there that morning.

23 **THE WITNESS:** Yes, sir.

24 **MR. BRITT:** And Jennifer was with you?

25 **THE WITNESS:** Yes, sir.

1 **MR. BRITT:** Was your child or her child with you?

2 **THE WITNESS:** Yes, sir.

3 **MR. BRITT:** And then you-all went to Adecco.

4 **THE WITNESS:** Yes, sir.

5 **MR. BRITT:** Anybody else get in your car that day?

6 **THE WITNESS:** We picked up the dude Tank from the
7 neighborhood because he needed a ride back to the
8 neighborhood. He was stranded at the store, and he asked me
9 for a ride back to the neighborhood.

10 **MR. BRITT:** And so did he ride with you to Adecco?

11 **THE WITNESS:** No, sir. I dropped him off at the
12 neighborhood and kept going.

13 **MR. BRITT:** So when you say "the neighborhood,"
14 the area where you lived or where Jennifer lived?

15 **THE WITNESS:** No. Where Tank lived. Because on
16 the way going to Adecco, there's an apartment complex called
17 Roseland. And the way we was going, he is right there; so
18 just to drop him off and just keep straight on going.

19 **MR. BRITT:** Okay. So when you refer to
20 "neighborhood," you're talking about his neighborhood?

21 **THE WITNESS:** Yes, sir.

22 **MR. BRITT:** And you applied for a job at Adecco
23 and then had to go back and get your Social Security card?

24 **THE WITNESS:** Yes, sir.

25 **MR. BRITT:** And did Jennifer go with you?

1 **THE WITNESS:** Yes, sir.

2 **MR. BRITT:** Did she go with you when you went back
3 to Adecco?

4 **THE WITNESS:** Yes, sir.

5 **MR. BRITT:** And from there, after you finished
6 your business at Adecco, you took her home?

7 **THE WITNESS:** Yes, sir. I took her to her
8 sister's house.

9 **MR. BRITT:** Did you ever see Christina or Jason
10 that day?

11 **THE WITNESS:** No, sir.

12 **MR. BRITT:** Did you let anyone else drive your car
13 that day?

14 **THE WITNESS:** No, sir.

15 **MR. BRITT:** Thank you. I don't have any other
16 questions.

17 **JUDGE WAGONER:** I have a quick question.

18 When you and your then girlfriend were riding
19 around going to Adecco, who was driving all that time?

20 **THE WITNESS:** I was.

21 **JUDGE WAGONER:** I thought I read somewhere you
22 didn't have a driver's license.

23 **THE WITNESS:** I don't, ma'am.

24 **JUDGE WAGONER:** And I thought I also read that you
25 didn't like to drive because you thought you would get

1 caught.

2 **THE WITNESS:** It depends on what type of areas I'm
3 going in.

4 **JUDGE WAGONER:** Okay. So that -- so now, you
5 thought -- that day, you thought it was okay for you to
6 drive everywhere, to Adecco and the pawnshop and all the
7 other places?

8 **THE WITNESS:** Yes, ma'am.

9 **JUDGE WAGONER:** Okay.

10 **MR. BOSWELL:** Would you tell us, at Adecco, when
11 you got back and you got your Social Security card, tell us
12 what happened there, the last time you were at Adecco.

13 Would you walk through that for us, please?

14 **THE WITNESS:** Yes, sir. When I got back to
15 Adecco, it was the -- I was on the computer when I left. So
16 she said she needed my Social Security card. I left it at
17 Marquis' crib.

18 So when I came back, I went right back to the
19 computer process. So she did -- so she did whatever she did
20 on the computer and put me in, and then I had to be back up
21 there the next day. So once she finished the computer
22 process, we had left.

23 **MR. BOSWELL:** So did you leave as soon as she
24 finished the computer process, or did you hang around there
25 for any reason?

1 **THE WITNESS:** I left.

2 **MR. BOSWELL:** Okay.

3 **MS. NEWTON:** Mr. Grant, good afternoon. My name
4 is Deb Newton. I have a couple of questions related to both
5 the prison writ-writer as well as the drug transaction you
6 had with Jason Taylor.

7 **THE WITNESS:** Yes, ma'am.

8 **MS. NEWTON:** First, Jason Taylor. How many
9 prior -- times prior to the time you were shorted had you
10 used him to buy marijuana as a middleman?

11 **THE WITNESS:** Just that one.

12 **MS. NEWTON:** Is that the only time you had a drug
13 transaction with him ever?

14 **THE WITNESS:** As far as using him as a middleman?

15 **MS. NEWTON:** Right.

16 **THE WITNESS:** Yes, ma'am.

17 **MS. NEWTON:** Except for you selling him crack;
18 right?

19 **THE WITNESS:** Yes, ma'am.

20 **MS. NEWTON:** You said you bought -- you were
21 supposed to buy 4 ounces of marijuana.

22 How much did you pay for that? 200?

23 **THE WITNESS:** Yes, ma'am.

24 **MS. NEWTON:** Was that 200 cash?

25 **THE WITNESS:** Yes, ma'am.

1 **MS. NEWTON:** Okay. And you gave it to his
2 friends; right?

3 **THE WITNESS:** Yes, ma'am.

4 **MS. NEWTON:** Okay. And then you were short by
5 1 ounce; correct?

6 **THE WITNESS:** Yes, ma'am.

7 **MS. NEWTON:** So how much did you consider Jason to
8 owe you?

9 **THE WITNESS:** Just \$50.

10 **MS. NEWTON:** Okay. So you were holding that
11 against Jason; correct?

12 **THE WITNESS:** Yes, ma'am.

13 **MS. NEWTON:** And why were you holding him
14 responsible for that?

15 **THE WITNESS:** Because, when I -- when I called him
16 and told him that it was short, he said he would take care
17 of it.

18 **MS. NEWTON:** Okay. And did you wind up getting
19 your money back?

20 **THE WITNESS:** No, ma'am.

21 **MS. NEWTON:** Okay. And how long did you try to
22 get your money back?

23 **THE WITNESS:** For a while.

24 **MS. NEWTON:** Was that a week or a month?

25 **THE WITNESS:** A couple months. I was -- I just --

1 just a couple months.

2 **MS. NEWTON:** Okay. So did that make you mad?

3 **THE WITNESS:** It really didn't make me mad because
4 it was -- it was really only \$50, but it was just like we --
5 it was just -- we do other businesses; so this shouldn't
6 have been -- \$50 -- you shouldn't have been running from me
7 for \$50.

8 **MS. NEWTON:** Right. So that was worse than the
9 \$50, I mean, is the offense of that because you had a
10 relationship with him; right?

11 **THE WITNESS:** Yes, ma'am.

12 **MS. NEWTON:** Okay. Now, when you got to prison,
13 apparently you met -- I won't call him a jailhouse lawyer.
14 They are writ-writers, aren't they, there at the jail?

15 **THE WITNESS:** Yes, ma'am.

16 **MS. NEWTON:** Okay. And what jail did you meet
17 your writ-writer in that helped you with the affidavit?

18 **THE WITNESS:** Pasquotank Correctional Institute.

19 **MS. NEWTON:** Okay. So when you got to Pasquotank,
20 when was that? Like how long after you got to jail did you
21 get to Pasquotank?

22 **THE WITNESS:** That was like in '08 -- '08.

23 **MS. NEWTON:** Okay. So you had been in jail for
24 about three years. Was your appeal over?

25 **THE WITNESS:** No, ma'am.

1 **MS. NEWTON:** So you were on direct appeal?

2 **THE WITNESS:** Yes, ma'am.

3 **MS. NEWTON:** Okay. And so just describe your
4 interaction with that guy who talked to you about the
5 affidavit. How did that come up?

6 **THE WITNESS:** He was telling me about his
7 situation because he had -- he had two life sentences and he
8 was going back to court. He was filing an MAR, and he had
9 an affidavit saying that -- and one of his issues was -- was
10 newly -- it's under newly discovered evidence under the
11 affidavit, and he was -- and he was giving me his spiel.

12 **MS. NEWTON:** Okay. Did he show you a prior
13 lawsuit he had gotten a copy of that he was using -- do you
14 know what a go-by is?

15 **THE WITNESS:** No, ma'am.

16 **MS. NEWTON:** Like was he using a prior lawsuit as
17 an example of what he is supposed to file to learn how to
18 file it?

19 **THE WITNESS:** No, ma'am. He had a bunch of books.
20 He just had a bunch of law books.

21 **MS. NEWTON:** Okay. All right. So he talked to
22 you about an affidavit; right?

23 **THE WITNESS:** Yes, ma'am.

24 **MS. NEWTON:** Okay. To get newly discovered
25 evidence; right?

1 **THE WITNESS:** Yes, ma'am.

2 **MS. NEWTON:** So what did he tell you you needed to
3 do to develop newly discovered evidence?

4 **THE WITNESS:** No. He would just tell me about the
5 affidavit while he was like, if I can -- if I can get my
6 victims to sign an affidavit and then there's an issue of
7 newly discovered evidence, then I can get my -- I can get my
8 verdict overturned and go home.

9 **MS. NEWTON:** So if you could get your victims
10 to -- do you know what "recant" means? Did he use the word
11 "recant"?

12 **THE WITNESS:** Yes, ma'am.

13 **MS. NEWTON:** Okay. So he told you if you could
14 get your victims to recant, you could get maybe overturned
15 and go home; right?

16 **THE WITNESS:** Yes, ma'am.

17 **MS. NEWTON:** Okay. So did you ask Jason Taylor
18 for an affidavit recanting his testimony?

19 **THE WITNESS:** I never -- I never got in touch with
20 him. I never -- they never seen him to even ask him.

21 **MS. NEWTON:** Who is "they"?

22 **THE WITNESS:** Marquis Funderburk.

23 **MS. NEWTON:** Okay. So Marquis Funderburk was the
24 one trying to get you an affidavit to get you new evidence;
25 right?

1 **THE WITNESS:** No. He was the one -- because he
2 lived across the street from Christina; so he like -- they
3 still lived there; so I just asked him did he do -- was
4 they -- was they around, he seen them. So, you know, he was
5 the closest thing right there to them.

6 **MS. NEWTON:** Have you tried to get in touch with
7 Jason Taylor about his testimony or about getting an
8 affidavit?

9 **THE WITNESS:** No, ma'am. Once Christina told
10 Marquis that she didn't deal with him no more, that she
11 don't even talk to him, then I just -- I just left it alone.

12 **MS. NEWTON:** Okay. So what did the writ-writer
13 tell you about the money if you get your case overturned
14 from --

15 **THE WITNESS:** No, he ain't -- sorry. He didn't
16 really tell me about that part. It's just that, when I
17 think -- I want to -- correct me if I'm wrong. I think
18 the -- when the Innocence Commission first got together
19 in -- what? -- like 2007 or 2006, they had won a rape case
20 in North Carolina where the dude did 18 years in prison.
21 And I seen it -- I seen it in there. I seen that in there.

22 And then once I had -- once I went to prison and
23 got a little bit more information and then as the years kept
24 going by, the Innocence Commission kept getting more people
25 out. And then it's in the newspaper what they get every --

1 and it's in the newspaper what they get for every year they
2 did in prison, and the cap -- the cap on it is 750,000. So
3 that's how, really, I came about the knowledge about that.

4 **MS. NEWTON:** Okay. You were convicted of
5 conspiracy to commit robbery with a dangerous weapon in
6 2003, weren't you?

7 **THE WITNESS:** Yes, ma'am.

8 **MS. NEWTON:** How did you get the language to
9 handwrite the affidavit that you wanted Ms. Adcock to sign?

10 **THE WITNESS:** I took -- I wrote it. I wrote it
11 and I sent it to my brother, and his girlfriend typed it up.
12 So some of the words that was actually even put on there,
13 she -- she said it in her own words. I just put something
14 together and she just typed it all up; so the words --

15 **MS. NEWTON:** Did you -- I'm sorry. Go ahead.

16 **THE WITNESS:** No. So really, I just really
17 basically gave her -- I just really basically gave her the
18 format, and she really just put it in her own words.

19 **MS. NEWTON:** So did you get the format from the
20 writ-writer?

21 **THE WITNESS:** Yes, ma'am.

22 **MS. NEWTON:** Okay. Thank you.

23 **JUDGE WAGONER:** Yes, sir.

24 **SHERIFF FRYE:** Okay. So you -- as you're sitting
25 there today, if you get this overturned, you're thinking

1 that you can get up to \$750,000; correct?

2 **THE WITNESS:** No, sir. I'm just -- I'm just
3 thinking that I will get some type of compensation.

4 **SHERIFF FRYE:** Up to \$750,000.

5 **THE WITNESS:** Yes, sir.

6 **SHERIFF FRYE:** Okay. Now, in some phone calls
7 that you made, do you remember saying, "Yeah, you're worried
8 about a misdemeanor. Bitch, I'll kill you"?

9 **THE WITNESS:** You say what, sir?

10 **SHERIFF FRYE:** Talking to Rashad Mackey, you're
11 talking about Christina, and you say, "Yeah, you're worried
12 about a misdemeanor. Bitch, I'll kill you."

13 Do you remember saying that about Christina?

14 **THE WITNESS:** It was -- I'm sure it wasn't -- it
15 wasn't meant -- I probably didn't meant it like how you --
16 how you're saying it but ...

17 **SHERIFF FRYE:** I'm just reading your words.

18 **THE WITNESS:** Yeah. I'm don't think it was --

19 **MR. GRACE:** I think that's Mackey talking.

20 **JUDGE WAGONER:** I think it is Mackey talking.

21 **SHERIFF FRYE:** It says "Grant: Yeah, you're
22 worried about a misdemeanor. Bitch, I'll kill you."

23 **MR. GRACE:** No --

24 **SHERIFF FRYE:** And then Mackey says, "You need
25 to."

1 **MR. GRACE:** Well, it starts out "Bitch, you don't
2 got out of there 25, and you're talking about perjury."

3 She obviously had voiced concern about a perjury
4 charge, and Mackey's saying, as he would be talking to her,
5 "You worried about a perjury charge you got," and he just
6 repeats what Mackey says.

7 **SHERIFF FRYE:** How about did you ask Elijah if he
8 was keeping an eye on that white girl for you?

9 **THE WITNESS:** As far as like if she -- as far as
10 like is she going to do what she said she was going to do,
11 not like that. But to see if she was still living across
12 the street and where she's at but not on no threatening -- I
13 never -- I never threatened her. I never sent nobody to
14 threaten her because it's -- it's really not that serious.
15 I never threatened her.

16 **SHERIFF FRYE:** Okay. Do you remember telling --
17 when you were talking to, I think, your mom at one point in
18 time, saying that "I'm not going to play with these
19 crackers. I'm not going to goddamn take it. The whole
20 thing was drug related"?

21 **THE WITNESS:** I probably said that, yes, sir.

22 **SHERIFF FRYE:** Okay. And then a three-way call
23 between you and Marquis Funderburk and Jamese.

24 Did you say, "If the bitch signs some papers and
25 the Innocence Commission is involved, these people can get

1 me some money"?

2 **THE WITNESS:** Yes, sir.

3 **SHERIFF FRYE:** Okay. My question, going over all
4 that, is, as I look through this, at any time when you were
5 talking to Christine [sic] about recanting her testimony and
6 signing the affidavit, did you talk to her about that you
7 might be able to get her some money if this happened?

8 **THE WITNESS:** No, sir.

9 **SHERIFF FRYE:** So that was never brought up
10 between Marquis and her, you or her, to your knowledge, at
11 all?

12 **THE WITNESS:** Never.

13 **JUDGE WAGONER:** All right. Mr. Grant, as I
14 understand it, the only thing you're in prison right now for
15 is this federal charge; correct?

16 **THE WITNESS:** Yes, ma'am.

