

# **North Carolina Innocence Inquiry Commission Brief**

## **State v. Israel Grant**

**Mecklenburg County – 05 CRS 244094; 05 CRS 076342**

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## **I. Format for Brief and Hearing**

On November 29, 2017, the North Carolina Innocence Inquiry Commission (“Commission”) will conduct a hearing in this case. Pursuant to statute, this hearing is open to the public.<sup>1</sup> A court reporter will be present at the hearing.

This brief is submitted to the Commissioners prior to the hearing with the request that each Commissioner carefully review it in preparation for the hearing. The brief covers information about the case available prior to the investigation by the Commission staff. The hearing will focus on evidence uncovered during the Commission’s investigation which will include a recantation by one of the Victims in the case.

This brief is formatted to be read from start to finish with the attachments inserted directly into the body of the brief.

At the conclusion of the hearing, the Commission will be asked to consider the following options:

1. Conclude that there is sufficient evidence of factual innocence to merit judicial review and refer the case to a three-judge panel pursuant to N.C.G.S. § 15A-1468(c). All documents considered by the Commission and the transcript of the proceedings shall become public record once filed with the Clerk of Superior Court in Mecklenburg County.<sup>2</sup>

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<sup>1</sup> N.C.G.S. § 15A-1468(a) and NCIIC Rules and Procedures Article 7(E).

<sup>2</sup> N.C.G.S. §§ 15A-1468(c) and 15A-1468(e) and NCIIC Rules and Procedures Article 7(G).

2. Conclude that there is not sufficient evidence of factual innocence to merit judicial review and close the investigation pursuant to N.C.G.S. § 15A-1468(c). Evidence favorable to the convicted person would be disclosed to him and his attorney pursuant to N.C.G.S. § 15A-1468(d).
3. Direct the staff to conduct further investigation into this case and continue the hearing to a later date.

## **II. Hearing Witnesses**

The Commission has subpoenaed witnesses and the following individuals are expected to be called to testify at the November 29, 2017 hearing:

- Christina Adcock, Victim (recanted)
- Israel Grant, Claimant (testimony via video conference)
- Jason Taylor, Victim
- Brian Ziegler, Commission Staff Attorney/Lead Investigator

### **III. Introduction to Case**

On August 15, 2005, the Victims, Christina Adcock (Adcock) and Jason Taylor (Taylor), reported that they had been robbed at gunpoint in the parking lot of a Circle K in Charlotte, North Carolina. A 911 call was made by the Victims, and law enforcement from the Charlotte Mecklenburg Police Department (CMPD) was dispatched at 3:41 PM. The Victims reported to law enforcement that immediately prior to the 911 call, they had been robbed. They provided a description of the perpetrator and a description of the vehicle that the perpetrator was driving. They did not indicate that they knew or recognized the person who robbed them.

The following day, August 16, 2005, a vehicle matching the description of the suspect's vehicle was stopped based on a BOLO (be on the lookout) that had been issued. The defendant, Israel Grant (Grant), was the owner of this vehicle. Because there were no pending charges, Grant was allowed to leave after the stop was conducted. Law enforcement decided to prepare a photographic line-up with Grant's photograph and made attempts to contact the Victims that day.

Taylor contacted law enforcement on September 14, 2005 and a photographic line-up was conducted the following day outside of Taylor's residence. Taylor identified the photograph of Grant. Although present on the porch when law enforcement arrived, Adcock did not view the photographic line-up. At that time, she informed law enforcement that she was scared and would probably not be able to identify the suspect.

On August 15-17, 2007, a trial was conducted. At the conclusion of the trial, the jury found Grant guilty of two counts of Robbery with a Dangerous Weapon (RWDW) and one count

of Possession of a Firearm by a Felon. Grant was sentenced to 103-133 months for one RWDW, 103-133 months for the second RWDW, and 16-20 months for the Possession of a Firearm by a Felon. These sentences were to run consecutively. Grant has since been released from state custody and is currently incarcerated in federal prison on an unrelated conviction.

The Commission conducted a thorough investigation in this case, including, but not limited to, interviewing Adcock and deposing Taylor. Details of the Commission's investigation will be presented at the upcoming hearing.



## IV. Timeline

Date and Time (if known)	Event / Description
August 15, 2005 2:47 PM	Grant is at Adecco applying for a job. (documented) According to Grant, after leaving Adecco he takes his girlfriend, Jennifer Fitzgibbons to her sister, Christine Fitzgibbons' house, before going to Quik Pawn #2 to pawn a ring for friend Rashad Mackey.
August 15, 2005 ~3:30 PM	Approximate time of alleged crime as reported by Victims, Jason Taylor and Christina Adcock.
August 15, 2005 3:41 PM	Victims, Taylor and Adcock, call 911 to report that they have been robbed at gun point in the parking lot of a Circle K in Charlotte, NC. Law Enforcement is dispatched. Both Victims provide a statement to law enforcement.  Officer Kiker takes a statement from Victim Taylor.  Officer Yaravitz takes a statement from Victim Adcock.  The Victims were separated while these statements were taken.
August 15, 2005 4:03 PM	Grant completes his transaction at Quik Pawn #2 (documented). According to the pawn shop manager, if there was no one in line ahead of Grant, the transaction would have taken approximately 10 minutes to complete.
August 16, 2005	Law Enforcement stops Grant's vehicle based on a BOLO (be on the lookout) that was issued for the vehicle. They speak with Grant and let him and the others in the car go as there are no warrants for Grant's arrest at that time.
August 16, 2005	Detective Randy Carroll of CMPD attempts to contact the Victims so that a photographic line-up can be conducted. Detective Carroll calls the Victims and leaves a card at their address requesting a return call.
August 28, 2005	Grant is arrested for unrelated charges. He is questioned about this crime and informs law enforcement that he was at Adecco filling out a job application at the time of the crime.
September 14, 2005	Victim Taylor calls Detective Carroll and agrees to meet with him the following day for a photographic line-up.
September 15, 2005	Detective Carroll meets Victim Taylor at his home and a photographic line-up is shown to Taylor. Taylor picks Grant immediately and says "that's him." This takes place on the hood of Taylor's car.  Victim Adcock is present on the porch during the photographic line-up. Adcock does not view the photographic line-up and, according to Detective Carroll's report, tells Detective Carroll that she is scared and would probably not be able to recognize the suspect.
August 15-17, 2007	Grant's trial. Jury returns verdict of Guilty to two counts of Robbery With a Dangerous Weapon and one count of Possession of a Firearm by a Felon.
August 20, 2008	Grant's trial attorney files Notice of Appeal.
November 17, 2008	North Carolina Court of Appeals hears appeal.



December 16, 2008	North Carolina Court of Appeals finds no error and affirms judgment.
January 21, 2009	Grant files a Petition for Discretionary Review of the decision of the North Carolina Court of Appeals with the North Carolina Supreme Court.
June 17, 2009	North Carolina Supreme Court denies Grant's Petition for Discretionary Review.
July 16, 2013	NC Innocence Inquiry Commission (Commission) receives completed Questionnaire from Grant and opens case.
January 23, 2014	Commission contacts attorney Bruce Cunningham who indicates he represents Grant for a Motion for Appropriate Relief (MAR) based on a recantation. Cunningham indicates that the person had not come forward to recant, so the MAR had been placed on hold so that Grant could have the Commission review his claim.
March 10, 2014	Affidavit recanting testimony executed by Victim, Christina Adcock.
March 18, 2014	Commission receives information from attorney Bruce Cunningham that Adcock has recanted. Cunningham officially refers the case to the Commission and notifies the Commission that he will not conduct any work in the case until Commission's investigation is complete.
February 3, 2015	A Motion for Appropriate Relief is filed by attorney Bruce Cunningham.
March 4, 2015	Senior Resident Superior Court Judge W. Robert Bell orders an evidentiary hearing within 30 days on Grant's ineffective assistance of counsel claims as outlined in Grant's MAR. Judge Bell denies the remaining claims, including the newly discovered evidence claim related to the affidavit of Adcock without a hearing or any presentation of evidence related to the affidavit of Adcock.
May 26, 2015	Judge W. Robert Bell, with consent of the State, vacates the conviction and sentence for Grant in 05 CRS 244095 (RWDW of Adcock) based on Adcock's affidavit as newly discovered evidence. Judge Bell denies the other claims in Israel Grant's MAR. No hearing on the MAR is conducted. Adcock does not testify and her affidavit is not entered as evidence. Grant was released after Judge Bell's Order is entered as he has completed his sentence on the RWDW of Taylor and the Possession of a Firearm by a Felon convictions. Grant's convictions on the RWDW of Taylor and the Possession of a Firearm by a Felon are not vacated.
December 16, 2015	Commission receives letter from Grant with copy of judgment vacating one conviction of RWDW.



## **V. Law Enforcement Investigation**

### **Agencies and Officers**

This case was investigated by the Charlotte Mecklenburg Police Department (CMPD). Detective Carroll was the lead investigator. Officers Yaravitz and Kiker responded to the scene and interviewed Victims Taylor and Adcock. Detective Owens interviewed Grant.