17 **JUDGE WAGONER:** You have already maxed out your
18 state time; correct?

19 **THE WITNESS:** Yep. Yes, ma'am.

20 **JUDGE WAGONER:** So you will probably get out on
21 this federal stuff in July.

22 **THE WITNESS:** Yes, ma'am.

23 **JUDGE WAGONER:** Okay. And just to make it
24 perfectly sure, make sure you understand, we don't give --
25 we don't give away money.

1 **THE WITNESS:** No. I -- yes, ma'am. I know.

2 **JUDGE WAGONER:** I just want to be sure you
3 understand that.

4 Okay. Further questions? Anybody?

5 (No response.)

6 **JUDGE WAGONER:** Do you want further follow-up
7 questions?

8 **MS. SMITH:** No.

9 All right. Thank you, Mr. Grant. That's all the
10 questions that we have for you today.

11 **JUDGE WAGONER:** Thank you.

12 (Witness stands down, 2:41 p.m.)

13 (Discussion off the record.)

14 **MS. SMITH:** I'll have Brian come back up and
15 answer this question.

16 **JUDGE WAGONER:** You're still under oath. Yes.

17 (Witness Brian Ziegler recalled, 2:45 p.m.)

18 **Q.** Mr. Ziegler, I have handed you a page from the
19 file of Reggie McKnight, who was the trial attorney for
20 Mr. Grant.

21 Does that have information about his federal
22 sentence on it?

23 **A.** It does. This is an e-mail between Reggie
24 McKnight and David Graham, who was the prosecutor for the
25 state charges. And Mr. Grant was originally charged on

1 federal and state level for the gun crime; so they had an
2 ongoing discussion of the federal sentence, and this is an
3 e-mail in which Reggie McKnight states to the prosecutor
4 that the federal sentence was 33 months.

5 Q. 33 months?

6 A. That's correct.

7 Q. And what is the date of that e-mail?

8 A. This is April 23, 2007.

9 Q. And when was Mr. Grant's trial in this case? The
10 month?

11 A. The month of August of 2007.

12 Q. Okay. And is it your understanding that, upon
13 conviction on the state charges, that Mr. Grant began
14 serving his state sentence at that time?

15 A. That is my understanding, yes.

16 Q. And is it your understanding that, when Mr. Grant
17 was released after completion of his sentences for the
18 robbery with a dangerous weapon and the possession of a
19 firearm by a felon as it relates -- the robbery as it
20 relates to Jason Taylor, that he was then sent to federal
21 prison to serve the remainder of this sentence beginning on
22 January 12, 2016?

23 A. That's correct.

24 Q. And is it your understanding that, as of last
25 week, the Federal Bureau of Prisons inmate locator indicated

1 that Israel Grant was to get out of prison in July of 2018?

2 A. **That is correct.**

3 Q. Okay.

4 **MS. SMITH:** Any questions about that?

5 Mr. Ziegler, if you will step down for a moment.

6 (Witness stands down, 2:47 p.m.)

7 **MS. SMITH:** The Commission is going to call grant
8 staff attorney Catherine Matoian.

9 CATHERINE MATOIAN, having been called as a witness at

10 2:47 p.m. was sworn and examined as follows:

11 EXAMINATION BY MS. SMITH:

12 Q. Ms. Matoian, can you please state your name for
13 the record.

14 A. **It's Catherine Matoian. M-a-t-o-i-a-n.**

15 Q. How are you employed?

16 A. **I am a grant staff attorney with the North
17 Carolina Innocence Inquiry Commission.**

18 Q. And how long have you been employed with the
19 Commission?

20 A. **Since January 2013.**

21 Q. And were you present earlier when a question was
22 asked from one of our commissioners about whether the
23 Commission had contacted the notary who did the affidavit of
24 Christina?

25 A. **I was.**

1 **Q.** Okay. And after hearing that question, were you
2 able to track down the notary?

3 **A.** I was.

4 **Q.** Can you tell us about that?

5 **A.** Yes. I spoke to Jermaine White over the phone --
6 and that is a woman. I explained the Commission to her and
7 I asked if she remembered the names Christina Adcock, Israel
8 Grant, Marquis Funderburk, Elijah Grant, Rashad Mackey, and
9 James Grant. She did not recognize any of those
10 individuals.

11 I read to her the content of the affidavit to see
12 if she remembered the particular instance where that
13 affidavit was signed in front of her, and she did not
14 recollect that particular instance.

15 She said, at that time of the year, she would have
16 been working at a tax place, from January through April, and
17 people would come in frequently to get items signed and
18 notarized in front of her.

19 **Q.** Okay.

20 **MS. SMITH:** Any questions?

21 **MR. HEARD:** Perhaps I misunderstood, but I
22 thought -- I had something notarized -- that there was a
23 formal book that the commission had to be entered, because I
24 had something notarized last week.

25 **THE WITNESS:** I believe there is a sheet.

1 **MR. HEARD:** Did she not have such a sheet that
2 could be looked at?

3 **THE WITNESS:** I did not ask her. I would be happy
4 to call her back and ask her.

5 **MR. HEARD:** Even if she didn't remember, there
6 ought to be a record of it.

7 **THE WITNESS:** (Moves head up and down.)

8 **MS. SMITH:** We will call her go back and ask.
9 Any other questions?

10 **MR. GRACE:** In the absence of a log, could you fax
11 or e-mail her the affidavit and see if she will attest to
12 that as being her seal?

13 **THE WITNESS:** I would be happy to do that.

14 **JUDGE WAGONER:** Okay.

15 **MS. SMITH:** Okay. We'll take care of those loose
16 ends, and I will call Ms. Matoian back up today.

17 **JUDGE WAGONER:** Thank you.

18 **MS. SMITH:** You may step down.

19 (Witness stands down, 2:50 p.m.)

20 **MS. SMITH:** And I will recall Mr. Ziegler.

21 **JUDGE WAGONER:** You're still under oath.

22 (Witness Brian Ziegler recalled, 2:50 p.m.)

23 **MS. SMITH:** Commissioners, I am going to turn your
24 attention now to Jason Taylor, who you will recall from your
25 brief was a victim in this case. He provided a statement to

1 law enforcement and testified at Israel Grant's trial. He
2 was never contacted by Mr. Grant's attorney or friends
3 postconviction.

4 If you will refer to Handout 16 in your hearing
5 notebooks, this is a summary of Jason Taylor's criminal
6 record.

7 Q. Mr. Ziegler, was Mr. Taylor interviewed by law
8 enforcement?

9 A. He was. He was interviewed on August 15, 2005,
10 the day of the crime. At that time, he told law enforcement
11 that he and Christina Adcock, his girlfriend, had pulled
12 into the Circle K at Little Rock Road and Freedom Drive to
13 get a drink after going to the ATM at BB&T next door.

14 He said that Ms. Adcock gave him some money. As
15 he opened the passenger door to get out, he felt a gun on
16 the right side of his neck. He said that he briefly looked
17 at the perpetrator before he was told that, if he looked at
18 him, he would kill him. He described the perpetrator as a
19 black male in his mid-20s with very dark skin, about 5 foot,
20 11 inches tall, weighing 150 pounds with the short haircut.
21 And he stated that the perpetrator was wearing a black shirt
22 and black shorts.

23 He said that the perpetrator told him to give him
24 the money, that he knew he had it. He said that he reached
25 in his pocket, handed the money to the perpetrator, who then

1 backed away slowly into a burgundy Crown Victoria, possibly
2 a mid-'90s model, with the rear window covered in plastic
3 and duct-taped to keep it on.

4 Mr. Taylor said that the perpetrator was driving,
5 but there was a second guy in the car who did not get out.
6 He was a black male in his mid-20s with dark skin. He
7 looked to be around 190 pounds and had shorter length
8 dreadlocks. And he was wearing a black hat that was pulled
9 down low.

10 Mr. Taylor told law enforcement that the gun was a
11 small chrome gun with a brown handle, possibly a .38
12 revolver.

13 MS. SMITH: Commissioners, a copy of Mr. Taylor's
14 statement was included in your brief on pages 13 and 14.

15 Q. Did Mr. Taylor view a photographic lineup?

16 A. He did. On September 15, 2005, Detective Carroll
17 met Jason Taylor at the home where he lived with Christina
18 Adcock. He showed him a photographic lineup while standing
19 outside.

20 According to a narrative supplement by Detective
21 Carroll, Taylor viewed the lineup and immediately pointed to
22 Grant. He stated, "That's him," and then signed his name
23 below the photograph.

24 MS. SMITH: Commissioners, a copy of the
25 photographic lineup was included in your brief on page 18.

1 Q. Did Jason Taylor testify at trial?

2 A. He did. He testified that, on August 15, 2005, he
3 and Christina Adcock got money from the ATM at the BB&T
4 beside Circle K on Little Rock Road and Freedom Drive. He
5 testified that Christina was driving, and after getting
6 money from the ATM, they went to the Circle K. He said that
7 he was getting out of his car to get a drink, and before he
8 could get out, he felt a gun on his neck through the window.
9 He said that his car door was closed.

10 And he made an in-court identification of Grant as
11 the perpetrator.

12 He then testified that, with the gun pointed at
13 his neck, the perpetrator demanded money and told him he
14 knew he had money. Mr. Taylor testified that he reached
15 into his pocket; removed \$270, which had just been withdrawn
16 from the ATM; and gave it to the perpetrator, who then
17 backed away real slow and jumped into his vehicle and sped
18 away.

19 Q. Did he testify to anything else?

20 A. He further testified that he could not recall the
21 perpetrator also taking money from Christina Adcock. He
22 testified that the vehicle the perpetrator was driving in
23 was a late model burgundy Crown Victoria with the back
24 window busted out with plastic over it.

25 He stated that he believes Christina Adcock dialed

1 911 from the phone and that officers responded. He
2 testified that he did not tell officers at the scene the
3 name of the perpetrator, that he had known the defendant for
4 some period of time before the robbery, or that he had
5 arranged a drug transaction for the defendant.

6 Q. Did he testify about that drug transaction that he
7 set up for Mr. Grant?

8 A. He did. He testified for a transaction that he
9 arranged between Israel Grant and David Harris and the
10 encounter that he had with Mr. Grant after this transaction
11 where Mr. Grant approached him and said that the marijuana
12 Harris sold was short. And he testified that, later on, he
13 told Christina about that transaction.

14 He said that he didn't tell the officer at the
15 scene who committed the crime because he was afraid. He
16 didn't want any charges to come about for the drug
17 transaction. And he was cross-examined about it, at which
18 point he testified that it took law enforcement 15-20
19 minutes to arrive after 911 call.

20 MS. SMITH: Commissioners, the entirety of
21 Mr. Taylor's transcript was provided in your briefs on pages
22 27-68.

23 Q. Did the Commission attempt to locate Jason Taylor?

24 A. We did. We made attempts to locate him at his
25 grandfather's house and at his mother's house. Neither one

1 knew where he was, and they both indicated that he was not
2 welcome at their houses.

3 Q. Did you make any other attempts?

4 A. We did. During our interview with Christina
5 Adcock on March 2 of this year, we asked if she talked to
6 Jason Taylor. She said that she hadn't talked to him in
7 months, she thought he was homeless, and he did not have a
8 phone for her to contact him.

9 Q. Did you later obtain additional information that
10 caused you to follow up with Christina Adcock?

11 A. We did. On April 27, 2017, we found Jason Taylor
12 on Facebook. His account had photos of he and Christina
13 that had been uploaded on March 11, March 27, and March 29th
14 of this year. This was after we had first interviewed
15 Christina Adcock. And on that same day, we obtained a phone
16 number for Christina Adcock. We called her and she denied
17 being in a relationship with Jason, stated that she had
18 contact with him but not recently. And when asked if she
19 knew how we could contact him, she gave a phone number.

20 We then asked her if she thought Jason would talk
21 to us now and told her that we had been trying to find him.
22 And at that point, the phone cut off.

23 Q. Did you ultimately locate Jason Taylor?

24 A. We did. We went back to his mom's house on
25 May 10, and she gave a general description of the place that

1 she thought he worked. We went to that place and served him
2 with a subpoena for a deposition.

3 Q. Is there a reason that you chose to depose Jason
4 Taylor rather than just interview him?

5 A. Yes. He had been particularly difficult to
6 locate; so we wanted to get him under subpoena to get a
7 better chance of talking with him.

8 We planned on giving him the option to talk with
9 us at the time we served him, but he indicated that he was
10 unwilling to speak.

11 Q. Did the Commission depose Jason Taylor?

12 A. We did. On May 18, 2017. The deposition was
13 recorded and has been transcribed.

14 Q. Did you record that by an audio and/or video
15 recording?

16 A. Yes.

17 Q. Was a stenographer present?

18 A. No stenographer was present.

19 Q. So it was transcribed later?

20 A. That's correct.

21 Q. Okay. Did you ask Mr. Taylor if he had spoken
22 with anyone about the deposition beforehand?

23 A. Yes. He said that he had spoken with his boss and
24 his fiancée that he identified as Christina Adcock. He
25 further stated that he and Christina had been split up for a

1 while, but they were back together for the last six months.

2 Q. Was Jason Taylor's testimony during that
3 deposition consistent with his statement to law enforcement
4 and his testimony at trial?

5 A. No.

6 Q. Can you describe the inconsistencies?

7 A. He stated that Grant may not have been the one who
8 pulled the gun but that he was affiliated with it because
9 they were in his car. Later on in the deposition, he stated
10 that he was robbed by Israel Grant and his buddy, that Grant
11 was in the car, and that the buddy was the one who pulled
12 the pistol on Taylor. And he stated that this was at the
13 Circle K in 2005.

14 JUDGE WAGONER: Excuse me. Did you say in the
15 same deposition he contradicted himself?

16 MR. ZIEGLER: He said both those things in the
17 same deposition, yes.

18 JUDGE WAGONER: Okay.

19 Q. How is that information inconsistent with what he
20 had said at the time of trial?

21 A. At trial, he testified that Israel Grant was the
22 one who robbed him. He testified to a description of the
23 person who was in the passenger seat of Israel Grant's car,
24 and that description does not match Israel Grant.

25 Q. Were there any other inconsistencies?

1 A. **Yes. In the deposition, he testified that he had**
2 **a pistol put in his face with his kid in the car and**
3 **Christina in the passenger seat.**

4 Q. How was that inconsistent?

5 A. **His original statement and his testimony at trial,**
6 **along with Christina's statement and trial testimony, all**
7 **indicate that it was Christina in the driver's seat.**

8 Q. Did you note any other inconsistencies?

9 **MR. BOSWELL:** Excuse me. Say that last thing you
10 said. He said he was in the driver's seat in his
11 deposition?

12 **MR. ZIEGLER:** In his deposition, he said he got a
13 pistol put in his face with his kid in the car and Christina
14 in the passenger seat.

15 **MR. BOSWELL:** Okay.

16 Q. Were there any other inconsistencies?

17 A. **Yes. In the deposition, he testified that he was**
18 **robbed of \$85.**

19 Q. And how is that inconsistent?

20 A. **He previously stated and testified that he was**
21 **robbed of approximately \$270.**

22 Q. At the conclusion of that deposition, after it was
23 over, was Jason Taylor asked any additional questions?

24 A. **He was.**

25 Q. Can you summarize what Mr. Taylor said during that

1 interview?

2 A. He stated that he felt like Christina had been
3 threatened again. He stated that, when he got home, he was
4 going to talk to her about it. He was cautioned by
5 Commission staff not to influence Christina, and he said
6 that Christina told him that morning to tell the truth and
7 that he had told the truth.

8 He also stated that he had been threatened, but it
9 had been about a year. When asked about the threats, he
10 stated that they were telling him to go back and tell them
11 that Israel didn't do anything. He then stated that he
12 hadn't changed anything, that we could go back and look,
13 because he hadn't changed anything he said.