The Commission received files from CMPD and the Mecklenburg County Clerk's office. A review of the 67-page CMPD file and the Court file is the basis for the summary of the original investigation, outlined below.

### **Initial Investigation**

On August 15, 2005, at approximately 3:41 PM, Officers Yaravitz and Kiker of CMPD responded to the Circle K located at 507 Little Rock Road in Charlotte, NC. Upon arrival, they spoke with the Victims, Taylor and Adcock. Officer Kiker took Taylor's statement<sup>3</sup> and Officer Yaravitz took Adcock's statement.<sup>4</sup> According to Officer Yaravitz' trial testimony, the Victims were separated while giving their statements.<sup>5</sup> In their statements to law enforcement, while both describe the person who robbed them, neither Taylor nor Adcock told law enforcement that they knew or recognized the person who had robbed them. Further, both initially

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<sup>3</sup> CMPD File, CMPD Supplement Report, Bates Stamp Pgs. 33-34.

<sup>4</sup> CMPD File, CMPD Supplement Report, Bates Stamp Pg. 9.

<sup>5</sup> Trial Transcript, Pg. 193.

described a second individual being in the perpetrator's vehicle during the time of the crime.<sup>6</sup>

The statements of both Taylor and Adcock are included below.

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<sup>6</sup> Based on Commission staff's review of the CMPD file, there is no indication that any investigation was conducted to identify the person who was in the perpetrator's vehicle during the crime.

CHARLOTTE-MECKLENBURG POLICE DEPARTMENT SUPPLEMENT REPORT

Form 2.5 (3/84)

2. VICTIM NAME

Taylor, Jason

4. LOCATION OF OFFENSE

507 Little Rock Rd

DISTRICT  
A-3

3. ORIGINAL OFFENSE/CHARGE

Armed Robbery

5. ARREST NUMBER

7. ORIGINAL REPORT DATE

8-15-05

8. SUPPLEMENT DATE

8-15-05

9. CORRECT INCIDENT CLASSIFICATION

10. JUVENILE CASE

☐ YES ☒ NO

11. MULTIPLE CASE CLEARANCE

☐ YES ☒ NO IF YES, #CASES

12. SUPPLEMENT CONFIDENTIAL

☒ YES ☐ NO

13. PURPOSE OF SUPPLEMENT

☐ FOLLOW-UP INVESTIGATION

☐ CONTINUATION OF OFFENSE REPORT

☐ STOLEN VEHICLE RECOVERY

☒ STATEMENT

14. NAME (Last, First, Middle)

Taylor, Jason Odell 2-20-80

15. AGE

25

16. RESIDENCE ADDRESS

1024 Riverside Dr

28214

17. RESIDENCE PHONE

340-4241

18. BUSINESS ADDRESS

BDR Mt. Holly, NC

ZIP CODE

28214

19. BUSINESS PHONE

721-3321

20. NARRATIVE

(Page 1 of 2)

ITEM NO.	This is my statement as written by Off. B.D. Kiker and this statement was given voluntarily.			
	My girlfriend and I had pulled into the Circle K at Little Rock Rd and Freedom Dr to get a drink. We had just went to the ATM next door at BB&T. My girlfriend pulled into a parking space and she handed me some money. I was on the passenger side and I opened the door to get out. As soon as I opened the door and started to get out I felt a gun on the right side of my neck. I was able to briefly look at the guy before he told me if I looked at him he was gonna kill me. He was a black male in his mid 20's and was very dark skin. He was about 5'11 and weighed about 150lbs and he had a short fade haircut. He was wearing a black shirt and black shorts. He told me to give him the money and that he knew I had it. I told him that I had to reach in my pocket to get the money. He told me if I made the wrong move that he would kill me, he told me this over and over. I reached in my pocket and handed the money to him. He backed away from our car and got into his vehicle. The vehicle was a burgundy Crown Victoria and was possibly a mid 90's model. The rear window was covered with plastic and had duct tape around it to keep it on. The first guy was driving and there was a second guy but he never got out of the car. The second guy was a black male in his late 20's and had dark skin. He looked to be about 5'8" and around 100 lbs. He had shoulder			
21. U.C.R. CLEARANCE STATUS:	22. INVESTIGATIVE STATUS:	23. REPORTING OFFICER	CODE	ASSIGNMENT
<input checked="" type="checkbox"/> OPEN <input type="checkbox"/> BY ARREST <input type="checkbox"/> EXCEPTIONAL <input type="checkbox"/> UNFOUNDED	<input type="checkbox"/> ACTIVE <input type="checkbox"/> INACTIVE <input type="checkbox"/> CLOSED <input type="checkbox"/> ADMINISTRATIVE	B.D. Kiker	2002	A-3
		24. DATE	8-15-05	25. CASE REFERRED TO
		26. REVIEWING SUPERVISOR	1202	8-19-05
		27. PROPERTY RECOVERED	<input type="checkbox"/> SEE REVERSE SIDE	

Curroll

1. COMPLAINT NUMBER

20050815-154100





CHARLOTTE-MECKLENBURG POLICE DEPARTMENT SUPPLEMENT REPORT

Form 2.5 (3/84)

1. COMPLAINT NUMBER

20050815-1541-00

2. VICTIM NAME

TAYLOR, JASON

3. ORIGINAL OFFENSE/CHARGE

Armed Robbery

4. LOCATION OF OFFENSE

507 Little Rock Rd

DISTRICT

5. ARREST NUMBER

6. C. R. NUMBER

7. ORIGINAL REPORT DATE

8/15/05

8. SUPPLEMENT DATE

8-15-05

9. CORRECT INCIDENT CLASSIFICATION

10. JUVENILE CASE

☐ YES ☒ NO

11. MULTIPLE CASE CLEARANCE

☐ YES ☒ NO IF YES, #CASES

12. SUPPLEMENT CONFIDENTIAL

☐ YES ☒ NO

13. PURPOSE OF SUPPLEMENT

☐ FOLLOW-UP INVESTIGATION

☐ CONTINUATION OF OFFENSE REPORT

☐ STOLEN VEHICLE RECOVERY

☒ STATEMENT

STATEMENT OF:

14. NAME (Last, First, Middle)

TAYLOR, JASON

15. AGE

25

16. RESIDENCE ADDRESS

1024 RIVER SIDE DR

ZIP CODE

28214

17. RESIDENCE PHONE

340-4241

18. BUSINESS ADDRESS

Box Mt. Holly, NC

ZIP CODE

19. BUSINESS PHONE

721-3821

20. NARRATIVE

(Page 2 of 2)

ITEM NO.

length dreadlocks and he was wearing a black hat that was pulled down low.

The first guy backed the car up onto Little Rock Rd and left going towards Billy Graham Pkwy.

The gun was a small chrome gun and had a brown handle, it was possibly a .38 revolver. ~~XX~~ End of Statement

4-5-1

Jason Taylor 8-15-05

21. U.C.R. CLEARANCE STATUS:

☒ OPEN  
☐ BY ARREST  
☐ EXCEPTIONAL  
☐ UNFOUNDED

22. INVESTIGATIVE STATUS:

☐ ACTIVE  
☐ INACTIVE  
☐ CLOSED  
☐ ADMINISTRATIVE

23. REPORTING OFFICER

B.D. Kiker

CODE

ASSIGNMENT

DATE

2002 A-3 8-15-05

24. PROPERTY RECOVERED

SEE REVERSE SIDE

25. CASE REFERRED TO

26. REVIEWING SUPERVISOR

Det. [Signature]

CODE

DATE

2002

8-19-05



# CHARLOTTE-MECKLENBURG POLICE DEPARTMENT SUPPLEMENT REPORT

Form 2.5 (3/84)

1. COMPLAINT NUMBER

20050815-1541-00

2. VICTIM NAME

ADCOCK, CHRISTINA LYNN

3. ORIGINAL OFFENSE/CHARGE

Armed Robbery

4. LOCATION OF OFFENSE

507 Little Rock Rd

DISTRICT

5. ARREST NUMBER

6. C. R. NUMBER

7. ORIGINAL REPORT DATE

8/15/05

8. SUPPLEMENT DATE

8/15/05

9. CORRECT INCIDENT CLASSIFICATION

10. JUVENILE CASE

☐ YES ☒ NO

11. MULTIPLE CASE CLEARANCE

☐ YES ☒ NO IF YES, #CASES

12. SUPPLEMENT CONFIDENTIAL

☒ YES ☐ NO

13. PURPOSE OF SUPPLEMENT

☐ CONTINUATION OF OFFENSE REPORT

☐ FOLLOW-UP INVESTIGATION

☐ STOLEN VEHICLE RECOVERY

☒ STATEMENT

STATEMENT OF:

14. NAME (Last, First, Middle)

ADCOCK, CHRISTINA LYNN

15. AGE

20

16. RESIDENCE ADDRESS

934 INTERURBAN AVE

ZIP CODE

28410

17. RESIDENCE PHONE

704. 340-4337

18. BUSINESS ADDRESS

N/A

ZIP CODE

19. BUSINESS PHONE

20. NARRATIVE

(Page 1 of 1)