14 MS. SMITH: Commissioners, if you will refer to
15 Handout 17 in your hearing handout notebooks, this is the
16 transcript of the deposition of Jason Taylor. It is very
17 short.

18 And then when you finish reviewing that, turn to
19 Handout 18, which is the transcript of that subsequent
20 interview with Jason Taylor that immediately followed the
21 deposition and review that as well.

22 Both of those are fairly short.

23 SHERIFF FRYE: I have a question.

24 Do we know, from the time the 911 call was made to
25 the time officers arrived, what that span of time was?

1 **MR. ZIEGLER:** We do not know that span of time.

2 **SHERIFF FRYE:** Okay.

3 **MS. NEWTON:** Can I ask a question? You may have
4 said it, and I apologize if I missed it.

5 Did someone check the banking records to make sure
6 that money was not withdrawn from that bank?

7 **MR. ZIEGLER:** We did. We contacted them, and they
8 stated that they retain those records for seven years, and
9 so they couldn't provide any records outside of the
10 seven-year window.

11 **MS. NEWTON:** So you can't find out if either
12 victim had an account from which they drew money from that
13 bank?

14 **MR. ZIEGLER:** No. BB&T doesn't have those records
15 anymore.

16 **MS. NEWTON:** Did you check within the range --
17 records that one of them had an account within the range,
18 not during the offense but -- in other words, if they still
19 had an account there?

20 **MR. ZIEGLER:** I believe we specifically asked for
21 records of any transaction on that specific day.

22 **MS. NEWTON:** But not whether they actually have an
23 account, either one of them?

24 **MR. ZIEGLER:** I do not believe we asked if they
25 have a current account. I could double-check on that.

1 **MS. NEWTON:** Or at least within the time in which
2 they would not have destroyed the records that would confirm
3 this trial testimony.

4 **JUDGE WAGONER:** And you might have brought this up
5 earlier also. In the second statement that Mr. -- it's not
6 a statement -- this deposition that Mr. Taylor did, in this
7 he said that Christina was driving; is that correct? I
8 think that was what he said.

9 **MR. ZIEGLER:** In his deposition, he stated that he
10 had a pistol put in his face with Christina in the passenger
11 seat.

12 **JUDGE WAGONER:** Okay. He was driving.

13 **MS. SMITH:** Any other questions about that?

14 **MR. BOSWELL:** I have -- does his description of
15 the gun change between his deposition and his original
16 statement? Because he said it was -- I seem to remember
17 like a black, silver -- am I misremembering that?

18 **MR. ZIEGLER:** In his original statement, he stated
19 that it was a chrome gun.

20 **MR. BOSWELL:** Okay. Then he said the same thing
21 in his deposition.

22 **MS. SMITH:** Okay.

23 **Q.** During the deposition, Mr. Ziegler, did Jason
24 Taylor provide information about the drug deal he arranged
25 for Israel Grant?

1 A. Yes. He stated that two days prior to the
2 robbery, he went and got Israel Grant a bunch of weed, in
3 his words. He stated that two days passed and then Grant
4 informed him that the weed was short by half an ounce. So
5 he told Grant to call the person he did the transaction with
6 because Taylor was not involved in the drug deal, only in
7 connecting the dealer with Israel Grant.

8 Q. Did you ask him who the drug dealer was that he
9 had set that deal up with?

10 A. We did. He said that it was David Tarleton.

11 Q. And was this a name you had heard before?

12 A. No. At trial, he testified that the deal was with
13 someone named David Harris.

14 Q. Did you ask Mr. Taylor in the deposition whether
15 he was referring to David Harris?

16 A. We did. He stated that it was not David Harris,
17 that it was David Tarleton. He stated that Tarleton was the
18 guy who sold the weed to Grant and that he lived off Sam
19 Wilson Road. He stated that he knew a David Harris and that
20 David Harris did sell weed but that he was positive it was
21 David Tarleton that did this drug deal.

22 Q. Did you also ask Israel Grant about the drug deal?

23 A. We did. On June 7 of this year, when we
24 interviewed Israel Grant, we asked him if he remembered
25 being involved in the drug deal. He stated that he told

1 Jason he needed a quarter pound of marijuana, and Jason
2 called a person whose name was unknown to Grant.

3 According to Grant, he and Jason went to this
4 other person's house off Sam Wilson Road, and Grant paid the
5 other person for the marijuana. He stated that he drove
6 Jason to the house but he left by himself. According to
7 Grant, he got home and weighed the marijuana, which was an
8 ounce short.

9 Q. Did you show Israel Grant photos of David Tarleton
10 and four David Harrises?

11 A. We did. He was shown the photos one at a time and
12 on each photo of the David Harrises, he stated that was not
13 the person that sold him the marijuana. When he was shown
14 the photo of David Tarleton, he stated that he was not sure.
15 He stated that it was a white person, and David Tarleton is
16 a white person.

17 Q. Were you able to locate and interview a David
18 Tarleton?

19 A. Yes. We located David Tarleton, who lived near
20 Sam Wilson Road. He was not home when we got to his house,
21 but we left a card on his door. He later called back, and I
22 spoke to him on the phone on June 28, 2017.

23 Q. And was that interview transcribed -- recorded and
24 transcribed?

25 A. It was recorded, but due to technical issues, the

1 quality was very bad and it could not be transcribed.

2 MS. SMITH: Commissioners, if you will refer to
3 Handout 19 in your hearing handout notebooks, this is a
4 summary of David Tarleton's record.

5 MR. GRACE: Were you taking notes during that call
6 with Tarleton, and/or do you remember anything from that
7 call?

8 MR. ZIEGLER: Yes. I took notes and wrote a
9 report.

10 Q. What did Mr. Tarleton tell you?

11 A. He stated that he did not know Israel Grant, but
12 that he did know Jason Taylor. He stated that he sold
13 marijuana in 2005, and he does not specifically remember
14 Taylor setting up a deal for Tarleton to sell marijuana to
15 Grant, but that it might have happened. He further said
16 that he probably shorted a buyer that was expecting a
17 quarter pound of marijuana by giving him less after the
18 taking the money, but he doesn't specifically recall that
19 happening.

20 Mr. Tarleton does not recall Jason Taylor ever
21 telling him about being robbed, and he was certain that
22 Mr. Taylor never mentioned that Israel Grant or anyone else
23 came after Mr. Taylor due to being shorted in a drug deal by
24 Tarleton.

25 Q. Through your investigation, have you also heard

1 that Jason Taylor received some kind of deal for testifying
2 against Grant?

3 A. Yes. Israel Grant's brother, Elijah Grant, told
4 the Commission on November 13th of the year that Christina
5 Adcock was told by the district attorney that, if she
6 testified against Israel Grant, that Jason Taylor would be
7 given a deal.

8 When we interviewed Jennifer Fitzgibbons in
9 March -- March 22 of this year, she said that Israel Grant
10 told her he was in an adjacent jail cell at the courthouse,
11 adjacent to Jason Taylor, when they were taken to court for
12 the trial. And according to Ms. Fitzgibbons, Grant told her
13 that he begged Taylor to, quote, "Tell them I did not do
14 this," end quote, and that Taylor responded by saying,
15 quote, "It's out of my hands now. The DA done told me, if I
16 do this, then I'll get that time taken of mine ..."

17 Israel Grant told us on June 6 of this year that
18 he saw Jason Taylor in jail when Taylor was brought in to
19 testify. According to Grant, he asked Taylor, "Why are you
20 sitting here lying on me?" end quote, and that Taylor
21 responded by saying they were making him. Grant stated that
22 there was no further conversation because, quote, "The lady
23 told us to stop talking," end quote.

24 In Jason Taylor's deposition, he stated that he
25 and Grant were in the same jail, but they never were at the

1 same pod and never had occasion to talk. And he went on to
2 say that he was moved five or six times because, everywhere
3 he went, "one of his buddies was in there threatening my
4 life."

5 Q. When you say "his buddies," who are you referring
6 to?

7 A. It was in the context that Mr. Taylor was
8 referring to Israel Grant's buddies.

9 Q. Were you ever able to determine whether Israel
10 Grant and Jason Taylor were ever in jail together around the
11 time of the trial?

12 A. Yes. We subpoenaed records from the Mecklenburg
13 County jail for Mr. Grant and Mr. Taylor. They were in jail
14 at the same time twice, once from July 15 to July 17, 2007,
15 and again from August 7 through September 16, 2007. That
16 second block of time includes the date of Grant's trial.

17 On November 20 of this year, we spoke with Polly
18 Davis, who is the records custodian at the jail. She
19 reviewed those records that we had requested and stated
20 that, based on the housing assignments, Grant and Taylor
21 would not have been able to speak except for possibly
22 through the toilets, on medical visits, or when they were
23 transferred to court.

24 MS. SMITH: Commissioners, if you will refer to
25 Handout 20 in your hearing handout notebooks, this is the

1 affidavit of Polly Davis, the records custodian at the
2 Mecklenburg County jail.

3 If you will take a few minutes to review that.

4 **MR. BOSWELL:** Brian, who said they talked while
5 they were in jail?

6 **MR. ZIEGLER:** Israel Grant told us they talked in
7 jail at the time of the trial.

8 **MR. BOSWELL:** When they were on their way to the
9 court appearance?

10 Did he say they talked any other times?

11 **MR. ZIEGLER:** Not to my recollection, no.

12 **JUDGE WAGONER:** Did not someone tell you somebody
13 said they had talked?

14 **MR. ZIEGLER:** Israel Grant's girlfriend, Jennifer
15 Fitzgibbons, told us that Grant had told her they talked in
16 court at the time of the trial.

17 **JUDGE WAGONER:** Okay.

18 **MR. BRITT:** You said that part of the information
19 you received was that Jason had a deal to testify against
20 Grant.

21 Is there anything on the record about a deal that
22 Jason Taylor received?

23 **MR. ZIEGLER:** We -- Jason Taylor was facing
24 charges in Gaston County at that time.

25 **MR. BRITT:** That's the misdemeanor larceny

1 conviction?

2 **MR. ZIEGLER:** Yes. He was awaiting trial in
3 Gaston County for a felony possession of burglary tools, two
4 counts of felony breaking and entering a motor vehicle, two
5 counts of misdemeanor injury to personal property, and one
6 count of misdemeanor larceny.

7 Christina Adcock was also a codefendant. She had
8 four misdemeanors and two felonies for that incident that
9 occurred on July 2 of 2006.

10 The charges were pending at the time of Grant's
11 trial.

12 For Jason Taylor, those charges were resolved
13 October 12th of 2007, and they were all dismissed except for
14 a count of misdemeanor larceny. He pled guilty and was
15 sentenced to 30 days, but he had 101 days of credit at that
16 point.

17 We spoke with the ADA that prosecuted those cases,
18 and she stated that she does not remember that case, but it
19 would not be her practice to plead down multiple felonies
20 and misdemeanors into one misdemeanor and that she cannot
21 remember ever making that type of deal for a victim of a
22 crime in another county to be a witness.

23 She said that she expected the dismissals were
24 probably due to proof problems. According to the office
25 manager of the Gaston County District Attorney's Office,

1 they no longer have those files per their destruction
2 policy, and the court file for all those does not indicate
3 anything about a deal.

4 **MR. BRITT:** Did you follow up with either the
5 Charlotte-Mecklenburg police or the Mecklenburg County DA's
6 Office and the Gaston County DA's Office as to whether there
7 was any communication between those various offices about
8 Jason Taylor?

9 **MR. ZIEGLER:** Well, when we had attempted to
10 contact the district attorney who prosecuted the case, he
11 said that he didn't want to speak because he couldn't review
12 the case and he didn't remember it independently.

13 **JUDGE WAGONER:** What about Christina? Was she
14 charged with two felonies and misdemeanors, did you say?

15 **MR. ZIEGLER:** Yes. She had four misdemeanors and
16 two felonies for the Gaston County incident. They were
17 dismissed for her on June 29 of 2007, when she pled guilty
18 to a misdemeanor possession of stolen goods, and the rest of
19 her charges were dismissed.

20 **JUDGE WAGONER:** Thank you.

21 **Q.** What was her sentence on that?

22 **A.** She was sentenced to 18 months of probation.

23 **MR. BRITT:** Was there an allegation that she had
24 been given a deal?

25 **MR. ZIEGLER:** I believe that everyone who

1 indicated the deal was speaking about Jason Taylor.

2 **MR. BRITT:** And did the same ADA in Gaston County
3 prosecute her cases?

4 **MR. ZIEGLER:** I'm not sure about that. We were
5 specifically asking about Jason Taylor.

6 **Q.** Mr. Ziegler, did Jason Taylor say anything in his
7 deposition about testifying against Mr. Grant?

8 **A.** He did. He had said that -- this is a quote --
9 "We wasn't even going to go to court. We was just going to
10 let it go."

11 **MS. SMITH:** Commissioners, other questions that
12 you have for Mr. Ziegler related to the Commission's
13 investigation regarding Jason Taylor?

14 **MR. BRITT:** I don't have a question for
15 Mr. Ziegler. I have a question of staff.

16 Do you have access to ACIS?

17 **MS. SMITH:** We do.

18 **MR. BRITT:** Can you go into Gaston County and look
19 at the disposition report for Jason Taylor and for Christina
20 and see if the same ADA is listed?

21 **MS. SMITH:** We can. And we will take care of
22 that.

23 Commissioners, my next witness will be Jason
24 Taylor. It's 3:30. Now might be an appropriate time for a
25 10- to 15-minute break.

1 **JUDGE WAGONER:** All right. 10 minutes.

2 Because after Jason Taylor is --

3 **MS. SMITH:** -- Marquis Funderburk.

4 **JUDGE WAGONER:** If he comes.

5 **MS. SMITH:** He has been picked up from the bus
6 station and will be here within the next 20 minutes.

7 **MR. BOSWELL:** Is Jason Taylor here?

8 **MS. SMITH:** He is here.

9 (Recess taken, 3:26 to 3:44 p.m.)

10 **MS. SMITH:** Before I ask Mr. Ziegler any
11 questions, Commissioners, I want to let you know that we
12 have the recordings of the phone calls of Israel Grant from
13 prison.

14 So in that Handout 15, I believe it is, if there
15 are any phone calls that you specifically want to hear, we
16 can cue those up and we believe that the technology will
17 allow us to play them over the speaker. Some of them are
18 quite long. But if there is any in particular that you-all
19 are interested in, please let us know and we will make that
20 happen toward the end of the hearing. Okay?

21 All right.

22 **Q.** Mr. Ziegler, I just want to take you back up a
23 minute. Commissioner Britt was asking some questions about
24 the charges against Christina in Gaston County.

25 Were you able to determine whether the assistant

1 district attorney was the same for Christina as the one who
2 handled Jason's charges?

3 A. Yes. It's the same assistant district attorney.

4 Q. And when you spoke to the District Attorney's
5 Office regarding Jason Taylor and a file in that case, did
6 they tell you what their destruction policy was for files?

7 A. They did. The office manager of the Gaston County
8 DA's office said that they keep files in the file room for
9 seven years, and at the seven-year mark from the close of
10 the case, they purge and destroy everything that's not a
11 Class D felony or above.

12 Q. So when you were asking for files related to Jason
13 Taylor, these files for Christina Adcock would have also
14 fallen outside of that seven-year period?

15 A. That's correct.

16 Q. Did you obtain a file from the clerk's office for
17 Christina Adcock --

18 A. We did not.

19 Q. -- for the Gaston County charges?

20 A. We did not.

21 Q. Did you have any indication that -- throughout
22 your investigation that Christina was offered or got any
23 kind of deal?

24 A. No. No one told us that Christina had been
25 offered a deal.

1 **MS. SMITH:** Commissioners, any other questions
2 related to that before we call Jason Taylor?