ITEM NO.	1	Officer S. YACAUH is taking this statement from CHRISTINA LYNN ADCOCK ON 8/15/05 Around 3:30 p.m. me and my Boyfriend JAYSON TAYLOR pulled into the Circle K on Little rock Rd and freedom dr. we were sitting in the car, a burgundy crown victoria pulled up the driver (BLACK MALE 5'9, 150 LBS wearing a white shirt, black jeans) jumped out of his car and placed a black gun to JAYSON'S head, HE SAID "GIVE me your money." JAYSON then reaches in his pocket and gave him money, (HE) THE BLACK MALE then turned to me and said "Bitch Give me your money too". I then gave him \$15.00. HE then ran back into his car and hit and a unknown passenger who never enters the car drive down little rock Rd towards I-85. JAYSON then called 911.
<p><i>Christine Adcock</i></p>		



21. U. C. R. CLEARANCE STATUS:

☒ OPEN  
☐ BY ARREST  
☐ EXCEPTIONAL  
☐ UNFOUNDED

22. INVESTIGATIVE STATUS

☐ ACTIVE  
☐ INACTIVE  
☐ CLOSED  
☐ ADMINISTRATIVE

23. REPORTING OFFICER

S. YACAUH

CODE

2444

ASSIGNMENT

#3

DATE

8/15/05

24. PROPERTY RECOVERED

☐ SEE REVERSE SIDE

25. CASE REFERRED TO

26. REVIEWING SUPERVISOR

Sgt. R. J. [Signature]

CODE

#1251

DATE

8-15-05

According to a review of the CMPD file and officer testimony, neither Officer Yaravitz, Office Kiker, nor Detective Carroll obtained video footage from the BB&T ATM or the Circle K, and law enforcement did not speak to anyone, other than the Victims, at the Circle K or nearby businesses.<sup>7</sup>

Officer Kiker testified that based upon a description of the vehicle that was given by the Victims he made a connection in his mind that the vehicle was operated by Israel Grant. A BOLO (be on the lookout) was issued for the vehicle.<sup>8</sup>

## **Israel Grant**

On August 16, 2005, Grant's vehicle was stopped based on the BOLO that had been issued. Four individuals, including Grant, were in the vehicle at the time of the stop. According to law enforcement, Grant was driving the vehicle and gave an incorrect name to law enforcement.<sup>9</sup> One of the CMPD officers involved in the stop, Officer Starnes, recognized the driver as Grant and asked if he was in fact Israel Grant. According to Officer Starnes, Grant then admitted that he had given a false name.<sup>10</sup> According to Officer Suhr with CMPD, during this stop Grant was asked why he lied about his name and Grant stated that he did so because he knew they were looking for him. When asked what he was talking about, Grant stated "I got my connections, you got yours." Grant further stated "I got a friend in dispatch" and told

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<sup>7</sup> Trial Transcript, Pgs. 194-195.

<sup>8</sup> Trial Transcript, Pgs. 185-186.

<sup>9</sup> Prior to the beginning of the trial, a Motion in Limine to exclude a statement made by Grant was heard on voir dire. During the voir dire, Israel Grant testified that when his vehicle was stopped on August 16, 2005, he was a passenger in the vehicle and Darrell Carter was driving. Rashad Mackey also testified that he was in the car and confirmed Grant's account of Carter, who was Mackey's cousin, being the driver and Grant being in the passenger seat. Trial Transcript, Pg. 104, 111.

<sup>10</sup> Trial Transcript, Pg. 84.



Officer Suhr that he was not going to say who it was.<sup>11</sup> Grant and his passengers were subsequently allowed to leave as there were no active warrants for Grant at the time of the stop.<sup>12</sup>

On August 28, 2005, Grant was arrested on unrelated charges. Grant waived his Miranda rights<sup>13</sup> and was questioned about this crime by Detective Owens. At that time, Grant informed law enforcement that he was at Adecco filling out a job application at the time of the crime.<sup>14</sup>

## Photographic Line-Up

After stopping Grant on August 16, 2005, law enforcement decided to prepare a photographic line-up with Grant's photograph and made attempts to contact the Victims, who lived together at the time. Detective Carroll left his card at their home and attempted to call the Victims. On September 14, 2005, Taylor contacted law enforcement and a photographic line-up was conducted the following day outside of the Victims' home. Taylor identified the photograph of Grant. Although present on the porch when law enforcement arrived, Adcock did not view the photographic line-up. She informed law enforcement that she was scared and would probably not be able to identify the suspect.<sup>15</sup> A copy of the photographic line-up is included below.

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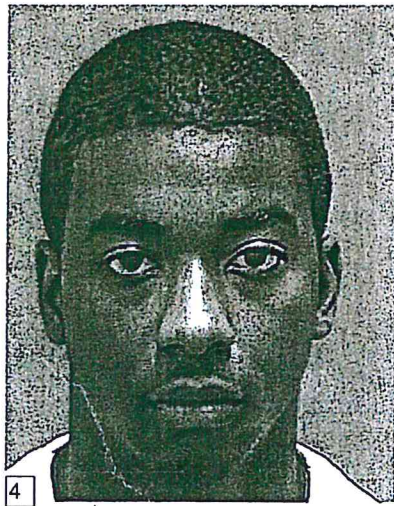
<sup>11</sup> Trial Transcript, Pg. 64. The statement made during this stop was ultimately excluded due to its prejudicial value outweighing its probative value (see Trial Transcript, Pg. 121) and was not heard by the jury. Further, in his voir dire testimony, Grant stated that he knew police were looking for him because Marlon Sylver told him that someone had called Sylver and informed him that Grant's vehicle was believed to have been involved in a robbery. Trial Transcript, Pg. 106-107.

<sup>12</sup> Court File, Bates Stamp Pg. 84.

<sup>13</sup> CMPD File, Miranda Rights Form, Bates Stamp Pg. 32.

<sup>14</sup> CMPD file, Handwritten Notes, Bates Stamp Pg. 7.

<sup>15</sup> CMPD File, CMPD Narrative Supplement, Bates Stamp Pg. 10.



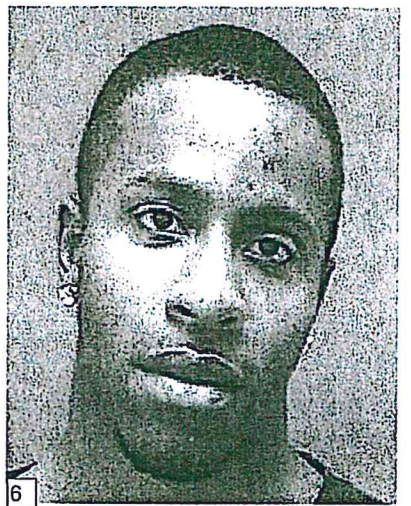
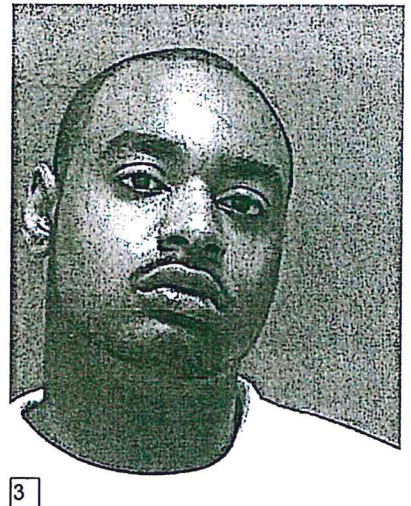
1: 1221000

4: 1175305



2: 1240940

5: 1232452



3: 1232819

6: 1236117





## **VI. Defense Investigation**

The defense hired a private investigator to conduct interviews of witnesses in an attempt to establish an alibi for Grant for the time of the crime. Although the private investigator was able to trace Grant's whereabouts throughout the day, an alibi for the time of the crime was not definitive.

It was established that Grant was at Adecco to apply for a job on the day of the crime.<sup>16</sup> The application includes the time, 2:47<sup>17</sup>, on it. A letter from the private investigator to Grant's defense attorney outlining work conducted in the case, indicates that the private investigator also obtained a copy of the application from Adecco and confirmed with a representative at Adecco that the time noted on the application would have been the time that Grant completed any transaction with them and was free to leave.<sup>18</sup>

It was also established that Grant pawned a ring at the Quik Pawn #2 in Charlotte, NC on the day of the crime. The pawn shop receipt shows a time of 4:03.<sup>19</sup> The private investigator reported that he went to the Quick Pawn and spoke to one of the clerks about the pawn ticket that was provided in discovery. According to the private investigator's report, the time of 4:03 PM on the pawn ticket was issued on the receipt when the transaction was completed. The

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<sup>16</sup> CMPD File, Bates Stamp Pg. 12.

<sup>17</sup> Adecco application does not specify whether this is 2:47 AM or 2:47 PM.

<sup>18</sup> Attorney Reggie McKnight File, Letter from Ross English (PI) to McKnight, Bates Stamp Pgs. 416-417.

<sup>19</sup> CMPD File, Bates Stamp Pg. 8. Quick Pawn #2 receipt does not specify whether this is 4:03 AM or 4:03 PM.

clerk further informed the private investigator that the entire transaction should have taken ten (10) minutes if no other customers were being waited on before him.<sup>20</sup>

A copy of the Adecco application and Quick Pawn #2 pawn ticket are included below.