3 (No response.)

4 **MS. SMITH:** You may step down, Mr. Ziegler.

5 (Witness stands down, 3:46 p.m.)

6 **MS. SMITH:** We are going to call Jason Taylor. He
7 is in the custody of the Mecklenburg County Sheriff's
8 Office, but he is here today. So if you'll just give us a
9 minute to have him brought him in.

10 JASON TAYLOR, having been called as a witness at 3:47 p.m.
11 was sworn and testified as follows:

12 EXAMINATION BY MS. SMITH:

13 **Q.** Mr. Taylor, hi. My name is Lindsey Smith. I'm
14 the director of the Innocence Inquiry Commission. I'm going
15 ask you some questions today, and then when I'm done, the
16 commissioners seated around the table will also have an
17 opportunity to ask you questions that they have for you.

18 **A.** Okay.

19 **Q.** Can you state your name for the record.

20 **A.** Jason Odell Taylor.

21 **Q.** Do you recall, on August 15, 2005, reporting that
22 you were robbed at the Circle K in Charlotte, North
23 Carolina?

24 **A.** Yes, ma'am, I do.

25 **Q.** Tell us what happened that day.

1 A. It was just a confrontation between me and Israel
2 Grant. It really got carried away. And I'm here to tell
3 the truth. It really was a made-up story, and that's the
4 truth.

5 **JUDGE WAGONER:** You say it really was or really
6 was not?

7 **THE WITNESS:** It really was a made-up story.

8 **JUDGE WAGONER:** It really was a made-up story.

9 **THE WITNESS:** Yes, ma'am.

10 I was really fearful -- really did fear for my
11 life at that time, and the story was made up between me and
12 my daughter's mother back then. Young, made a bad -- poor
13 decision.

14 **JUDGE WAGONER:** So it was a made-up story because
15 you were afraid for your life because of shorting him on a
16 drug deal?

17 **THE WITNESS:** Yeah. The drug activity and the
18 drug deals and we've had situations where the house was shot
19 up and gunfire into the house and situations like that prior
20 to the telephone call. So ...

21 **JUDGE WAGONER:** Okay.

22 **Q.** Mr. Taylor, I want to remind you that you're under
23 oath today.

24 A. Yes, ma'am.

25 **Q.** You need to tell the truth.

1 A. **Yes, ma'am.**

2 Q. Okay. That is inconsistent with anything you've
3 said before.

4 A. **I understand.**

5 Q. It's inconsistent with what you told police;
6 correct?

7 A. **I understand that.**

8 Q. Inconsistent with what you testified to at trial.

9 A. **I understand that.**

10 Q. Inconsistent with what you told the Commission in
11 your deposition.

12 A. **I understand that and I'm here, willing to be
13 punished for whatever I have to be punished for. But I
14 mean, I'm taking -- I feel like my life has -- the actions
15 that's coming upon me in my life now -- I'm 37 years old --
16 it's coming from this right here, you know, me making a poor
17 decision and being young and putting an innocent man in
18 jail. Yes, ma'am.**

19 Q. So why did you --

20 A. **I made a poor decision.**

21 Q. Why did you do that?

22 A. **I was young, not thinking, drugs -- was on drugs
23 heavily at the time. I have been diagnosed, you know, of
24 paranoid schizophrenia, everything. My medical condition at
25 the time. I wasn't diagnosed, I wasn't on my medications --**

1 things like that. Nature of -- I'm older. My daughter is
2 11 years old now. She was -- I think she was even born and,
3 you know. So this -- I mean, there was a lot of things.
4 And I feel very bad and feel very sorry for the things that
5 I've done and the lies that I told. Yes, ma'am.

6 Q. So what's changed between May of this year when
7 you met with Mr. Ziegler?

8 A. When they met with me, I didn't even want to meet
9 with them and talk to them period because I was scared to
10 tell the truth. Hell, I was drunk on my lunch break when I
11 met them at the library.

12 JUDGE WAGONER: Back in May, you were drunk when
13 you met him?

14 THE WITNESS: Yes, ma'am. At the library.

15 Q. In the deposition?

16 A. You could smell alcohol on my breath when you-all
17 met me in the library at Mount Holly -- Mountain Island.

18 Q. Are you on anything today?

19 A. No, ma'am. I'm in custody of the Mecklenburg
20 County jail. I'm sober.

21 Q. When was the last time you had a drink?

22 A. It's probably been four months.

23 JUDGE WAGONER: Or drugs.

24 THE WITNESS: It's been four months.

25 MR. BRITT: Why are you in custody?

1 **THE WITNESS:** I'm in custody for so-called
2 possession of a stolen motor vehicle and misdemeanor
3 larceny.

4 **Q.** Were you threatened before coming here today?

5 **A.** No, ma'am, I wasn't. But in before -- prior to
6 this, prior -- before the trial started, in the beginning, I
7 was, and that's what really pushed me to stick to my one
8 original story.

9 **Q.** So you were threatened prior to trial, and that's
10 why you testified the way you did at trial?

11 **A.** Yes. Yes.

12 **Q.** Tell us about those threats.

13 **A.** I mean, my daughter's mother, her mother lives
14 right across the street from one of Israel's really, really
15 close friends. All of his friends hung out right across the
16 street from there every day, and I lived there. I feared
17 for my life every day I walked out the door. I tote a gun
18 myself.

19 Do you know what that's like? To walk out your
20 house being scared to death somebody is going to kill you?

21 I wanted them all in prison. I wanted them all
22 away from me to where I never had to see every one of them
23 again. Do you understand me?

24 I'm scared to this day for even going back telling
25 this right now because they could still be pissed at me.

1 I've had to see these guys every day when I'm on the street.
2 I'm in the same neighborhood. I haven't left. I haven't
3 left the neighborhood. I'm still there. I see them. They
4 look at me. They wink at me. You understand?

5 You don't know what that's like. I do. I live
6 it. I've lived the streets like a -- excuse my language --
7 like a dumb ass and took the wrong road and made poor
8 decisions.

9 Like I told these two officers over here today, I
10 feel like that's the way my life has turned out the way it
11 has, because of my decisions I made.

12 Q. So is the fear that you have, is that why you
13 changed your story today?

14 A. That, and I wouldn't want nobody to do that to me.
15 As I've gotten older and wiser, I wouldn't want what's been
16 done to him done to me. I know he had some other charges on
17 him, but this right here, that just really is icing on the
18 cake for him. You know, he might not -- he's got a kid out
19 there he might never get to see.

20 Q. So is your testimony --

21 A. And me, right now, the way I feel today, they can
22 do what they want to do to me. I'm done. I'm done hiding.
23 I'm done. I'm just done.

24 If y'all want to give me 30 days or however much
25 time you want --

1 **JUDGE WAGONER:** We don't give time here.

2 **THE WITNESS:** Well, I mean, it is what it is. I'm
3 here to tell the truth, and that's what I'm doing.

4 **Q.** Is it your testimony today then that the robbery
5 did not occur?

6 **A.** Yes, ma'am.

7 **Q.** Did Mr. Grant ever rob you?

8 **A.** No. He shorted me a few times but he never robbed
9 me.

10 **Q.** When you say "shorted you," what did he short you
11 in?

12 **A.** In our petty dope deals as -- he shorted me. He's
13 never physically put a gun on me and robbed me. No, he
14 never has. We've had our little confrontations, we've fist
15 fought and other things like that, but we've -- never pulled
16 a gun on me and robbed me, no, ma'am.

17 **Q.** Tell me little bit about, then, making up that
18 story. How did that come about?

19 **A.** Just spur of the moment. Spur of the moment.
20 Scared. Just him and a couple guys jump out the car on me
21 and try to snatch me out of car, and I pulled a gun to keep
22 them away from me. And I had my stepson in the car. I
23 believe he was maybe three or four years old at the time. I
24 can't quite remember. He was in the car at that time too,
25 and I feared for my life and the mother of my child's life.

1 Q. When was that?

2 A. I can't remember the exact date of the so-called
3 robbery occurred at the Circle K. It was at the Circle K,
4 but no robbery ever occurred.

5 Q. You're saying that's the same day?

6 A. Yes, ma'am.

7 Q. So on --

8 A. When I left the gas station that day after we
9 called the police, that's when we sat there at the gas
10 station parking lot and made the story up. But I don't know
11 where she's at, but I'm sure she'll tell you the same thing.
12 It was me. It was my fault. She had nothing to do with it.
13 I did. I made her go along with it.

14 Q. So on the day that you allege the robbery
15 occurred, you were at the Circle K?

16 A. Yes.

17 Q. And you were jumped that day?

18 A. Yes. So-called, yeah.

19 Q. Who jumped you?

20 A. I mean, it was -- he never got out the car, him
21 and his two buddies, his two buddies got out of the car and,
22 you know, tried to drag me out of the car, and I pulled the
23 pistol.

24 Q. Who were the buddies?

25 A. I don't know their names.

1 Q. Do you know their street names?

2 A. I couldn't recall now it's been so long. And my
3 medication, I suffer memory loss and everything else. I
4 couldn't tell you the exact story I even told.

5 Q. So when they jumped out of the car, he was in the
6 car?

7 A. Yeah. He was in his car. It was a burgundy Crown
8 Victoria. I remember that. I'll never forget the car. It
9 had the back window shot out of it.

10 Q. That you pulled a gun on him?

11 A. I pulled the gun out in the car to keep them from
12 pulling me out of the car.

13 Q. Then what happened?

14 A. They jumped in the car and took off, and that's
15 when I told her, I told Christina that I was going to do
16 something about this, and I made a poor decision and done
17 what I did.

18 Q. So who called 911?

19 A. I believe I did.

20 Q. Okay. Did you-all talk before you called 911
21 about what you were going to say?

22 A. Not really.

23 Q. Okay. When the police got there, you gave a
24 statement to them.

25 A. Yeah, I believe so. Yes.

1 Q. Was Christina present when you gave your
2 statement?

3 A. I don't know if she was right beside me. She
4 might have been right there beside me.

5 Q. Where were you when you gave a statement?

6 A. I think we was in the gas station parking lot.

7 Q. In your car? In the police car? Outside?

8 A. In Christina's car outside the gas station.

9 Q. Okay.

10 A. Outside of the 7-Eleven on Little Rock and Freedom
11 Drive.

12 Q. Do you remember --

13 A. I believe that's exactly what it was called then.

14 Q. Do you remember her giving a statement?

15 A. I don't really know. Maybe ...

16 I know she cusses me out every time they come and
17 try to talk to her for me putting her in the situation, me
18 living the life I lived and dragging her into it.

19 Q. Did you talk with Christina today?

20 A. No, ma'am. I haven't seen Christina since last
21 month sometime.

22 Q. When did you last talk to her?

23 A. It was before Halloween. We talked nothing about
24 this case.

25 Q. When is the last time you talked to her about this

1 case?

2 A. **Probably the day I left the library.**

3 Q. Were you-all together then?

4 A. **No.**

5 Q. You weren't together?

6 A. **No, ma'am.**

7 Q. When was the last time you talked to anyone about
8 this case?

9 A. **It was a little while ago, to them.**

10 Q. To the officers?

11 A. **(Moves head up and down.)**

12 Q. What did you tell them?

13 A. **Told them I was going to tell the truth, that I
14 felt like the bad karma was what's keeping from moving
15 forward in life. Bad karma keeps -- every time I had a job
16 making \$17 an hour, the next thing you know, I get smacked
17 off my horse again. I get good things, get a straight line
18 going -- no drugs, no alcohol, doing everything I'm supposed
19 to do -- next thing you know, I get smacked down back to the
20 bottom again. And here I am. I have to start all over.**

21 Q. You told the Commission staff on May 18 of this
22 year during your deposition that you weren't planning on
23 going to court and testifying at the time of the trial.

24 What changed your mind? Why did you go testify?

25 A. **Threats. Talking about the first time?**

1 Q. At trial, yes.

2 Why did you testify?

3 A. The threats. I was scared to stay out there on
4 the streets because they was everywhere. He had 20, 30
5 people across the street from my daughter's mother's house.
6 I mean my daughter's grandmother's house on Interurban.

7 Q. Did you think, if he was locked up, those were
8 going to stop?

9 A. I don't know. I mean, I was hoping they would,
10 but it didn't; it got worse.

11 Q. Were you promised anything in exchange for your
12 testimony at that trial?

13 A. No, ma'am.

14 Q. Were you told, if you testified in that case, you
15 would receive help on the pending charges you had in Gaston
16 County?

17 A. No, ma'am. That was petty. Petty charges.

18 Q. You had some felonies that you were charged with
19 at the time?

20 A. Not in Gaston County.

21 What year was that?

22 Q. The crime happened in July of 2006.

23 A. What was the trial date?

24 Q. They were resolved in October of 2007.

25 A. No. No. My felony charges come after that.

1 **Q.** So records show that you were -- at the time of
2 Mr. Grant's trial, you were awaiting trial in Gaston County
3 for felony possession of burglary tools, two counts of
4 felony breaking and entering a motor vehicle --

5 **A.** **No. I wasn't promised nothing for that.**

6 **Q.** Okay. But that was ultimately dismissed down to a
7 single count of misdemeanor larceny; correct?

8 **A.** **Exactly. Yes, ma'am.**

9 **Q.** Do you know why it was dismissed down to that?

10 **A.** **They never caught me on the scene.**

11 **Q.** The didn't catch you on the scene?

12 **A.** **They didn't catch me on the scene.**

13 **Q.** Okay.

14 **A.** **They talked -- the tools was in Christina's car**
15 **after I fled the scene, and they caught me two weeks later.**
16 **Her mother actually turned me in because she was in jail at**
17 **the time.**

18 **Q.** Christina's mother?

19 **A.** **Uh-huh. And I was called out and -- actually, in**
20 **her mother's backyard with nothing. They caught me with**
21 **nothing; so ...**

22 **Q.** So you said you'd been threatened many times by
23 Mr. Grant, his people. Did you ever call the police and
24 report that?

25 **A.** **Yes. A couple times -- a couple times, they**

1 was -- they laid down in the front yard with AKs in the
2 bushes several times, and the police was called once or
3 twice.

4 Q. Do you know if they ever issued a report for
5 those?

6 A. No, ma'am, I do not. Her mother would know more
7 about that because I think her mother handled that at that
8 time because it was her mother's property.

9 Q. Do you know who those people were? Was that
10 Israel Grant or some other folks?

11 A. No, it wasn't Israel. I think he was already
12 locked up at the time.

13 Q. Okay. You don't know who they were?

14 A. No, ma'am. Some of his entourage, people.

15 MS. SMITH: Commissioners, questions?

16 JUDGE WAGONER: Tell me about your grandfather.
17 Did your grandfather give you some money or something and
18 you --

19 THE WITNESS: Yes. My grandfather gave me some
20 money to go make some money with -- I remember that -- to
21 buy some weed with.

22 JUDGE WAGONER: Was that about the same time this
23 was going on? All this stuff?

24 THE WITNESS: Yeah, it happened a little bit after
25 that. Yeah -- well, a little bit -- a little bit before

1 that, yes, ma'am.

2 **JUDGE WAGONER:** So you're saying that, when you
3 went to the Circle K or whatever store it was, that's when
4 you got into an altercation --

5 **THE WITNESS:** Yes, ma'am.

6 **JUDGE WAGONER:** -- with Israel and some of his
7 guys.

8 **THE WITNESS:** Yes, ma'am. First time I seen him
9 after the drug deal went wrong.

10 **JUDGE WAGONER:** And he called you or --

11 **THE WITNESS:** Yes. He called me. He called me
12 trying to get me to go straighten the deal out, and I said,
13 "Well, I introduced y'all two together. Y'all two made the
14 deal. I wasn't there. Why do I need to go straighten it
15 out? You go over there. You got his phone number. You go
16 straighten it out."