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<sup>20</sup> Attorney Reggie McKnight File, Letter from Ross English (PI) to McKnight, Bates Stamp Pgs. 416-417.

# Mandatory Contact Notice



My signature at the bottom of this document confirms that I understand and agree to the following. Failure to adhere to these terms may lead to the denial and/or interruption of unemployment benefits.

- a) Provided that I am qualified, I am making myself available for work within the below general descriptions. Check all that apply:

☐ Clerical/Office Please Initial: \_\_\_\_\_  
☒ Light Industrial Please Initial: EG  
☐ Technical Please Initial: \_\_\_\_\_  
☐ Other \_\_\_\_\_ Please Initial: \_\_\_\_\_

Maximum Miles Willing to Commute: \_\_\_\_\_ Please Initial: EG

- b) I understand and agree, as a condition of my employment, that I must contact the Adecco representative below by phone between the hours of 9AM and 5PM for available work within two (2) business days upon conclusion of each assignment. If the representative below is not available, please request to speak with the Office Supervisor or Branch Manager.
- c) My failure to contact Adecco by phone within two (2) days of completion of assignment may be considered a voluntary quit and/or termination.
- d) If a suitable assignment is available with Adecco upon conclusion of my assignment and I fail to inquire about another assignment before filing for unemployment benefits, it may lead to an interruption and/or denial of unemployment benefits.
- e) If a suitable assignment is available with Adecco upon conclusion of my assignment and I refuse an offer of suitable work, it may lead to an interruption and/or denial of unemployment benefits.
- f) I agree to contact and inform Adecco by phone when my address and/or phone number changes in order to ensure ongoing employment with Adecco.

## Adecco Contact Information:

Name Rhonda Harris  
Office # 59101 Office Phone # 704-583-2910

I certify that I have read, fully understand, and accept all terms of the foregoing agreement:

Associate Name T. Grant Adecco Witness Rhonda Harris

Associate Signature [Signature] Adecco Signature Rhonda Harris

Date 03/05/05 2:47 Date 03/05/05 2:47

\* Exceptions to the two business day notification period are listed below:

- Iowa - Associates must contact Adecco within three (3) working days of completion of the temporary assignment
- Michigan - Associates must contact Adecco within seven (7) calendar days of completion of the temporary assignment
- Minnesota - Associates must contact Adecco within five (5) calendar days of completion of the temporary assignment



96864

PLEDGOR (Last Name First) <b>GRANT, ISRAEL S</b>		PREVIOUS LOAN NO.		96864	
ADDRESS <b>3201 FORESTBROOK DR, CHARLOTTE, NC 28208</b>		DATE MADE <b>8/15/05</b>	TIME MADE <b>4:03</b>	MATURITY DATE <b>9/15/05</b>	
IDENTIFICATION (TYPE AND NO.) <b>NCID27478094</b>		D.O.B. <b>2/18/86</b>	RACE <b>B</b>	HEIGHT <b>510</b>	WEIGHT <b>175</b>
EMP. OUT (PAWNBROKER / CREDITOR)	QUICK PAWN #2 2706 Freedom Drive · Charlotte, NC 28208 (704) 391-1190		EMP. IN <b>35</b>	MONTHLY FEE.	<b>10.00</b>
DESCRIPTION OF PLEDGED GOODS. You are giving a Security Interest in the following goods:  <b>1 10KY6 LDS RING W/ 1.20CT APPROX 1 OVAL .25DIA I-N CENTER W/4 2PTS ON EACH SIDE</b>  <b>WE APPRECIATE YOUR BUSINESS!</b>		AMOUNT FINANCED. The amount of cash advanced or credit extended to you.		\$ <b>50.00</b>	
		FINANCE CHARGES. The dollar amount the credit will cost you.		\$ <b>1.00</b>	
		TOTAL OF PAYMENTS. Amount required to redeem pawn on maturity date.		\$ <b>61.00</b>	
		ANNUAL PERCENTAGE RATE. The cost of your credit as a yearly rate.		<b>264</b>	
		PAYMENT SCHEDULE 1 @ \$ <b>61.00</b>			
		PREPAYMENT: If you pay off early, (1) you will not have to pay a penalty; and (2) you will not be entitled to a refund of part of the finance charge.			
		DATE PAID	AMOUNT PAID		
			\$		
See your contract for any additional information concerning non-payment and default.		PAWNED FOR ONE MONTH ONLY			
<p>You are not obligated to repay any amount, but if you do not pay the Total of Payments, you will lose your ownership rights to the item(s) pledged. We have a possessory security interest in the item(s) pledged to see repayment. By signing this contract, you are representing that you are at least 18 years of age, and that you are the true owner of the item(s) pledged, and you acknowledge that you have been given a copy of the terms of the contract. You also agree that a person with proper identification who presents this pawn ticket is presumed to be the Pledgor and is entitled to redeem the item(s) pledged. UNLESS AGREED OTHERWISE, IN CASE OF LOSS OR DESTRUCTION OF A PLEDGED ITEM "STATED VALUE" IS THE SAME AS THE LOAN VALUE (AMOUNT FINANCED). PLEDGOR ACKNOWLEDGES RECEIPT OF THIS AGREEMENT.</p>					
X SIGNATURE ON REDEMPTION	[Signature] PAWNBROKER'S SIGNATURE		[Signature] PLEDGOR'S SIGNATURE		NOTICE: SEE REVER

000106

Additionally, the private investigator for Grant confirmed that the Victims knew Grant prior to the crime. The defense believed that this contradicted statements made by the Victims to law enforcement at the time of the crime as neither Victim indicated that they knew or recognized the person that attacked them.

Jennifer Jefferson (Jefferson), the mother of Grant's friend Marquis Funderburk, told the private investigator that Grant lived with her in her home for about a year.<sup>21</sup> She also stated that she had known both of the Victims for about a year and a half as they lived with Victim Adcock's mother directly across the street from Jefferson. Jefferson stated that she was aware that the Victims had a relationship with Grant for the past six months and that she had seen them together in Victim Adcock's driveway or in Jefferson's driveway at least a dozen times.<sup>22</sup>

Jennifer Fitzgibbons (Fitzgibbons) was Grant's girlfriend and was pregnant with his child at the time of the crime. Fitzgibbons told the private investigator that the Victims lived across the street from Jefferson. Fitzgibbons stated that when she visited Jefferson, she saw Grant across the street in the driveway talking with both Victims on three or four occasions. She had also observed Grant leave Jefferson's driveway and walk over the driveway across the street where she saw both Victims walk out of their house to meet Grant. These observations occurred prior to Grant's arrest. She further stated that she was aware that Grant was involved in drug transactions with the Victims and that she knew that Grant thought that Victim Taylor owed him money.<sup>23</sup>

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<sup>21</sup> There is some discrepancy as to whether Grant was living in Jefferson's home at the time of the crime, but it appears he stayed there on and off over a period of time prior to the crime.

<sup>22</sup> Attorney Reggie McKnight File, Interview Report of Jennifer Jefferson, Bates Stamp Pg. 359.

<sup>23</sup> Attorney Reggie McKnight File, Interview Report of Jennifer Fitzgibbons, Bates Stamp Pg. 109.

Rashad Mackey (Mackey), a friend of Grant, told the private investigator that he knew both of the Victims and that they were both friendly with Grant over a six month period prior to Grant's arrest. He stated he was aware that Grant was making drug transactions with the Victims and that he was aware that Victim Taylor owed Grant money for drugs. Mackey recalled seeing Grant and Victim Taylor together nine or ten times prior to Grant's arrest. When he observed them together they were in Victim Adcock's driveway or in Jefferson's driveway across the street.<sup>24</sup>

Marquis Funderburk (Funderburk), a friend of Grant, told the private investigator that he lived with his mom, Jefferson, across the street from the Victims. He stated that he had known both of the Victims for several years and knew that they had a relationship with Grant for at least six months prior to Grant's arrest. Funderburk state that he was aware that the relationship between Grant and the Victims revolved around drugs. He stated that he knew that Victim Taylor owed money to Grant prior to Grant's arrest.<sup>25</sup>

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<sup>24</sup> Attorney Reggie McKnight File, Interview Report of Rashad Mackey, Bates Stamp Pg. 356.

<sup>25</sup> Attorney Reggie McKnight File, Interview Report of Marquis Funderburk, Bates Stamp Pg. 357.

## **VII. Trial**

The case went to trial on August 15-17, 2007. In addition to officer testimony, the Victims, Taylor and Adcock, also testified. The State's case was based on the testimony of Taylor and Adcock and their in court identifications of Grant as the perpetrator. Additionally, information related to a drug transaction between Grant and David Harris, which was facilitated by Taylor, was disclosed in response to the evidence uncovered by the defense's private investigator that the Victims knew Grant. This information was presented at trial through the testimony of Taylor and Adcock. The complete testimony of both Jason Taylor and Christina Adcock is included below.