17 **JUDGE WAGONER:** But you knew he thought you ought
18 to do it?

19 **THE WITNESS:** Exactly.

20 **JUDGE WAGONER:** So why didn't you?

21 **THE WITNESS:** He put me in the position for me to
22 go straighten it out. It wasn't my position to go
23 straighten it out.

24 **JUDGE WAGONER:** In your mind.

25 **THE WITNESS:** Exactly.

1 **JUDGE WAGONER:** And so then -- when was the thing
2 in the parking lot? It was in the morning -- whatever the
3 thing that the convenience store was? Was it in the
4 afternoon or the morning?

5 **THE WITNESS:** It was, I think, around lunchtime --
6 1:00 or 2:00, maybe.

7 **JUDGE WAGONER:** And so you're saying you pulled a
8 gun, and then he took off --

9 **THE WITNESS:** Yes, ma'am.

10 **JUDGE WAGONER:** -- with his friends?

11 **THE WITNESS:** Yes, ma'am.

12 **JUDGE WAGONER:** And then when's the next time you
13 saw him?

14 **THE WITNESS:** I might have a couple weeks after
15 that. He caught me coming out of Christina's mother's house
16 and tried to throw a brick through my grandmother's car back
17 windshield.

18 **JUDGE WAGONER:** He did or --

19 **THE WITNESS:** Israel tried to throw a brick
20 through the back of my grandmother's car.

21 **JUDGE WAGONER:** So he was out. He hadn't been
22 arrested yet or had he made bond?

23 **THE WITNESS:** I think he might have -- he might
24 have made bond then. It's been so long, but that's the last
25 altercation I really remember, was that -- me coming out of

1 the house and him coming from across the street, and I was
2 trying to back out of the driveway real fast, and he threw a
3 brick. And it didn't hit the back windshield, it hit the --
4 it hit the trunk and bounced off, and I backed up out of the
5 driveway real fast and took off down the road. And that's
6 the last time I seen him.

7 **JUDGE WAGONER:** Questions?

8 **MR. BOSWELL:** I'm a little confused. Were the
9 threats that happened prior to the incident at the Circle K
10 or 7-Eleven, was that all about this drug deal that went
11 down?

12 **THE WITNESS:** Yes.

13 **MR. BOSWELL:** So his friends were involved in
14 threatening you as well?

15 **THE WITNESS:** Yes.

16 **MR. BOSWELL:** Or did his friends threaten you
17 after the -- after he went --

18 **THE WITNESS:** Both. Both. The threats started --
19 his friends started threatening me after I didn't go
20 straight to try to help --

21 **MR. BOSWELL:** Okay.

22 **THE WITNESS:** -- after he was in jail and was
23 threatening me to tell the truth.

24 **MR. BOSWELL:** Okay. And was there -- other than
25 that one drug deal that went bad, was there any other bad

1 blood between you guys?

2 **THE WITNESS:** No, sir.

3 **MR. BOSWELL:** So it was all just that?

4 **THE WITNESS:** Yes, sir.

5 **MR. BOSWELL:** Okay. Did -- the judge asked you
6 about some money that your grandfather gave you.

7 Did you lose that money? And was the reason for
8 calling the police to get a police report to cover your
9 tracks with your grandfather as to how you lost the money?

10 **THE WITNESS:** It might have been. I can't really
11 recall that. It sounds like it might be possible, but I
12 don't recall that being the motive.

13 **MR. BOSWELL:** Okay. But that might have happened?

14 **THE WITNESS:** I mean, I might have used it later
15 on, but it wasn't -- that wasn't my MO.

16 **MR. BOSWELL:** Okay. And I want to be clear.
17 Earlier, I thought I heard you say that the people you
18 pulled the gun on was not Israel but maybe some of his
19 friends.

20 **THE WITNESS:** They were his friends. They was in
21 the car with him.

22 **MR. BOSWELL:** Okay. Did you see Israel in the
23 car?

24 **THE WITNESS:** Yes, sir.

25 **MR. BOSWELL:** Okay. Did he get out of the car?

1 **THE WITNESS:** No, sir.

2 **MR. BOSWELL:** No. Okay. So it was the friends.

3 And they were --

4 **THE WITNESS:** Before he could even get out, they
5 was already -- when they seen me, they pulled up on me. He
6 put the car in park; they jumped out of the car.

7 **MR. BOSWELL:** He was driving?

8 **THE WITNESS:** Yes, sir.

9 **MR. BOSWELL:** Okay. And they jumped out, and they
10 were going to snatch you out of the car, and that was all
11 about that drug deal?

12 **THE WITNESS:** Yes, sir.

13 **MR. BOSWELL:** And after that ended is when you
14 called 911?

15 **THE WITNESS:** Yes, sir.

16 **MR. BOSWELL:** And that's when you said that
17 somebody put a gun to your neck and then --

18 **THE WITNESS:** Yes, sir.

19 **MR. BOSWELL:** And it all went from there.

20 **THE WITNESS:** Yes, sir.

21 **MR. BOSWELL:** Okay. I got it. Thank you.

22 **JUDGE WAGONER:** Yes, sir.

23 **MR. HEARD:** I'm curious to know if the
24 information about the timing of visits to Adecco and Quik
25 Pawn and to Christine Fitzgibbons' house have anything to do

1 with the timing of this altercation.

2 **THE WITNESS:** Who?

3 **MR. HEARD:** There was information about traveling
4 back and forth. I'm trying to establish when you were at
5 various locations.

6 **MR. BOSWELL:** Not him.

7 **MR. HEARD:** Ah. All right. I was trying to see
8 if there was any relationship with all this timing that was
9 involved. Never mind.

10 **JUDGE WAGONER:** Okay. Never mind. All right.
11 We'll go to the Sheriff and come back to you in a second.

12 **SHERIFF FRYE:** Okay. So they tried to drag you
13 out at the Circle K, whatever the little store was.

14 **THE WITNESS:** Yes, sir.

15 **SHERIFF FRYE:** You pulled a gun.

16 **THE WITNESS:** Yes, sir.

17 **SHERIFF FRYE:** They left immediately.

18 **THE WITNESS:** Yes, sir -- not immediately. After
19 talking to me for a little while, then they left. Yes, sir.

20 **SHERIFF FRYE:** Okay. Did you and Christina leave
21 the Circle K and then come back later?

22 **THE WITNESS:** No, sir.

23 **SHERIFF FRYE:** So you stayed in the parking lot.

24 **THE WITNESS:** Yes, sir.

25 **SHERIFF FRYE:** Concocted a plan.

1 **THE WITNESS:** Yes, sir.

2 **SHERIFF FRYE:** Figured you'd kill two birds with
3 one stone: You could get Israel put away so he would quit
4 threatening you and you'd have something for your granddad.

5 **THE WITNESS:** No, sir. The first -- to get Israel
6 was the first priority. And like I said, if that MO come
7 about later on, then it did. But that wasn't the MO.

8 **SHERIFF FRYE:** Okay. So you never left the
9 convenience store from the time that --

10 **THE WITNESS:** Not that I recall. No, sir.

11 **SHERIFF FRYE:** And that was in the afternoon.

12 **THE WITNESS:** Yes. At least after lunchtime.

13 **SHERIFF FRYE:** Okay.

14 **JUDGE WAGONER:** Who was threatening you more --
15 Israel or his friends -- before this incident at the
16 Circle K?

17 **THE WITNESS:** Before? Israel before the incident
18 at Circle K. After the police got involved, it was his
19 friends.

20 **JUDGE WAGONER:** So before it was Circle K, you
21 were not angry with his friends.

22 **THE WITNESS:** No, ma'am.

23 **JUDGE WAGONER:** You didn't want to have them put
24 away.

25 **THE WITNESS:** No, ma'am.

1 **JUDGE WAGONER:** Okay.

2 **MS. NEWTON:** I have a few questions.

3 Just to tie up some testimony that we've heard
4 today, I'll just go -- if I ask you something you've been
5 asked before, just be patient with me. Okay?

6 Did Israel Grant take the money that he was due
7 from that shorted drug deal from you at any time?

8 Did he get his money back?

9 **THE WITNESS:** No. I never -- I refused to pay
10 him. I refused to give him the money because I introduced
11 him to my other friend. They did business together. I was
12 not involved after that. I introduced them two together. I
13 left. So why should I have to give him money? That was the
14 whole beef.

15 **MS. NEWTON:** Okay.

16 **THE WITNESS:** He wanted me to come out of my
17 pocket and pay him, and I'm not doing that. You go back to
18 the man I introduce you to and y'all do it. Y'all handle
19 it.

20 **MS. NEWTON:** So you flat-out refused.

21 **THE WITNESS:** Exactly.

22 **MS. SMITH:** Okay. And you had a prior
23 relationship with Israel Grant.

24 **THE WITNESS:** Yes. It was a good relationship.

25 **MS. NEWTON:** And how much money are we talking

1 about he was shorted?

2 **THE WITNESS:** Hundred dollars -- he might've
3 been -- he was shorted, I believe, a half ounce or so. At
4 that time, maybe 40 bucks.

5 **MS. NEWTON:** 40 bucks. Okay. So it wasn't a lot
6 of money.

7 **THE WITNESS:** No, ma'am, it wasn't.

8 **MS. NEWTON:** So when they pulled you out of the
9 car, did you get the impression they were just going to beat
10 you up because you were disrespecting Israel?

11 **THE WITNESS:** I mean, yeah, pretty much. Yeah.

12 **MS. NEWTON:** Was that pretty much what his problem
13 was, he was just offended?

14 **THE WITNESS:** That, and I wouldn't back down -- I
15 wasn't backing down from him, and they seen that as
16 disrespectful.

17 **MS. NEWTON:** Right. You weren't scared of him? I
18 mean --

19 **THE WITNESS:** I mean, him, by himself? No. But
20 when you're riding around with five or six people in your
21 car at all times.

22 **MS. NEWTON:** Okay.

23 **THE WITNESS:** I mean, they all tote guns. I
24 mean -- so, I mean, yeah, of course, I'm scared. I'm scared
25 for my life.

1 MS. NEWTON: Is that why you were carrying a gun?

2 THE WITNESS: Yes, ma'am.

3 MS. NEWTON: Okay. Now, who had -- was the BB&T
4 bank account testimony true at all?

5 THE WITNESS: I don't even remember that.

6 MS. NEWTON: You testified that you and
7 Christina -- you didn't say who did it -- withdrew some
8 money from the bank, between 200 and \$270 I believe it was.

9 THE WITNESS: I don't even remember that. That
10 might've been something that's a lie.

11 MS. NEWTON: Okay. So did you have a bank account
12 at BB&T --

13 THE WITNESS: No, I did not.

14 MS. NEWTON: -- across from that Circle K?
15 Okay. Did Christina have one?

16 THE WITNESS: No, ma'am.

17 MS. NEWTON: Okay. So nobody had an account
18 there?

19 THE WITNESS: No, ma'am.

20 MS. NEWTON: So it would be pointless to go check.

21 THE WITNESS: Exactly.

22 MS. NEWTON: Okay. So that was complete
23 fabrication.

24 THE WITNESS: Yes, ma'am.

25 MS. NEWTON: Now, if that was a complete

1 fabrication, the alternative was -- well, did you have any
2 money in the car for anyone to take that day?

3 **THE WITNESS:** I mean, I might have had \$150 or
4 better. I mean, I kept a little bit of money, but nobody --
5 no one took no money from me.

6 **MS. NEWTON:** Well, if we heard about a couple
7 hundred dollars that we heard someone ask you about your
8 grandfather giving you to go buy drugs and to flip it, did
9 you have his money with you that day?

10 **THE WITNESS:** I might have had some of it, but
11 that was prior to -- that was prior to that -- all this.

12 **MS. NEWTON:** But you didn't have it on you --

13 **THE WITNESS:** No, ma'am.

14 **MS. NEWTON:** -- on the 15th?

15 **THE WITNESS:** No, ma'am.

16 **MS. NEWTON:** Okay. What happened to your
17 grandfather's money?

18 **THE WITNESS:** I mean, we spent it over time.
19 Probably -- we probably went shopping with it, actually.

20 **MS. NEWTON:** You and Christina?

21 **THE WITNESS:** I probably bought some weed or some
22 drugs and went shopping.

23 **MS. NEWTON:** Now, let's be clear. Did your
24 grandfather give you money to go buy drugs and flip it?

25 **THE WITNESS:** Yes, ma'am.

1 **MS. NEWTON:** Okay. And what drugs were you going
2 to buy?

3 **THE WITNESS:** Marijuana.

4 **MS. NEWTON:** And how was he going to benefit from
5 that?

6 **THE WITNESS:** I mean, he's an old hustler. He
7 gambled -- he always gambled. He played cards and gambled.
8 So he seen a way for me to go make some extra money and
9 thought, "Hell, if I give you 300, you can go make me -- go
10 make 6-, hell, you keep 3- and keep it going." That's how
11 he was.

12 **MS. NEWTON:** So was he expecting you to pay him
13 money back?

14 **THE WITNESS:** Yeah.

15 **MS. NEWTON:** Is that why he was upset? He wasn't
16 getting his money back?

17 **THE WITNESS:** Yeah, I guess so.

18 **MS. NEWTON:** Okay.

19 **THE WITNESS:** I don't even remember him being --
20 he probably don't even remember that to this day, to tell
21 you the truth.

22 **MS. NEWTON:** Okay. Were you -- do you remember
23 being at all concerned about your grandfather and the money
24 that you owed him?

25 **THE WITNESS:** No, ma'am.

1 **MS. NEWTON:** That wasn't anything to do with it?

2 **THE WITNESS:** No, ma'am.

3 **MS. NEWTON:** Okay. All right.

4 You're a drug addict; correct?

5 **THE WITNESS:** Yes, ma'am.

6 **MS. NEWTON:** What's your drug?

7 **THE WITNESS:** My drug of choice used to be

8 cocaine.

9 **MS. NEWTON:** Crack?

10 **THE WITNESS:** Cocaine.

11 **MS. NEWTON:** Powder?

12 **THE WITNESS:** Powder cocaine.

13 **MS. NEWTON:** Okay. Was Israel Grant your source?

14 **THE WITNESS:** No, ma'am.

15 **MS. NEWTON:** You didn't buy from him?

16 **THE WITNESS:** No, ma'am.

17 **MS. NEWTON:** If we heard testimony that he was

18 your source, that would be a lie?

19 **THE WITNESS:** Yes, ma'am.

20 **MS. NEWTON:** Okay. Did you buy from any of his

21 people?

22 **THE WITNESS:** Yes, ma'am.

23 **MS. NEWTON:** So people across the street were

24 supplying you?

25 **THE WITNESS:** Not across the street. One of their

1 good friends. I'd rather not say his name unless y'all want
2 me to.

3 MS. NEWTON: I understand. I don't care.

4 But it was his group, but it wasn't Israel Grant
5 himself?

6 THE WITNESS: Yes, ma'am.

7 MS. NEWTON: Okay. And if he told us that he was
8 selling you crack cocaine, that was --

9 THE WITNESS: He's lying.

10 MS. NEWTON: -- a lie?

11 THE WITNESS: Uh-huh.

12 MS. NEWTON: Okay.

13 THE WITNESS: I bought marijuana from him.

14 MS. NEWTON: Okay. Now, you testified at trial
15 that the defendant specifically pointed a gun at your neck,
16 and it was specifically him, and you pointed it out in the
17 courtroom. And you're saying that's a lie.

18 THE WITNESS: He has -- yeah, he has pointed guns
19 at me in the -- but not that day at Circle K.

20 MS. NEWTON: Just in the past?

21 THE WITNESS: Yes, ma'am.

22 MS. NEWTON: So you were lying in court when you
23 said on August 15 at Circle K he put a gun to you and
24 your -- with the child around?