## **Testimony of Jason Taylor**



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1 WHEREUPON, JASON TAYLOR, being duly sworn,  
2 testified as follows during DIRECT EXAMINATION

3 BY MR. DAVID GRAHAM:

4 Q Good morning, Mr. Taylor?

5 A Good morning.

6 Q Would you please state your name for the  
7 Court?

8 A Jason Nodell Taylor.

9 Q And Mr. Taylor, do you know Christina  
10 Adcock?

11 A Yes, sir, I do.

12 Q What is Christina's relationship to you,  
13 sir?

14 A She's my girlfriend, and the mother of my  
15 two kids.

16 Q And how long have you and Christina been  
17 boyfriend and girlfriend?

18 A Approximately about four years.

19 Q Let me draw your attention, please to  
20 April the 15th of 2005.

21 On that date, sir, did you and  
22 Christina have occasion to be together in the  
23 afternoon at the Circle K located at 507 at Little  
24 Rock Road at -- between Little Rock Road and Freedom  
25 Drive, between those two streets?

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1 A Yes, sir.

2 Q And were you together in a vehicle?

3 A Yes, sir, we was.

4 Q What kind of car or vehicle was?

5 A It's a '98 Cavalier, a '98 Cavalier.

6 Q And who was driving that vehicle, sir?

7 A Christina.

8 Q Immediately before you and Christina  
9 arrived at that Circle K convenience store, did you  
10 have occasion to go a bank?

11 A Yes, sir, we did the one right in front of  
12 the store as a matter of fact.

13 Q Is that a BB&T, sir?

14 A If I recall correctly, yes, sir, it was at  
15 that time. I'm not sure what it is now.

16 Q And what was your purpose in you and  
17 Christina going to that bank, sir?

18 A To withdraw some money.

19 Q And did you accomplish that, sir?

20 A Yes, sir, I did.

21 Q Did you go inside the bank to do that?

22 A No, sir, we pulled to the ATM.

23 Q And did you do that immediately before  
24 coming up driving over to the -- or riding over to  
25 the convenience store?

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1           A     Yes, sir.

2           Q     When you and Christina got to the  
3 convenience store, what happened sir?

4           A     Oh, I felt a gun on my neck. That's  
5 immediately what happened. I never even got to step  
6 out of the car.

7           Q     Are you saying that you were seated in the  
8 car --

9           A     Yes, sir.

10          Q     -- when you felt the gun to your neck?

11          A     Yes, sir.

12          Q     Was your car door open or closed?

13          A     It was closed, my window was rolled down.

14          Q     And did you see the person who placed the  
15 gun to your neck?

16          A     Not immediately.

17          Q     All right. Did you see the person who  
18 placed the gun to your neck shortly after the gun  
19 was placed to your neck?

20          A     Yes, sir, I did.

21          Q     Do you see that person here in the  
22 courtroom today?

23          A     Yes, sir, I do.

24          Q     Okay. Point out that person, please?

25          A     (Pointing).

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1 Q Does that person have a name?

2 A Isreal Grant.

3 Q And are you pointing at this gentleman  
4 right here?

5 A No, sir.

6 Q Are you pointing at this gentleman right  
7 here?

8 A Yes, sir.

9 MR. GRAHAM: Your Honor, could the record  
10 please reflect that the witness identified the  
11 Defendant?

12 THE COURT: The record will so reflect.

13 BY MR. GRAHAM:

14 Q And after you felt that gun placed to your  
15 neck, what happened next?

16 A I just -- he just demanded the money. He  
17 told me he knew the money -- just give me the money.

18 Q When you say demanded the money, who  
19 demanded the money?

20 A Isreal Grant.

21 Q And you say that he told you he knew that  
22 you had the money?

23 A Yes, sir.

24 Q Did he say how he knew that you had the  
25 money?

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1           A     Said I know you got the money, I know you  
2 got money, give me the money.

3           Q     And what did you do in response to that  
4 sir?

5           A     I went and reached in my pocket. He told  
6 me to -- make the wrong move, he'd kill me.

7           Q     Did you believe him?

8           A     Yes, sir, I did.

9           Q     Did you carefully then go into y  
10 pocket?

11          A     Yes, sir, I did.

12          Q     And did you remove anything from  
13 pocket?

14          A     I removed, I believe it was \$270.00.

15          Q     Was that money that you and Christina had  
16 just withdrawn from the ATM machine?

17          A     Yes, sir, it was.

18          Q     What happened after you removed that  
19 money? Did you give it to somebody?

20          A     Yes, I handed to it him out the window.

21          Q     What happened after you handed that money  
22 to -- when you say to him, who are you referring to?

23          A     Isreal.

24          Q     After you handed -- excuse me, the money  
25 to the Defendant, what happened next, sir?

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1           A     He backed away, and backed away real slow  
2 and jumped in his vehicle and sped away.

3           Q     Do you remember him also taking money from  
4 Christine?

5                     MR. MCKNIGHT:  Objection.

6                     THE COURT:  Overruled.

7                     THE WITNESS:  I do not.  I really can't  
8 recall, everything happened so fast.

9                     If they did, I was too worried about my  
10 son in the backseat checking on him.

11                    He was screaming and crying in the back  
12 seat, so I just -- I don't really recall that,  
13 sir.

14           Q     (By Mr. Graham) How old was your son at  
15 that point, sir?

16           A     I believe he was two and a half, close to  
17 three.

18           Q     You say that the Defendant sped away.

19                     Did you see the vehicle that he was  
20 driving?

21           A     Yes, sir.

22           Q     Describe that vehicle, please.

23           A     It was a late model Crown Vic with the  
24 back window busted out, with plastic over it.

25           Q     What was the color of the Crown Vic?

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1 A Burgundy.

2 Q Was that a vehicle that you had seen that  
3 Mr. Grant, the Defendant in, before this robbery?

4 A Yes, sir.

5 Q Pardon me?

6 A Yes, sir.

7 Q Immediately after the Defendant sped away  
8 as you described it, what, if anything did you do in  
9 regard to calling 911?

10 A I did nothing, sir.

11 Q Pardon me?

12 A I did nothing. I was panicking. I was  
13 making sure my son was okay.

14 Q Do you recall calling 911?

15 A I remember calling 911 I think. I was  
16 just -- I was just so shook up and mad at the same  
17 time. I believe she dialed 911 from the phone.

18 Q All right. Do you recall police officers  
19 responding to that 911 call?

20 A Yes, sir, I do.

21 Q Do you recall talking with those police  
22 officers?

23 A Yes, sir, I did.

24 Q Do you recall that one officer in  
25 particular took a written statement from you?

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1           A     Yes, he did.

2           Q     Did you tell that police officer what you  
3 told this jury hear today?

4           A     Not exactly, sir.

5           Q     Do you recall telling that police officer  
6 that you and your girlfriend had pulled into the  
7 Circle K at Little Rock and Freedom Drive to get a  
8 drink?

9           A     Yes, sir, I did.

10          Q     Do you recall telling that officer that  
11 you had just gone to the ATM next door at the BB&T?

12          A     Yes, sir, I did.

13          Q     Do you recall telling the officer that  
14 your girlfriend had pulled into a parking space, and  
15 she had handed you some money?

16          A     Yes, sir.

17          Q     What money was that, sir?

18          A     I believe that was the money from the ATM.

19          Q     Do you recall telling the officer that you  
20 were seated on the passenger side of the vehicle  
21 that you and Christina were in?

22          A     Yes, sir.

23          Q     Do you recall telling the officer that you  
24 opened the door to get out, and as soon as you  
25 opened that door to get out. You felt a gun at the



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1 right side of your neck?

2 A Yes. If I recall correctly, I might have  
3 said that, yes, sir.

4 Q Do you recall telling the officer that you  
5 were able to briefly look at the guy before the guy  
6 told you that he was going to kill you?

7 A Yes, sir.

8 Q Do you recall describing the robber to the  
9 police officer?

10 A Yes, sir.

11 Q Do you recall telling the officer that the  
12 robber was a black male in his mid '20s with dark  
13 skin?

14 A Yes, sir.

15 Q Do you recall telling the officer that the  
16 robber was about 5 11, and weighed about 150 pounds?

17 A Yes, sir.

18 Q Do you recall telling the officer that the  
19 robber had short faded haircut?

20 A Yes, sir.

21 Q Do you recall telling the officer that the  
22 robber was wearing a black shirt, and black shorts?

23 A Yes, sir.

24 Q Do you recall telling the officer that  
25 over and over, the robber told you that if you made

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1 a wrong move, that he would kill you?

2 A Yes, sir.

3 Q Do you recall telling the officer what you  
4 told the jury today about the description of the  
5 vehicle the robber used?

6 A Yes, sir.

7 Q Do you recall telling the officer that  
8 that vehicles rear window was covered with plastic,  
9 and had duct tape around it to keep it on?

10 A Yes, sir.

11 Q Do you recall telling the officer that  
12 there was another person in that Burgundy Crown Vic  
13 that never got out of that car?

14 A Yes, sir.

15 Q Do you recall giving the officer a  
16 description of that other person?

17 A Yes, sir.

18 Q Do you recall telling the officer that the  
19 robber backed his car up onto Little Rock Road, and  
20 left going toward Billy Graham Parkway?

21 A Yes, sir.

22 Q Do you recall describing the gun to the  
23 officer as a small chrome gun with a brown handle,  
24 and it was possibly a .38?

25 A Yes, sir.

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1 Q Did you tell the officer the name of the  
2 robber?

3 A No, sir, I did not.

4 Q I'm going to ask you to speak up a little  
5 bit.

6 A No, sir, I did not.

7 Q Did you tell the officer that you had been  
8 acquainted with the robber for some period of time  
9 before the robbery?

10 A No, sir, I did not.

11 Q Did you tell the officer that you had  
12 arranged a drug transaction for the Defendant?

13 A No, sir, I did not.

14 Q Tell us about the drug transaction that  
15 you personally arranged for the Defendant?

16 A It was a couple weeks prior to the  
17 incident. Mr. Grant wanted some -- wanted to buy a  
18 quarter pound of marijuana.

19 I knew the person to go get it, so I  
20 took him, and introduced him to the guy to get it.

21 We went into the house, made the deal  
22 and whatnot, left.

23 Q Excuse me. Let's don't use the word  
24 whatnot. You went into what house?

25 A I went into at the guy's house to get the

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1 marijuana, and they introduced him, made the deal.

2 Q Did Mr. Grant go with you into this guy's  
3 house?

4 A Yes, sir, he did.

5 Q What is this guy's name?

6 A His name is David Harris.

7 Q Okay. And after you and the Defendant  
8 went into the home of David Harris, and you made  
9 this introduction, what happened?

10 A They just talked, exchanged words  
11 introduced, shook hands, and made the deal.

12 We left. It was probably maybe a day  
13 later, a day later Mr. Grant come up to me saying  
14 that it was short.

15 Q Let's back up just a minute.

16 When you're inside the home of David  
17 Harris, and you said you made the deal, did somebody  
18 buy some marijuana?

19 A Yeah. Mr. Grant bought a quarter pound of  
20 marijuana.

21 Q From?

22 A From David.

23 Q David Harris.

24 A Yes, sir.

25 Q Did Mr. Grant pay for that marijuana?



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1           A     Yes, sir, he did.

2           Q     In your presence?

3           A     Yes, sir, he did.

4           Q     After that transaction was completed, did  
5 you and Mr. Grant then leave the home of David  
6 Harris?

7           A     Yes, sir, we did.

8           Q     Did Mr. Grant take the marijuana with him.

9           A     Yes, sir, he did.

10          Q     What were you saying about several days  
11 later, or the next day later? When was it?

12          A     The next day. The next day he approached  
13 me at my house, come across the street.

14          Q     When you say he, who are you referring to?

15          A     This is Mr. Grant. Mr. Grant approached  
16 me at my house, and told me the marijuana that it  
17 was short.

18                     I told him there was nothing I could  
19 do about it.

20                     He needed to go talk to the man that  
21 he got him -- I done introduced him to David Harris,  
22 you know, he's needs to go speak with David about it  
23 being short, and he kept on saying it's my  
24 responsibility.

25                     It's my responsibility to reimburse

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1 him for it -- for it being short.

2 And I felt like it wasn't my  
3 responsibility to reimburse him for it being short.

4 Q What was the Defendant's demeanor when he  
5 was making that demand upon you?

6 A Hot. Basically he was telling me I was  
7 gonna pay him for it being short.

8 Q Did he tell you in an amount of money that  
9 you needed to pay him?

10 A No, sir, he did not.

11 Q After you had taken the Defendant to meet  
12 David Harris for the purpose of arranging this  
13 marijuana transaction, and you and the -- after he  
14 had completed the transaction, did you later tell  
15 your girlfriend Christina Adcock?

16 A I did not. It was going on later.

17 I really don't put her in my business  
18 like that, so later on, I did tell her what I had  
19 done about the drug transaction and everything.

20 Q Let's get back to the day of the robbery  
21 for just a moment.

22 On August the 15th of 2005, after or  
23 while the police officer was taking your written  
24 statement, did -- well, let's address that written  
25 statement.

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1 MR. GRAHAM: Your Honor, may I approach  
2 the witness, please?

3 THE COURT: Yes, sir.

4 (The statement was marked  
5 State's Exhibit No. 1 for  
6 identification.)

7 Q (By Mr. Graham) Mr. Taylor, I'm going to  
8 hand you a document consisting of two pieces of  
9 paper stapled together.

10 I'll ask you to take a look at that  
11 please, sir. Read it silently to yourself, please,  
12 sir.

13 A (Witness complying).

14 Q Mr. Taylor, have you had an opportunity to  
15 read both of those pages, sir?

16 A Yes, sir, I did.

17 Q Do you recognize that document, sir?

18 A Yes, sir, I do.

19 Q What is State's Exhibit number 1?

20 A That's my statement.

21 Q Does your signature appear on page two of  
22 that two page document?

23 A Yes, sir, it does.

24 Q And next to your signature, did you also  
25 write the date?

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1 A Yes, sir.

2 Q And what date did you write?

3 A 8/15/05.

4 Q Is that the statement that you provided to  
5 Officer B.D. Kiker on August the 15th of 2005?

6 A Yes, sir it was.

7 MR. GRAHAM: Your Honor, the State moves  
8 to introduce this document if it please the  
9 Court.

10 THE COURT: Is there an objection.

11 MR. MCKNIGHT: No objection, Your Honor.

12 THE COURT: It's received.

13 (The statement previously marked  
14 for identification as State's  
15 Exhibit No. 1 was received into  
16 evidence.)

17 MR. GRAHAM: Your Honor, I would ask that  
18 State's Exhibit 1 be published to the jury at  
19 this point if it please the Court. I have  
20 exact copies that can be --

21 THE COURT: Sheriff, you may distribute  
22 those.

23 Ladies and gentlemen, take the time you  
24 need to review the exhibit.

25 Just don't make any comments, or have any



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1 discussion about it at this point.

2 Just pass it back to the Sheriff.

3 MR. GRAHAM: Your Honor, may I approach  
4 the bench with a copy?

5 THE COURT: Yes, sir. Is this the one  
6 you're offering, Mr. Graham?

7 MR. GRAHAM: No, Your Honor. I can tender  
8 that one.

9 THE COURT: That's fine. The Clerk will  
10 just need one with a number on it.

11 MR. GRAHAM: Yes, sir.

12 Q (By Mr. Graham) Mr. Taylor, when Officer  
13 Kiker was talking with you at the crime scene on --  
14 at the Circle K on August 15th, 2005, did you ever  
15 tell him, Officer Kiker, the name of the man who had  
16 robbed you?

17 A No, sir, I did not.

18 Q Is it correct, at the time of the robbery,  
19 you knew the name of Isreal Grant?

20 A Yes, sir, I did.

21 Q Pardon me?

22 A Yes.

23 Q You need to you speak up, please. Move  
24 that closer to you, or move you closer to it,  
25 please.

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1                   You knew the Defendant's name at the  
2 time of he robbed you, is that right?

3           A     Yes, sir, I did.

4           Q     Do you remember that on September the 15th  
5 of 2005, this man seated right next to me Detective  
6 Randy Carroll presented a photo lineup of some  
7 pictures of the people involved in the -- involved  
8 in the robbery, is that right?

9           A     Yes, it was right at my house.

10          Q     Do you recall selecting a photograph from  
11 among those photographs as you recall selecting one  
12 of those?

13          A     Yes, sir.

14                   MR. MCKNIGHT: Object.

15          Q     (By Mr. Graham) Which photograph did you  
16 select, sir?

17          A     Mr. Grant.

18          Q     When you selected that photograph, did you  
19 say to Detective Carroll that's the man who robbed  
20 me?

21          A     Yes, sir, I did.

22          Q     Did you tell Detective Carroll, and by the  
23 way, his name is Isreal Grant?

24          A     I don't recall that, sir.

25          Q     Well, you did not tell him that, did you?

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1           A     No, I didn't. I didn't -- can you repeat  
2 what you said?

3                     I remember circling a face, and  
4 saying that was the man. I don't remember the exact  
5 words that was said.

6           MR. GRAHAM: May I approach the witness?

7           THE COURT: Yes, sir.

8                     (The photo lineup was marked  
9 State's Exhibit No. 2 for  
10 identification.)

11          Q     (By Mr. Graham) Mr. Taylor, I'm going to  
12 hand you a document marked State's Exhibit number 2,  
13 and ask you to take a look at that please, sir.

14                     Does your signature appear on that  
15 document, sir?

16          A     Yes, sir, it does.

17          Q     Does it appear directly beneath a  
18 particular photograph?

19          A     Yes, sir, it does, Mr. Grant.

20          Q     Pardon me?

21          A     It does, sir, Mr. Grant.

22          Q     When you say the words Mr. Grant, are you  
23 referring to that photograph?

24          A     Yes, sir, I am.

25          Q     Are you referring to the photograph that



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1 you signed your name beneath as being a photograph  
2 of the Defendant?

3 A Yes, sir, the photo right here  
4 (indicating).

5 Q When Officer Brian Kiker spoke to you  
6 about this robbery at the crime scene on August the  
7 15th of 2005, why did you not tell him that you  
8 already knew the robber, and knew his name?

9 A I was just really in fear, sir. And I  
10 didn't really want any charges to come to me about  
11 the drug transaction.