25 THE WITNESS: Yes, ma'am.

1 **MS. NEWTON:** You also said in your deposition with
2 the Commission that, alternatively, he had someone else do
3 it, but he was sitting in the car.

4 And that's a lie too?

5 **THE WITNESS:** Yes. I couldn't remember what story
6 I told after so many years.

7 **MS. NEWTON:** So both of them are not true as
8 you're sitting here today.

9 **THE WITNESS:** Exactly.

10 **MS. NEWTON:** That's a complete lie.

11 **THE WITNESS:** They're not true.

12 **MS. NEWTON:** Okay. And your testimony today under
13 oath --

14 **THE WITNESS:** Is the whole truth and nothing but
15 the truth.

16 **MS. NEWTON:** -- is that Israel was sitting in his
17 car --

18 **THE WITNESS:** Yes, ma'am.

19 **MS. NEWTON:** -- two of his guys -- are these the
20 guys, the 150-pound thin guy and the 190-pound guy with
21 dreads?

22 **THE WITNESS:** I remember them two guys because
23 they was always with him. It's just the first ones that
24 popped in my head.

25 **MS. NEWTON:** Were those the guys that were trying

1 to pull you out of the car?

2 **THE WITNESS:** Yes, ma'am.

3 **MS. NEWTON:** And you thought the purpose of that
4 was what?

5 **THE WITNESS:** For -- to get the money that Israel
6 so-called said that I owed him for the drug deal that he got
7 shorted on.

8 **MS. NEWTON:** Not to beat you up but to actually
9 get money from you?

10 **THE WITNESS:** Yes, ma'am.

11 **MS. NEWTON:** And you ran them off with a gun.

12 **THE WITNESS:** Yes, ma'am.

13 **MS. NEWTON:** And that's when you got mad and
14 called the police --

15 **THE WITNESS:** Yes, ma'am.

16 **MS. NEWTON:** -- and said, "I'll fix them,"
17 essentially.

18 **THE WITNESS:** Yes, ma'am.

19 **MS. NEWTON:** Is that --

20 **THE WITNESS:** Yes, ma'am.

21 **MS. NEWTON:** Did I characterize that right?

22 **THE WITNESS:** Yes, ma'am.

23 **MS. NEWTON:** Okay. Why would Christina go along
24 with that? Did you threaten her?

25 **THE WITNESS:** No, ma'am. I never threatened her.

1 **MS. NEWTON:** Have you ever hit her? touched her?
2 assaulted her?

3 **THE WITNESS:** Yeah, we've got in alterations.
4 She's hit me; I've hit her. But that -- that was after --
5 years down the road. That wasn't -- not at that time. I
6 never put my hands on her back then.

7 **MS. NEWTON:** So why would she do that that day?
8 Why would she go along with you?

9 **THE WITNESS:** I mean, we was a family. She's
10 sticking by her man is the only thing I can say. You'd have
11 to ask her that.

12 **MS. NEWTON:** If she said that she was between a
13 rock and a hard place, what does that mean? You know her.
14 What does that mean?

15 **THE WITNESS:** It means she loved me and she didn't
16 want to go against me and take their side, I guess. You'd
17 have to ask her that also.

18 **MS. NEWTON:** Okay. Now, do you want to get back
19 with her?

20 **THE WITNESS:** I mean, she's the mother of my kids.
21 No. What we had was back then. That was years ago, and we
22 got two beautiful kids, 11 and 7. That's all I needed from
23 her. What we had is gone.

24 **MS. NEWTON:** Well, you've gone back and forth with
25 her; right?

1 **THE WITNESS:** Yes, ma'am, we have.

2 **MS. NEWTON:** Okay. And you're in custody now;
3 right?

4 **THE WITNESS:** Yes, ma'am.

5 **MS. NEWTON:** When do you get out?

6 **THE WITNESS:** No telling.

7 **MS. NEWTON:** When do you expect to get out?

8 **THE WITNESS:** I don't know. I hope tomorrow.

9 But, I mean, probably the first of the year.

10 **MS. NEWTON:** Are you in pretrial or have you been
11 convicted of something?

12 **THE WITNESS:** No, I've not been convicted of
13 nothing so far.

14 **MS. NEWTON:** Are you pretrial on some charges?
15 Why are you in custody?

16 **THE WITNESS:** I'm in custody for two misdemeanor
17 larcenies and possession of a stolen motor vehicle.

18 **MS. NEWTON:** Have you been convicted?

19 **THE WITNESS:** No, ma'am.

20 **MS. NEWTON:** Okay. So you're pretrial. All
21 right.

22 Now, are you telling what you're telling today so
23 that Christina will support you and get back together with
24 you?

25 **THE WITNESS:** No. She don't have a job. She

1 don't have money to support herself. How she could support
2 me?

3 **MS. NEWTON:** Well, she's --

4 **THE WITNESS:** She can't even pay child support.
5 She just got out of jail for child support. She can't even
6 pay child support.

7 **MS. NEWTON:** I don't mean financially support you.

8 **THE WITNESS:** No. I don't --

9 **MS. NEWTON:** Are you telling this story so that
10 Christina will forgive you and take you back?

11 **THE WITNESS:** No. No.

12 **MS. NEWTON:** Okay. Now --

13 **THE WITNESS:** She lost out on me years ago.

14 **MS. NEWTON:** Okay.

15 **THE WITNESS:** Me and her have nothing -- nothing
16 together, period. She's -- she lives her life the way she
17 lives her life, and I will go about my life the way it is.

18 **MS. NEWTON:** So tell me if these two alternate
19 scenarios are both false. Can you do that?

20 **THE WITNESS:** (Moves head up and down.)

21 **MS. NEWTON:** The report of Mr. Grant robbing you
22 of money, whether it was from BB&T bank or from your
23 grandmother -- grandfather's money he fronted you, was on --
24 was because your grandfather was demanding a law enforcement
25 report of someone robbing you of that money?

1 **THE WITNESS:** False.

2 **MS. NEWTON:** That's false.

3 Was the defendant -- the alleged robbery on
4 August 15 of '05 false to cover that you lost your
5 grandfather's money?

6 **THE WITNESS:** It's false.

7 **MS. NEWTON:** Okay. And did you allege the robbery
8 to get Mr. Grant off your back from threatening you?

9 **THE WITNESS:** True.

10 **MS. NEWTON:** That's true.

11 Okay. Thank you, sir.

12 **JUDGE WAGONER:** Were you incarcerated in jail in
13 Mecklenburg County when this trial took place involving
14 Mr. Grant and the robbery?

15 **THE WITNESS:** I was in Gaston County.

16 **JUDGE WAGONER:** You were in Gaston County jail.
17 So you just came up to testify and then went back to jail.

18 **THE WITNESS:** (Moves head up and down.)

19 **JUDGE WAGONER:** Okay. Before that time, did you
20 speak with any district attorneys, assistant DAs, or law
21 enforcement in Gaston or Mecklenburg County about this
22 robbery?

23 **THE WITNESS:** No, ma'am.

24 **JUDGE WAGONER:** Did you give anyone a statement
25 other than the original charging officers?

1 **THE WITNESS:** Not that I recall, no, ma'am.

2 **JUDGE WAGONER:** Sir?

3 **THE WITNESS:** Not that I recall, no, ma'am.

4 **JUDGE WAGONER:** Okay. And were you doing drugs,
5 cocaine and things like this, during the time of this
6 robbery?

7 **THE WITNESS:** Yes. Before jail, yes, ma'am.

8 **JUDGE WAGONER:** Is that why you said you couldn't
9 remember stuff?

10 **THE WITNESS:** I guess so, yes, ma'am. That, and
11 my medications that I take now that I've got older. I've
12 just got -- my memory -- I've suffered a memory loss about
13 some things. Some things, I remember -- I can remember
14 plain as day, and then some things, little details, I can't
15 remember.

16 **JUDGE WAGONER:** When is the last time you've been
17 over in that neighborhood where --

18 **THE WITNESS:** Before the 15th of this month. I
19 worked right there on Brookshire.

20 **JUDGE WAGONER:** Are you still getting threatened
21 and stuff?

22 **THE WITNESS:** I mean, when I see them, they just
23 shoot me evil looks.

24 **JUDGE WAGONER:** And has anyone promised you
25 anything or threatened you --

1 **THE WITNESS:** No, ma'am.

2 **JUDGE WAGONER:** -- concerning what you're going to
3 say today or what you might have said in May?

4 **THE WITNESS:** No, ma'am. You can check my account
5 in jail. It's negative. Nobody give me nothing; ain't
6 nobody offering.

7 **JUDGE WAGONER:** Yeah. But in the future.

8 **THE WITNESS:** No, ma'am.

9 **JUDGE WAGONER:** Questions?

10 **MR. BARROW:** Have any of Grant's buddies ever made
11 any threats or taken any actions against your mother or your
12 daughters?

13 **THE WITNESS:** No, sir.

14 **MR. BARROW:** But they have made threats against
15 Christina?

16 **THE WITNESS:** Yes. I think to her and her mother,
17 yes, they have made threats that I recall, yes, sir.

18 You would have to ask her that because I wasn't
19 around, but I'm pretty sure, when I was in prison between
20 '08 and 2012, that she had told me that they had made
21 threats toward her and her mother.

22 But I don't know about my kids. My kids has been
23 with my grandmother since I went to prison in '08.

24 **MR. BARROW:** Where does your grandmother live?

25 **THE WITNESS:** She lives on Mount

1 Holly-Huntersville Road near Riverside Drive.

2 **MR. BARROW:** Is that in Charlotte?

3 **THE WITNESS:** Yes, sir. Charlotte. It's about
4 15, 20 -- 15 minutes away from where her mother lives out in
5 Westchester back down on the river. I don't think they
6 never, ever knew where my family lived at down there.

7 **MR. BARROW:** So you haven't heard any reports or
8 threats from your grandmother or anybody else about your
9 grandmother or your daughters?

10 **THE WITNESS:** No, sir. They went down there --
11 that would be the last time they went down there. That's
12 just how they are. They're old country people. They don't
13 deal with that.

14 **MR. BARROW:** I think the question on my mind is
15 there were obviously -- by Christina's testimony, there were
16 threats that continued up until the time that she gave them
17 this affidavit that they wanted. And there's all these --

18 **THE WITNESS:** I mean, I am sure, maybe because,
19 like I say, her mother lived right across the street from
20 one of Israel's best friends. His name is Marquis. And I'm
21 sure. I mean, there is no doubt in my mind. I'm sure that
22 she's got threatened and evil-looking every time she comes
23 out of her mother's house, and then -- that they are
24 outside. Because, like I said, back then, they hung out in
25 groups of 15 and 20 out there.

1 So I'm pretty positive that there was threats
2 made. None that I ever heard or I seen, because I kept my
3 butt away from over there. But she had no choice but to go
4 back over there because her mother lived there.

5 **MR. BARROW:** Was her mother's house the only place
6 she has to live?

7 **THE WITNESS:** Yes, sir. Since I went to prison in
8 '08, yes.

9 **MR. BARROW:** So since '08, she's either been
10 forced to live on the street or go back to her mother's
11 house.

12 **THE WITNESS:** In her car. Her mother's house or
13 in her car.

14 **MR. BARROW:** I've got a question for you. Did
15 Christina's car have air-conditioning?

16 **THE WITNESS:** I believe the Cavalier might have
17 had, but I don't believe it worked.

18 **MR. BARROW:** Okay. Are you telling this story
19 today to protect Christina from Grant's boys?

20 **THE WITNESS:** No, sir. Absolutely not.

21 **JUDGE WAGONER:** You understand that whatever is
22 said in this testimony we heard and questions is
23 confidential -- is that correct?

24 **MS. SMITH:** No, ma'am.

25 **JUDGE WAGONER:** It's not? Okay. All right.

1 So what you've testified --

2 **MS. SMITH:** Well, if the case moves forward, it
3 becomes public record. If the case does not move forward,
4 it remains confidential.

5 **JUDGE WAGONER:** So if it goes to the three-judge
6 panel, depending on what we do.

7 If the case goes forward, then what is said here
8 would become public if somebody wants to see it.

9 Do you understand that?

10 **THE WITNESS:** Yes, ma'am.

11 **JUDGE WAGONER:** And has anyone said anything to
12 you about there might be some money involved --

13 **THE WITNESS:** No, ma'am.

14 **JUDGE WAGONER:** -- if he would get out?

15 **THE WITNESS:** Not to me. I haven't heard anything
16 about it.

17 **JUDGE WAGONER:** And when Christina took her --
18 recanted and took her story back, did she tell you she was
19 going to do that?

20 **THE WITNESS:** She cussed me out every time and
21 told me that she should've told the truth from the start.

22 **JUDGE WAGONER:** She cussed you out every time?

23 **THE WITNESS:** Every time that they approach her,
24 she's telling me she's got to go deal with this BS because
25 of the story we made up. She's been wanting to withdraw

1 hers from day one.

2 **JUDGE WAGONER:** So if we hadn't had any hearing
3 and you were just sitting in jail in Gaston or Mecklenburg
4 County, would you have picked up the phone and called the
5 D.A.'s office or somebody, said, "Whoops. I made up the
6 whole story"?

7 **THE WITNESS:** No. I told them today, if I
8 wouldn't have been -- if I wouldn't have been custody, I
9 wouldn't have been here today.

10 **JUDGE WAGONER:** Because why not?

11 **THE WITNESS:** Just because it's out of my way. It
12 took time out of my work. And what was done was done.

13 But then the more -- the ride up here and even
14 after I figured out where I was going, the ride up here and
15 the whole sit out there, sitting out there today, had time
16 to sit and think, you know, do some soul-searching and
17 think -- just tell the truth. And that's -- I wouldn't want
18 to be in the situation myself. I would want someone to do
19 what I am doing and telling the truth, and that is the
20 truth.

21 **JUDGE WAGONER:** Thank you.

22 **THE WITNESS:** I know it's hard to believe because
23 I done lied in the past. But, ma'am, that's the truth.

24 **JUDGE WAGONER:** It's been a long time.

25 **THE WITNESS:** (Moves head up and down.)

1 **JUDGE WAGONER:** You really haven't changed your
2 story much until today.

3 **THE WITNESS:** Yeah.

4 **JUDGE WAGONER:** Mr. Grace?

5 **MR. GRACE:** No, thank you.

6 **JUDGE WAGONER:** Anybody else?

7 **MS. SMITH:** Okay. I have just a few more
8 questions for you, Mr. Taylor.

9 **Q.** In May during your deposition, you told commission
10 staff, Mr. Ziegler, that you and Christina were engaged,
11 that she was your fiancée.

12 **A.** Uh-huh.

13 **Q.** Was that true?

14 **A.** Yeah, we was back and forth. We've always been
15 back and forth until a couple years ago, really. I
16 probably -- did I tell you the last time I seen you in
17 the -- I don't think -- I don't remember saying that. I
18 don't even remember saying that. And y'all also told me
19 that she withdrew her story, you know, this and that. But I
20 don't know -- like I say, I don't know if she's been
21 threatened or not, but I ain't been threatened and I'm
22 telling the truth. I'm getting it off my conscience.

23 **Q.** Are you testifying today thinking you might get a
24 deal on your current charges?

25 **A.** No, ma'am.

1 **Q.** Do you understand that we have no authority to
2 give you any kind of deal?

3 **A.** I understand. They're petty. They're petty
4 charges. I will do the time for my crime but no one else.

5 **Q.** On August 15, 2005, did Israel Grant point a gun
6 at you at the Circle K?

7 **A.** No, ma'am. Not at the Circle K.

8 **Q.** Did he take any money from you that day?

9 **A.** No, ma'am.