12 Q Now, when you say you were in fear, were  
13 you afraid of Officer Kiker?

14 A No. No, sir, I was not afraid of him. I  
15 was just afraid in general about the whole  
16 situation.

17 Q Well, when you say you were afraid about  
18 the whole situation, what part of that caused you to  
19 be the afraid to say to the officer, the man who  
20 robbed me, was Isreal Grant?

21 A I don't know, sir. It was just emotions  
22 and fear running through me, I guess. Something I  
23 neglected to do.

24 Q Well, you mentioned a moment ago, some  
25 fear involving this drug transaction?

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1                   What was your fear in regard to that?

2           MR. MCKNIGHT:  Objection to leading.

3           THE WITNESS:  I didn't want to go to jail  
4           for setting up a drug transaction, and being  
5           took away from my family basically, sir.

6           MR. GRAHAM:  Your Honor, the State would  
7           move to introduce State's Exhibit number 2, if  
8           it please the Court, having been identified by  
9           the Defendant -- excuse me -- by -- excuse me,  
10          by Mr. Taylor?

11          MR. MCKNIGHT:  No objection, Your Honor.

12          THE COURT:  It's received.

13                   (The photo lineup previously  
14                   marked for identification as  
15                   State's Exhibit No. 2 was  
16                   received into evidence.)

17          MR. GRAHAM:  Your Honor, may that be  
18          published to the jury, please?

19          THE COURT:  Yes.  Sheriff, you may pass  
20          them.

21          Q        (By Mr. Graham) Mr. Taylor, is it correct  
22          that here in Mecklenburg County on August the 8th of  
23          1997, you were convicted of the felony of breaking  
24          and entering?

25          A        Yes, sir, I was.

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1 Q And is it correct that on that same day in  
2 August of 1997, here in Mecklenburg County, you were  
3 convicted of the felony of larceny after breaking  
4 and entering?

5 A Yes, sir, I was.

6 Q Do you recall being placed on supervised  
7 probation for 30 months regarding that?

8 A Yes, sir, I do.

9 Q Do you recall that here in Mecklenburg  
10 County in 1999, January of 1999, you were convicted  
11 of the traffic offense of driving after consuming  
12 some quantity of alcohol, being less than the age of  
13 21?

14 A Yes, sir, I do.

15 Q You recall that in regard to all of those  
16 convictions that I covered so far, you pled guilty  
17 to those?

18 A Yes, sir, I have.

19 Q Do you recall, sir, that on December the  
20 2nd of 2003, here in Mecklenburg County, you were  
21 convicted of the crime of misdemeanor larceny?

22 A Yes, sir, I was.

23 Q Do you recall pleading guilty to that  
24 crime?

25 A Yes, sir, I do.



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1           Q     You recall that here in Mecklenburg  
2 County, on that same date, December of 2003, you  
3 were convicted of the felony of breaking and  
4 entering a motor vehicle?

5           A     Yes, sir, I was.

6           Q     And do you recall pleading guilty to that  
7 charge also?

8           A     Yes, sir, I do.

9           Q     Do you recall that at that time the Court,  
10 once again, placed you on supervised probation for  
11 30 months?

12          A     Yes, they did.

13          Q     Mr. Taylor, is it correct that presently  
14 you are in custody in Gaston County jail, is that  
15 correct?

16          A     Yes, sir, I am.

17          Q     And is that correct? And you have  
18 temporarily been transported to the Mecklenburg  
19 County jail for the purposes of this testimony  
20 today, is that correct?

21          A     Yes, sir.

22          Q     Is it correct that you are in the Gaston  
23 County Jail at this time, because you have been  
24 charged with felony breaking and entering of a motor  
25 vehicle?

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1           A     Yes, sir.

2           Q     And, in fact, you've been charged with two  
3 separate counts of felony breaking and entering a  
4 motor vehicle, is that right?

5           A     Yes, sir, I have been.

6           Q     Is it also correct that you're in the  
7 Gaston County jail custody at this time because you  
8 have also been charged with the felony of possession  
9 of burglary tools?

10          A     Yes, sir, I am.

11          Q     Is it also correct that you are in the  
12 custody of the Gaston County jail at this time,  
13 because you have been charged with two separate  
14 counts of felony larceny after breaking and  
15 entering?

16          A     Yes, sir.

17               MR. GRAHAM: Mr. Taylor, thank you for  
18 answering those questions. The State has no  
19 more questions.

20               Please answer the questions of the Defense  
21 Attorney.

22               THE COURT: Mr. McKnight:

23               MR. MCKNIGHT: Thank you, Your Honor.

24               CROSS-EXAMINATION BY MR. REGGIE MCKNIGHT:

25          Q     Mr. Taylor -- it's Mr. Taylor, it's your

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1 testimony today that it was Christina Adcock who  
2 dialed 911 that day, right?

3 A Yes, sir, that I recall.

4 Q Okay. And this robbery occurred on  
5 Monday, August 15th, 2005?

6 A Yes, sir.

7 Q And after the phone call was made, how  
8 long did it take for the police to get there?

9 A Approximately 15 minutes I'd say. 15, 20.  
10 You know, how Charlotte Police are, they're real  
11 busy.

12 Q It was 15 to 20 minutes after this  
13 incident happened, the police were at the scene?

14 A Yes, sir.

15 Q And when they arrived while the incident  
16 was still fresh in your mind, you spoke to Officer  
17 Kiker?

18 A Yes, sir, I did.

19 Q In fact, there were two officers there.  
20 One spoke to you, and one spoke to Miss Adcock?

21 A Yes, sir.

22 Q Now Mr. Taylor, I want to turn your  
23 attention to your statement that you gave Officer  
24 Kiker the day of this incident within 15 minutes of  
25 it.

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1                   You have it there in front of you?

2           A     I sure do.

3           Q     Now, midway down starting at line where it  
4     says, as soon as I -- tell me if I'm reading this  
5     correctly.

6           MR. GRAHAM: Your Honor, if it please the  
7     Court, may we allow the jurors to have the  
8     published copies for the purposes of this  
9     examination for focusing on the statement?

10          MR. MCKNIGHT: I have no objection.

11          THE COURT: All right.

12          MR. GRAHAM: Thank you, sir.

13          THE COURT: Sir, you may distribute those  
14     now.

15          THE BAILIFF: Yes, Your Honor.

16          THE COURT: You may proceed, Mr. McKnight.

17          Q     (By Mr. McKnight) Thank you, Your Honor.

18                   Do you see where the line starts as  
19     soon as?

20          A     Yes, sir, I do.

21          Q     Tell me if I'm reading this correctly.

22                   As soon as I opened the door and  
23     started to get out, I felt a gun on the right side  
24     of my neck. Is that what it says?

25          A     Yes, sir.

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1 Q I was able to get -- I was able to briefly  
2 look at the guy before he told me if I looked at  
3 him, he was going to kill me, is that what it says?

4 A Yes, sir.

5 Q So you were able to hear his voice then?

6 A Yes, sir, I was.

7 Q Now, if we go down a little bit further,  
8 where it starts at, he was a white man. You see  
9 where I am?

10 Tell me if I'm reading this. It was  
11 a black male in his mid 20's, and was very dark, is  
12 that right?

13 A Yes, sir.

14 Q He was about 5 11, weighed about  
15 120 pounds, and had a short faded haircut, is that  
16 right?

17 A Yes, sir.

18 Q And it goes on to say he was wearing a  
19 black short and black shirt, is that what it says?

20 A Yes, sir.

21 Q Let's go down a little bit further to  
22 where it starts out the first guy. You see where I  
23 am?

24 A Yes, sir, I do.

25 Q Does it read the first guy was driving,

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1 and there was a second guy, but he never got out of  
2 the car, is that what it says?

3 A Yes, sir.

4 Q Does it go on to say the second guy was a  
5 black male in his late 20's, and had dark skin, is  
6 that right?

7 A Yes, sir.

8 Q He looked to be about 5 8, right?

9 A (Nods yes).

10 Q And about 190 pounds, is that what it  
11 says?

12 A Yes, sir, it does.

13 Q Now, the guy that you're describing this  
14 there is the second guy, right?

15 A Yes, sir it was, the passenger.

16 Q The guy sitting in the car?

17 A The passenger, yes, sir.

18 Q The guy who never got out of the car?

19 A Yes, sir.

20 Q Now, Mr. Taylor, on the day of the  
21 robbery, Miss Adcock was with you, correct?

22 A Yes, sir, she was.

23 Q She was driving?

24 A Yes, sir.

25 Q Okay. And prior to that day, you had been

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1 in Miss Adcock's house before?

2 A Yes, sir.

3 Q Right? That's your girlfriend?

4 A Yes, sir.

5 Q And she lives over on 934 Interburton  
6 Avenue?

7 A Yes, sir.

8 Q She lived there with her mother?

9 A Yes, sir, she does.

10 Q And you know a gentleman by the name of  
11 Marquis Funderburk, don't you?

12 A Yes.

13 Q And you know Jennifer Jefferson, don't  
14 you?

15 A Yes.

16 Q They live across the street from Miss  
17 Adcock.

18 A Yes, sir.

19 Q In fact, Mr. Isreal Grant lived across the  
20 street with him, do you?

21 A I don't recall if he lived across the  
22 street with them at that time or not.

23 Q Okay. Now, the robbery occurred on Monday  
24 August 15th, right?

25 A Yes, sir.

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1 Q And you met with Detective Carroll a month  
2 later on September 15th, 2005, didn't you?