10 **Q.** Did he take anything from you that day?

11 **A.** My pride.

12 **Q.** How did he take your pride?

13 **A.** I mean, in front of my kid and so-called my
14 fiancée, he embarrassed me, belittled me.

15 **Q.** You said he was sitting in the car.

16 **A.** Still, he had the guys come, get out of the car to
17 come try to drag me out.

18 **Q.** Did he take any material possessions from you?

19 **A.** No, ma'am, he did not.

20 **Q.** Okay.

21 **MS. SMITH:** Okay. I don't have any other
22 questions.

23 **JUDGE WAGONER:** Anything further?

24 (No response.)

25 **JUDGE WAGONER:** Thank you, sir.

1 **THE WITNESS:** Sorry for y'all's inconvenience.

2 **JUDGE WAGONER:** Thank you, sir.

3 (Witness stands down, 4:28 p.m.)

4 (Discussion off the record.)

5 **MS. SMITH:** We are ready to ask Ms. Matoian a
6 couple more questions.

7 **JUDGE WAGONER:** Yes, ma'am.

8 **MS. SMITH:** She's still under oath.

9 **JUDGE WAGONER:** Yes. You are.

10 (Witness Catherine Matoian recalled, 4:32 p.m.)

11 **EXAMINATION BY MS. SMITH:**

12 **Q.** Ms. Matoian, after testifying before, were you
13 able to follow up with the notary from Christina's
14 affidavit?

15 **A.** I was. I was able to follow up with Ms. White.

16 **Q.** And does she have a logbook of that transaction?

17 **A.** She no longer has the logbook. Her car was broken
18 into sometime in the past few years and the logbook was
19 stolen during the car break-in.

20 **Q.** Were you able to provide her a copy of that
21 affidavit?

22 **A.** I did. I provided a copy of the affidavit via
23 e-mail and asked her to verify whether or not that was her
24 seal.

25 **Q.** And was she able to do that?

1 A. **Yes. She verified that was her seal.**

2 Q. Okay.

3 MS. SMITH: No further questions of Ms. Matoian
4 unless anyone else has any questions.

5 JUDGE WAGONER: Any questions?

6 (Witness stands down, 4:33 p.m.)

7 MARQUIS FUNDERBURK, having been called as a witness at
8 4:34 p.m. was sworn and testified as follows:

9 EXAMINATION BY MS. SMITH:

10 Q. Good afternoon, Mr. Funderburk. My name is
11 Lindsey Smith. I'm the director here at the Commission.

12 A. **All right.**

13 Q. I'm going to ask you some questions today, and
14 then after I'm done, these commissioners sitting around the
15 table may have some questions for you as well. Okay?

16 A. **All right.**

17 Q. Will you please state your name for the record.

18 A. **Marquis Funderburk.**

19 Q. I want to be sure that you understand that you
20 just took an oath today and you're expected to tell the
21 truth.

22 A. **Yes.**

23 Q. You understand?

24 A. **Yes.**

25 Q. Okay. And as I understand it, this is the first

1 time that you are under oath in this case; is that correct?

2 A. Yes.

3 Q. You didn't testify at the trial?

4 A. No.

5 MR. GRACE: Mr. Funderburk, you have a deep voice.
6 Would you talk a little louder, please? It's hard to hear
7 you at this end. Thank you.

8 THE WITNESS: Yes.

9 Q. How do you know Israel Grant?

10 A. He's like a brother to me. We met years ago. And
11 he would live with me for like seven years.

12 Q. Did you attend his trial?

13 A. Yes, I did.

14 Q. Did you threaten Christina Adcock prior to that
15 trial?

16 A. No, I did not.

17 Q. Do you remember people coming to your house on
18 August 17, 2007, which was the day that Israel Grant's trial
19 ended and he was sentenced?

20 A. I don't recall. But I do remember they had me
21 leave the courtroom because they said that I said something
22 to her or her mother or something.

23 JUDGE WAGONER: Would you say that one more time?
24 You remember what about the courtroom?

25 THE WITNESS: They put me out of the courtroom so

1 I couldn't testify then because she said that I had
2 threatened her.

3 **JUDGE WAGONER:** Okay.

4 **Q.** Well, did you?

5 **A.** No. She stays right across the street from my
6 mother.

7 **Q.** Who's that?

8 **A.** Christina Adcock.

9 **Q.** And whose house was that that she stayed at?

10 **A.** Her mother's house. Her mother and my mother
11 stayed right across the street from each other.

12 **Q.** Did you ever throw a brick or rocks in a window at
13 Christina's mother's house?

14 **A.** Only thing I ever done to that house is ring their
15 doorbell.

16 **Q.** So on August 17, that same day that Israel Grant
17 was sentenced, you didn't throw a brick or rocks at the
18 house?

19 **A.** No. I wasn't even in the neighborhood. When I
20 left the courthouse, I went home. And I stayed on
21 Statesville at the time. I didn't even go to Freedom Drive
22 at all that day.

23 **Q.** You weren't staying at your mama's house then?

24 **A.** No.

25 **Q.** Why would Jennifer Fitzgibbons say that you did

1 throw a brick at the house? She have any reason to say
2 that?

3 A. No. That's Israel's child's mother; so I don't
4 know why she would say that.

5 Q. Do you recall being arrested for injury to real
6 property on August 26, 2007?

7 A. Yes.

8 Q. Do you know that that was for an event that
9 occurred on August 17, 2007?

10 A. I didn't figure that out until after I got out.

11 Q. Okay.

12 A. And I tried to dispute it and beat it, but they
13 said it was already too late.

14 JUDGE WAGONER: A little bit louder, sir.

15 THE WITNESS: I tried to dispute those charges,
16 but they said I'd already been charged with it; so I just
17 bonded out.

18 Q. Do you know what the facts were surrounding those
19 charges?

20 A. They just said they had more than one person to
21 say that I did that, but I had my fiancée tell them that I
22 was at home with our kids at that time; so I couldn't be two
23 places at once.

24 Q. Do you know whatever happened to those charges?

25 A. No, I don't.

1 **Q.** I'm going to put something up on the screen behind
2 you in just a minute, and I'm going to have you look at it.
3 I'm actually going to put it up on the screen, but I will
4 hand you a hard copy so you don't have to crane your neck.

5 **JUDGE WAGONER:** While she's doing that,
6 Mr. Funderburk, are you on probation now for anything?

7 **THE WITNESS:** No.

8 **JUDGE WAGONER:** Or postsupervised release?

9 **THE WITNESS:** Nothing. Free man.

10 **JUDGE WAGONER:** What happened to your hand?

11 **THE WITNESS:** Gangrene.

12 **JUDGE WAGONER:** What?

13 **THE WITNESS:** Gangrene.

14 **JUDGE WAGONER:** That's not good.

15 **THE WITNESS:** No. They say I could've died.

16 **JUDGE WAGONER:** Okay.

17 **MS. SMITH:** Commissioners, I've got this up on a
18 couple of screens. It's a little hard to see, but I have
19 tried to highlight there.

20 **Q.** Mr. Funderburk, do you see at the top of that
21 first page where your name is listed as the defendant?
22 Highlighted in yellow?

23 **A.** **Yes.**

24 **Q.** And if you look at the top of that page as well,
25 do you see the offense date listed there as August 17, 2007?

1 A. **Yes, I do.**

2 Q. Then go to that second page. And in the middle of
3 that page, do you see that the charge there is injury to
4 real property?

5 A. **Yes, I do.**

6 Q. And above that, the complainant is listed as Tina
7 Adcock?

8 A. **Yeah. That's her mother.**

9 Q. The mother. And under that, a witness is listed
10 as Christina Adcock?

11 A. **Yeah.**

12 Q. And then in the middle of the second page, under
13 the listed offense, do you see that the disposition occurred
14 on January 3, 2008? See the date?

15 A. **Where do you see that? January 3?**

16 Q. In the middle of the page.

17 A. **Oh, right here. Yes, I see it.**

18 Q. Okay. And then under there, it says dismissed
19 without leave by the district attorney.

20 A. **Uh-huh.**

21 Q. Do you know what the charges related to?

22 A. **No. They said that I did something that was**
23 **like -- what was it? They said I did something to the house**
24 **or whatnot, but I told them I didn't do it. Once I left the**
25 **courtroom, I went home.**

1 Q. And you didn't go to your mama's house --

2 A. No.

3 Q. -- that was across from Christina's mom's house?

4 A. I didn't go there until the weekend.

5 Q. Okay. If other people said you were there, would
6 they be lying?

7 A. No -- I mean, yeah, yeah, they would. Because
8 when I left the courthouse, one of the sheriffs that walked
9 me out, he told me, "I advise you not to speak to them or be
10 around them until this is over with." So I went to my
11 house. And I went to my mother's house that weekend to take
12 my kids over there to see her.

13 Q. Okay. Do you know why the charge was dismissed?

14 A. No. I guess they knew I didn't do it. Like -- I
15 don't know. I guess they figured that --

16 MR. GRACE: That's a good answer. Leave it at
17 that.

18 A. I was just going to tell you --

19 MR. GRACE: That's a good answer.

20 A. I don't know how it -- nothing.

21 MR. GRACE: It's a dismissal.

22 Q. Okay. I'm going to turn your attention now to the
23 affidavit that Christina Adcock provided.

24 Do you remember that affidavit?

25 A. Somewhat, yes.

1 Q. Do you remember how that all came about?

2 A. (Moves head side to side.)

3 Q. Do you ever remember talking to her about it?

4 A. The paper she had to sign?

5 JUDGE WAGONER: Does he know what an affidavit is
6 before you --

7 MS. SMITH: Yes.

8 (Simultaneous cross talk.)

9 Q. Yes. The paper that she signed?

10 THE WITNESS: Yeah. I know what she's talking
11 about.

12 A. Yeah. At that time, I moved back to the
13 neighborhood, but I was staying at the back of the
14 neighborhood. But I had neighbors on Interurban Street,
15 which is my old street, and I seen her. And she wanted to
16 talk to me about it. And I told her fine. And we sat
17 outside and talked.

18 She said she felt bad about it and she was crying.
19 And it so happened Israel called me. So I'm talking to him,
20 and I let him talk to her. They had a conversation, and she
21 was like, "Well, I can do this and do this," but she didn't
22 want to go to jail for perjury, for lying. So when she
23 signed the papers and we went -- I took her to get it
24 stamped by a notary and everything.

25 Q. Where was that at?

1 A. **On Bradford Drive. It was at a tax office.**

2 **But she wanted to make sure that she didn't go to**
3 **jail for lying. So that's how we got the paper signed. And**
4 **she apologized to him on the phone and she said she was**
5 **really scared so ...**

6 Q. Did you threaten her?

7 A. **No. You can ask her that yourself. You want me**
8 **to call her?**

9 Q. Do have her phone number?

10 A. **I should.**

11 Q. You talk to her often?

12 A. **Nope.**

13 Q. Why would you have her phone number?

14 A. **She's a neighbor. We used to be friends until all**
15 **that happened.**

16 Q. You don't need to call her.

17 **JUDGE WAGONER:** You don't have to call her. We're
18 good.

19 Q. Did you ever threaten her? Not about the
20 affidavit, but just anytime between the time that this crime
21 occurred in August of 2005 until today, any threats ever?
22 Did any --

23 A. **For what?**

24 Q. Did any of your friends threaten her?

25 A. **I don't know. I can't speak on their behalf.**

1 Q. Okay.

2 A. But I didn't threaten her because they already
3 told me, if I said something or did something to her, I
4 could go to prison for 3-5 years.

5 Q. Who told you that?

6 A. One of the sheriffs. They said, "If you say
7 something to her or threaten her about her being a witness,
8 you can go to jail." I could do time for it. So I didn't
9 speak to her until I was at John's house in my mama's
10 neighborhood, and she was over there. She was across the
11 street. She was like, "Can I talk to you for a minute?"

12 And I told her to come over to John's house. And
13 she said she felt bad and everything, and she signed the
14 paper and talked to him. But other than that, I don't
15 communicate with her.

16 Q. So you're not aware of any threats that anyone
17 made to her?

18 A. I didn't know anybody threatened the girl. I
19 don't see why they would, though. She's very small. You
20 wouldn't have to threaten her.

21 Q. Are you aware of Israel Grant making any threats
22 to her?

23 A. How could he threaten her? He was locked up.

24 Q. Did you ever ask Christina to go out of town with
25 you to help you make some money?

1 A. No.

2 Q. Never asked her to go out of town?

3 A. (Moves head side to side.)

4 Q. Ever threaten to kill her?

5 A. No.

6 Q. Do you recall talking to Israel Grant on the phone
7 prior to you getting that affidavit?

8 A. Yeah. He called me probably once every other week
9 at that time.

10 Q. Was he trying to get an affidavit?

11 A. No. He was just calling to check up on everybody,
12 see if we can send him some money on his books and
13 everything. But one day he happened to call, and she -- I'm
14 telling him, I'm like, "Christina is right here, and she's
15 saying that she's sorry, she apologize, she want to do the
16 right thing." So I put him on the phone with her, and they
17 had a conversation. And after that, she just cried and she
18 gave me a hug, and she acted -- she was like, "Could you
19 make sure your friends know something, that I'm doing this
20 so there wouldn't no problem?"

21 Like I told her, "Since he got arrested, have you
22 had any problems? Nobody's came to your house. Nobody's
23 hurting you. Nobody's threatening you." So ...

24 Q. So prior to getting the affidavit, you didn't have
25 any phone conversations with Israel about you trying to get

1 an affidavit from her?

2 A. We talked. We talked about it because we had
3 already had Innocence Commission -- we talked to the guy,
4 Brian -- I believe that was his name -- and I told Israel
5 about it. He was like, "Well, if we can get it done, try to
6 get it done." Like I told him, "I don't see her; so I don't
7 know how we could get done."

8 Q. Are you talking about the attorney Bruce
9 Cunningham?

10 A. Bruce. There we go.

11 Q. So you talked to him?

12 A. (Moves head up and down.)

13 Q. And then you talked to Israel about trying to get
14 it, but you weren't sure how that would happen?

15 A. Uh-huh.

16 Q. Have you had any contact with Christina since that
17 day that you-all went and got that affidavit notarized?

18 A. Once.

19 Q. What was that like?

20 A. Hi and bye. I was at my mom's house. She was
21 there. She wanted a cigarette and a ride to the store.

22 Q. Did you give her a cigarette?

23 A. No. I took her to the store to get her own pack.

24 Q. Did you bring her home afterwards?

25 A. Yeah. It's -- the store's two blocks up the

1 street.

2 Q. Okay. Have you had any contact with Jason Taylor
3 since the day of the crime?

4 A. No. He -- from my understanding, he is still
5 locked up. So ...

6 During Israel's trial, he was incarcerated. I
7 don't know if he's been released or still locked up or what.

8 Q. So you've not made any threats to him?

9 A. I haven't seen him or spoke to him. I can't.

10 Q. Have you been shot at?

11 A. Yes.

12 Q. Have you been in a shootout with Jason Taylor
13 since then?

14 A. No.

15 Q. Been in a shootout, though?

16 A. Yes.

17 Q. Do you know who was involved?

18 A. Yes.

19 Q. But it wasn't Jason Taylor?

20 A. No.

21 MS. SMITH: Commissioners, do you have any
22 questions for Marquis?

23 JUDGE WAGONER: I don't.

24 MR. BARROW: I do have.

25 JUDGE WAGONER: Yes, sir.

1 **MR. BARROW:** Since Mr. Grant has been
2 incarcerated, has he borrowed any money?

3 **THE WITNESS:** Has he borrowed?

4 **MR. BARROW:** Yeah. Gotten any loans from anybody
5 that you know of?

6 **THE WITNESS:** No. We sent him money. It ain't no
7 borrowing. Give it to him.

8 **MR. BARROW:** Who's "we"?

9 **THE WITNESS:** Me, his brother and cousin and
10 friends from the neighborhood. How can he borrow money --
11 he can't pay us back. He's locked up. So we try to send
12 him some money every month or so.

13 **MR. BARROW:** And were you part of the group that
14 hired a lawyer for him?

15 **THE WITNESS:** (Moves head up and down.)

16 **JUDGE WAGONER:** It was an appellate lawyer, I
17 think, wasn't it? That was the lawyer to help on his motion
18 for appropriate relief?

19 **THE WITNESS:** Yes.

20 **JUDGE WAGONER:** Is that who you helped hire?

21 **THE WITNESS:** (Moves head up and down.)

22 **MR. BARROW:** You were part of that group?

23 **THE WITNESS:** Yes.

24 **MR. BARROW:** What was Mr. Grant's relationship
25 with Christina Adcock before this whole mess started?

1 **THE WITNESS:** There wasn't one. From my
2 understanding, Israel and Jason had something going on.
3 Christina was just a neighbor. Jason was her boyfriend.
4 Israel and Jason had something going on. And I guess
5 whatever they had going on went wrong and they fell out with
6 each other, and that's when they accused him of robbing them
7 at the gas station. But there was no evidence. They had
8 two totally different stories. And the gas station is
9 beside the bank; so there's cameras everywhere. So they had
10 no evidence.

11 **MR. BARROW:** How do you know that they had no
12 evidence?

13 **THE WITNESS:** Because his mother told me that when
14 they put me out of the courtroom. She asked them, could
15 they look at the cameras, but they never did. Their story
16 didn't even add up. So -- she said blue jeans, white shirt,
17 revolver; he said black pants, black shirt, shotgun. So ...

18 **MR. BARROW:** Okay.

19 **THE WITNESS:** I guess they just took their word
20 for it.

21 **MR. BARROW:** This is what Israel Grant's mother
22 related to you?

23 **THE WITNESS:** His mother and everybody else in the
24 courtroom.

25 **MR. BARROW:** And it's your testimony that you have

1 never made any threats since August 15, 2005, to Christina
2 Adcock.

3 **THE WITNESS:** Never threatened her.

4 **JUDGE WAGONER:** Anything else? Yes, sir.

5 **SHERIFF FRYE:** So what is your relationship with
6 Christina Adcock? I know that you guys lived across the
7 street from each other.

8 How long have you known her?

9 **THE WITNESS:** Since elementary school.

10 **SHERIFF FRYE:** Go to school together every day?

11 **THE WITNESS:** Elementary school, middle school,
12 high school.

13 **SHERIFF FRYE:** Did you ever date?

14 **THE WITNESS:** No. Not my type.

15 **SHERIFF FRYE:** In the group of you guys that hang
16 out together -- some people call it a crew, whatever --
17 is -- who kind of heads that up?

18 **THE WITNESS:** Like a leader?

19 **SHERIFF FRYE:** Yeah.

20 **THE WITNESS:** There's no leaders. We're not a
21 gang. We're not a group. We're just -- mostly it's family
22 members. Israel and Elijah are brothers. There's another
23 set of brothers. There's like four sets of brothers. And
24 me, my cousin. Everybody is related one way or another.

25 **SHERIFF FRYE:** Just everybody from the

1 neighborhood there?

2 **THE WITNESS:** It's really family members,
3 actually, because four of them are cousins, three are
4 brothers, two more brothers, and I'm related to like -- I'm
5 related to two of them. So ...

6 **SHERIFF FRYE:** It's just family.

7 **THE WITNESS:** Yeah. It started off as a
8 friendship thing in the neighborhood, and we figured out
9 that everybody was related one way or another.

10 **SHERIFF FRYE:** Small world.

11 **THE WITNESS:** Yeah. Very small.

12 **JUDGE WAGONER:** Anything else?

13 **MS. SANDS BELLE:** Mr. Funderburk, are you familiar
14 with anyone making any kind of threats towards Christina
15 Adcock?

16 **THE WITNESS:** She told me once somebody was going
17 to burn the house down. She asked me about it. And I told
18 her, no, I ain't heard nothing about it. I wouldn't -- I
19 wouldn't threaten to do nothing like that. What sense would
20 it make for you to threaten that man right there? You're
21 less than 20 feet from each other.

22 No. She asked me about if anybody said something
23 or would try to hurt her or anything, and I told her no.

24 **JUDGE WAGONER:** Yes.

25 **MS. NEWTON:** You mentioned that you knew about the

1 relationship between Jason Taylor and Mr. Grant going south.
2 Tell us about that. What do you know about that?

3 **THE WITNESS:** I found out about that in court. I
4 didn't know what was going on at first. But Ms. Robin and
5 everybody else told me afterwards. They was like --
6 basically, it was a bad deal they had. I guess Jason was
7 doing something for him and he didn't do it properly or
8 something didn't add up, and they ended up having a dispute.
9 And I guess he must've said he was going to do something to
10 him; so they called the police and made up a bogus story
11 about them being robbed at the Circle K.

12 **MS. NEWTON:** You mean Mr. Grant must've said he
13 was going to do something to Jason; so they made up a story
14 to get him back or whatever? Is that what you meant?

15 **THE WITNESS:** Yes.

16 **MS. NEWTON:** Okay. So before the trial when
17 someone told you about that developing at trial, you did not
18 know anything about the relationship between Jason Taylor
19 and Mr. Grant?

20 **THE WITNESS:** I mean, I knew they chilled
21 together, but I never knew exactly what they had going on.

22 **MS. NEWTON:** What do you mean, "chilled together"?
23 They drank together? They partied together? Or they just
24 talked together? What did you know?

25 **THE WITNESS:** They was basically smoking and

1 drinking; that's about it. Just sitting outside, talking,
2 conversating.

3 But I kind of figured -- I kind of figured like --
4 try to tell him, like, "Man, don't be around that dude too
5 much. Ain't nothing good going to come about it."

6 MS. NEWTON: Why?

7 THE WITNESS: Jason is known for the wrong stuff.

8 MS. NEWTON: Like what?

9 THE WITNESS: Robbing. Drugs. He steals -- he
10 done broke into his mama's house and stuff. He took stuff
11 out of Christina's mama house.

12 MS. NEWTON: What kind of drugs?

13 THE WITNESS: I don't know. It couldn't be
14 nothing too small.

15 MS. NEWTON: Why?

16 THE WITNESS: Hard-core drugs.

17 MS. NEWTON: How do you know that?

18 THE WITNESS: I seen him high.

19 MS. NEWTON: Around this time --

20 THE WITNESS: I used to live in the projects
21 before; so you can look and tell when certain people are
22 just high on certain drugs.

23 MS. NEWTON: Right.

24 THE WITNESS: Yeah.

25 MS. NEWTON: And Mr. Grant, did he participate in

1 that at all? Is that the nature of the relationship?

2 **THE WITNESS:** No.

3 **MS. NEWTON:** Well, if Mr. Grant said he was
4 selling drugs to Jason, would that be true or not, in
5 your --

6 **THE WITNESS:** Probably was.

7 **MS. NEWTON:** Okay. So what kind of drugs did
8 Mr. Grant sell to Jason?

9 **THE WITNESS:** He was probably selling him weed.

10 **MS. NEWTON:** Weed? How about cocaine?

11 **THE WITNESS:** I doubt it.

12 **MS. NEWTON:** But if he said he was, you wouldn't
13 dispute that?

14 **THE WITNESS:** I mean, if he said it, that's his
15 words.

16 **MS. NEWTON:** Okay. All right.

17 And before this August 15 of '05 alleged robbery
18 at the Circle K, were you around Mr. Grant a lot more?

19 **THE WITNESS:** Yeah.

20 **MS. NEWTON:** Every day?

21 **THE WITNESS:** He stayed up the street. He got an
22 apartment in Park Fairfax.

23 **MS. NEWTON:** So y'all hung out together.

24 **THE WITNESS:** Yeah.

25 **MS. NEWTON:** You were close.

1 Is your relationship family members?

2 **THE WITNESS:** He's kind of like a brother to me.

3 **MS. NEWTON:** Okay. So then he was a brother to
4 you?

5 **THE WITNESS:** (Moves head up and down.)

6 **MS. NEWTON:** So did you hear him complaining about
7 Jason Taylor?

8 **THE WITNESS:** He kept that to himself. He just
9 asked me like, "When were the last time when you see Jason?"

10 And I'm like, "He'd be at Christina's house all
11 the time."

12 **MS. NEWTON:** So if he had a problem with
13 somebody -- somebody's not respecting him, you know, doing
14 something that he found offensive -- is it his nature to
15 complain to you about that or to complain about it?

16 **THE WITNESS:** Sometimes. But we don't disclose
17 everything to each other.

18 **MS. NEWTON:** But he didn't talk to you about Jason
19 Taylor?

20 **THE WITNESS:** (Moves head side to side.)

21 **MS. NEWTON:** Okay. Thank you, sir.

22 **JUDGE WAGONER:** Anything?

23 (No response.)

24 **JUDGE WAGONER:** Okay. Thank you very much, sir.

25 You're free to go.

1 (Witness stands down, 4:55 p.m.)

2 **JUDGE WAGONER:** Is that all of the evidence?

3 **MS. SMITH:** That is all of the testimony. I've
4 got a brief statement here.

5 **JUDGE WAGONER:** Does anybody need to stand up or
6 anything?

7 (Closing presentation, 4:55 p.m.)

8 **MS. SMITH:** We'll take a moment after this.

9 Thank you all for your patience and attention
10 today during this hearing. Thank you for agreeing to go
11 past 5:00 so we could get this all done in one day.

12 This concludes our presentation of this case.

13 You are now asked to decide whether you conclude
14 there is sufficient evidence of factual innocence to merit
15 judicial review. Because this conviction resulted after a
16 trial, your vote will be by majority.

17 You have three options: You may decide that there
18 is sufficient evidence in the case, and the case will be
19 referred to a three-judge panel; you may decide that there
20 is not sufficient evidence in the case, and the case will be
21 closed, and there is no right to appeal; you may instruct
22 the Commission staff to continue our investigation and
23 reconvene this hearing a later date.

24 At this time, I am going to ask Judge Wagoner to
25 close the hearing to the public for deliberations.

1 Before we do that, we will take -- we will close
2 it in just a moment. Then we'll take just a short break.
3 If you-all want to go to the bathroom, you may grab food,
4 drinks -- whatever, bring them back in here. We will have
5 deliberations in here.

6 During that time, everyone will need to leave the
7 room with the exception of the commissioners and myself, and
8 then we will come back on the record once a decision has
9 been made.

10 **JUDGE WAGONER:** We'll take a recess? And then we
11 will kick everybody out?

12 **MS. SMITH:** If you would like, you can either
13 close it out now and we'll take a recess and come back on,
14 or you can --

15 **JUDGE WAGONER:** Let's just close it now, take a
16 recess, and come back.

17 (Closed session, 4:57 to 5:34 p.m.)

18 **JUDGE WAGONER:** All right. We are on the record.
19 This matter came on for hearing before the North
20 Carolina Innocence Inquiry Commission on November 29, 2017,
21 pursuant to NCGS 15A-1460 through 1475.

22 After careful review of the evidence presented,
23 the Commission hereby makes and enters the following
24 findings of fact:

25 First, that on August 15, 2005, Jason Taylor and

1 Christina Adcock reported being robbed at gunpoint at the
2 Circle K, 507 Little Rock Road in Charlotte, North Carolina.

3 Number 2, on August 17, 2007, Israel Grant,
4 (hereinafter referred to as "Grant"), was convicted, after a
5 jury trial, of two counts of robbery with a dangerous weapon
6 and one count of possession of a firearm by a felon. Grant
7 received two consecutive sentences of 100 -- not less than
8 103, no more than 133 months each for the robbery with a
9 dangerous weapon convictions and a consecutive sentence of
10 not less than 16, no more than 20 months for the possession
11 of a firearm by felon conviction.

12 On May 8, 2015, the robbery with a dangerous
13 weapon charge related to Christina Adcock was vacated
14 through a motion for appropriate relief based on the
15 affidavit of Christina Adcock.

16 On July 16, 2013 -- those dates are right?
17 Okay -- Grant applied to the Commission claiming innocence
18 in this case. On March 18, 2014, Attorney Bruce Cunningham
19 officially referred this case to the Commission and the
20 Commission began an inquiry pursuant to Article 92,
21 Chapter 15A of the North Carolina General Statutes.

22 Throughout the Commission's inquiry, Grant has
23 fully cooperated with Commission staff in accordance with
24 NCGS 15A-1467(g).

25 Number 6, on November 29, 2017, the Commission had

1 a full evidentiary hearing in this matter pursuant to North
2 Carolina General Statute 15A-1468.

3 During the hearing, the Commission considered
4 testimonial and documentary evidence. The evidence
5 included, among other things:

6 A. A 155-page brief provided to the Commission by
7 the Commission's Director prior to hearing;

8 B. Supplemental documentation, in the form of
9 handouts and a PowerPoint presentation, provided during the
10 hearing;

11 C. Live testimony by Commission Staff Attorney
12 Brian Ziegler, Commission Grant Staff Attorney Catherine
13 Matoian, witness Marquis Funderburk, witness Christina
14 Adcock, witness Jason Taylor, and Claimant Israel Grant;

15 D. Affidavits from defense attorney Bruce
16 Cunningham, defense attorney Reggie McKnight, and District
17 Attorney R. Andrew Murray, Private Investigator Ross
18 English, Mecklenburg County Jail Records Custodian Polly
19 Davis;

20 And after carefully considering the evidence, the
21 Commission has unanimously concluded that there is
22 sufficient evidence of factual evidence [sic] to merit
23 judicial review.

24 Wherefore, pursuant to NCGS 15A-1468(c), and as
25 Chair of the Commission, the undersigned refers this case to

1 the Honorable W. Robert Bell, Senior Resident Superior Court
2 Judge for Judicial District 26, which is Mecklenburg County,
3 and respectfully requests that the Chief Justice of the
4 North Carolina Supreme Court appoint a three-judge panel and
5 issue commissions to its members to convene a special
6 session of Superior Court of Mecklenburg County to hear
7 evidence relevant to the Commission's recommendation.

8 This, the 29th day of November, 2017.

9 Any corrections, additions, or anything?

10 (No response.)

11 **JUDGE WAGONER:** And Ms. Smith will send this to
12 Judge Bell -- well, not Andrew Murray but the new one, and
13 Chris Fialko.

14 This concludes the business of the Commission in
15 the hearing of State versus Israel Grant, 05 CRS 244094 and
16 05 CRS 076342 out of Mecklenburg County.

17 Court is now adjourned sine die.

18 (Hearing adjourned, 5:40 p.m.)

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1 STATE OF NORTH CAROLINA)
2 COUNTY OF WAKE)

3 CERTIFICATE

4 I, Victoria L. Pittman, BA, CVR-CM-M, RCP, the officer
5 before whom the foregoing proceeding was held, do hereby
6 certify that said hearing, pages 1 through 294 inclusive, is
7 a true, correct, and verbatim transcript of said proceeding.

8 I further certify that I am neither counsel for,
9 related to, nor employed by any of the parties to the action
10 in which this proceeding was heard; and, further, that I am
11 not a relative or employee of any attorney or counsel
12 employed by the parties thereto, and am not financially or
13 otherwise interested in the outcome of the action.

14 Dated at Wake Forest, North Carolina, the 13th day of
15 December, 2017.

16
17 

18 _____
19 Victoria L. Pittman, BA, CVR-CM-M, RCP
20 AOC-Approved Per Diem Court Reporter

21
22 Date Requested: 11/29/17
23 Date Delivered: 12/13/17
24 Total pages: 295
25