3 A Yes, sir.

4 Q And Miss Adcock was with you, wasn't she?

5 A Yes, sir, she was.

6 Q And she was there when Detective Carroll  
7 showed you the array, photo array, wasn't she?

8 A Yes, sir.

9 Q And to your knowledge, Miss Adcock, did  
10 not identify Mr. Grant, did she?

11 A Not to my knowledge. I don't believe that  
12 she was asked to identify him at all?

13 Q But she was sitting with you when the  
14 photos was laid on you --

15 A She was not right beside me, no, she  
16 wasn't.

17 Q Well, she went with you to see Detective  
18 Carroll, right?

19 A They come to us. We were sitting on the  
20 front porch at my house.

21 He pulled up, and he asked please to  
22 step to the front of the vehicle, and laid the  
23 photos on the hood.

24 And I went out and looked at the  
25 photo, and signed my name. Pointed out the photo,



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1 and signed my name.

2 I don't recall that she was beside me  
3 or whatnot. That's two years ago.

4 Q You did not -- you overheard her say that  
5 she was scared, and she didn't recognize anyone?

6 A I didn't even recall her saying nothing,  
7 sir. That was two years ago. I don't recall that.

8 Q Let's take a look back at your statement  
9 Mr. Taylor, where it says my girlfriend, you see  
10 where I'm at, my girlfriend and I?

11 A Yes, sir.

12 Q Now, it states my girlfriend and I pulled  
13 into the Circle K at -- on Little Rock Road and  
14 Freedom Drive to get a drink, right?

15 A Yes. Yes, sir.

16 Q We had just went to the ATM next door at  
17 the BB&T, is that right?

18 A Yes, sir.

19 Q My girlfriend pulled into a parking space,  
20 is that what it says?

21 A Yes, sir.

22 Q All right. Now, Mr. Taylor, you've been  
23 to that Circle K on Little Rock Road before, haven't  
24 you?

25 A Yes, sir, I have.

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1 Q And it sits between Little Rock Road and  
2 Freedom Drive, doesn't it?

3 A Yes, sir.

4 Q And actually if you're standing in the  
5 parking lot of the Circle K to the back, you can see  
6 Morres Chappel Road, can't you?

7 A Yes, sir, you can.

8 Q In fact --

9 MR. MCKNIGHT: Your Honor, at this time,  
10 Your Honor, can we allow the witness to step  
11 don't down, he can use the chalk board?

12 THE COURT: Yes.

13 Q (By Mr. Mcknight) Is it -- with your  
14 permission, once we get the marker, may the witness  
15 step down?

16 A Yes. (Witness complying).

17 Q Mr. Taylor, I'm going to hand you a magic  
18 marker.

19 If you would, you may not be an  
20 artist.

21 If you could, could you just perhaps  
22 sketch a box, and put there, Circle K.

23 A (Witness complying).

24 Q Okay. Now, would you draw on this  
25 diagram -- well, this box that you've drawn now

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1 there are parking spaces in front of that Circle K,  
2 aren't there?

3 A Yes, sir, there's a dumpster here, one  
4 parking space.

5 There's parking spaces all the way  
6 across the front.

7 There's -- and the tank bed here.  
8 The bank would be here (indicating), and this right  
9 here would be Little Rock Road.

10 Q Right.

11 A And Freedom Drive, Moores Chappel.

12 Q And in between the bank and these parking  
13 spaces there are gas pumps?

14 A Yes, sir, gas pumps right here,  
15 (indicating), drawing.

16 Q And across the street on the Little Rock  
17 Road side, there's a little strip mall, isn't there?

18 A Yes, sir. An industrial mall here, and  
19 got the Dominos and a couple of other little places.

20 I don't recall the names of those.

21 Q Is there a laundromat over there?

22 A Yes, sir, I believe so.

23 Q Okay. And it is a little cafe and little  
24 restaurant over there?

25 A Possibly, yes, sir.

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1 Q And a Sprint Store over there as well?

2 A I don't recall, sir.

3 Q Okay. And if you were to -- if the Circle  
4 K is at your back, you're looking to the right, this  
5 is what -- this is Freedom Drive, right?

6 A Yes, it says.

7 Q And you can see the cars coming up and  
8 down Freedom Drive, can't you?

9 A You sure can.

10 Q All right. Now, in your statement to  
11 Officer Kiker, you say that you and Miss Adcock were  
12 at the BB&T right across from Circle K?

13 A Right.

14 Q You left the BB&T, you pulled in a parking  
15 space, pulled in that parking space right here,  
16 (indicating), the parking space right in front of  
17 Circle K?

18 A Yes, sir, the last one. The one right  
19 right, right before the dumpster.

20 Q And you go on to date that as soon as you  
21 opened the door, you felt a gun at the back or right  
22 side of your neck?

23 A Yes, sir. It's nearly been two years ago.  
24 I said about opening the door situation.

25 I guess if I said that, if I said



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1 that in my statement, then I didn't intend to open  
2 my door. It was fresh in my mind at that point.

3 Q And Miss Adcock, she didn't back into the  
4 parking space, she pulled in, right?

5 A Yes, sir.

6 Q So if she's pulling in, the car is facing  
7 the Circle K?

8 A Yes, sir.

9 Q Then you would have been on the side  
10 closest to Little Rock Road?

11 A Yes, sir.

12 Q Could you just write Little Rock Road  
13 here? .

14 A (Witness complying).

15 Q And could you write Freedom Drive right  
16 here?

17 A (Witness complying).

18 Q And if you would, could you write Moores  
19 Chappel over there, is that correct?

20 A That's correct.

21 Q Mr. Taylor, there's an intersection of  
22 Moores Chappel?

23 A There sure is.

24 Q And there's a light back there?

25 A You sure there -- you can see it from the

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1 Circle K?

2 A Yes. Very vaguely, there's a barn that  
3 kind of blocks it, and some bushes.

4 Q So, she pulls into this parking space in  
5 front of the Circle K, the passenger side. The side  
6 that you said you were on?

7 A Yes, sir.

8 Q That would have been the side closest to  
9 Little Rock, right?

10 A It was.

11 Q That would have been the side closest to  
12 the businesses across the street?

13 A Um-hum.

14 Q That would have been the side closest to  
15 the Dominos?

16 A Yes, sir.

17 Q That would have been the side closest to  
18 the laundromat?

19 A (Nods yes).

20 Q That would have been the side closest to  
21 the cafe, or any other business over there?

22 A Yes, sir.

23 Q Okay. Now, if you are in this parking  
24 space and you're getting out the front of the car is  
25 facing the Circle K, right?

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1           A     Yes, sir.

2           Q     And the same Circle K that has a plate  
3 glass all across the front, doesn't it?

4           A     Yes, sir.

5           Q     And if you would just draw the line where  
6 the front door would be?

7           A     The door is over here. The glass doesn't  
8 actually go all the way to the end there, the glass  
9 stops. The glass stops.

10                     The glass stops about to parking  
11 space from the end. There's pay phones at the end.

12          Q     And this street, the front door?

13          A     Yes, sir, it is.

14          Q     And right near the front door, there is a  
15 camera underneath, isn't it?

16          A     I don't recall the camera, sir.

17          Q     All right. Thank you. You can go back.

18          A     (Retaking stand).

19          Q     Mr. Taylor, in your statement to Officer  
20 Kiker, this robbery occurred at 3:30 in the  
21 afternoon, didn't it?

22          A     If that's what the paper says, sir. I  
23 don't really recall the time.

24          Q     Was it in the daytime --

25          A     It was in daytime. I don't recall the

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1 exact time.

2 Q All right. And after the robbery, you  
3 didn't go into the Circle K, did you?

4 A No, sir, I did not.

5 Q You didn't yell for help?

6 A No, sir.

7 Q Mr. Taylor, was there anybody at the gas  
8 pumps that you can recall when this happened?

9 A Not that I recall, sir.

10 Q And the Circle K was open, wasn't it?

11 A Yes, sir, it was.

12 Q Okay. And the BB&T was open too, wasn't  
13 it?

14 A Yes, sir.

15 Q And the Dominos across the street was  
16 open?

17 A Yes, sir.

18 Q Mr. Taylor that you're aware of, did  
19 anyone else see this robbery occur between -- other  
20 than you and Miss Adcock?

21 A Not that I'm aware of, sir.

22 MR. MCKNIGHT: No further questions.

23 THE COURT: Mr. Graham, anything further  
24 of him?

25 MR. GRAHAM: Just very briefly, Your Honor



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1       if I may.

2               REDIRECT EXAMINATION BY MR. DAVID GRAHAM:

3       Q     Mr. Taylor, the defense lawyer asked you  
4     some questions about your description.

5               And in your written statement of the  
6     passenger in the vehicle of the -- that the  
7     Defendant was driving with regard to this robbery,  
8     you recall those questions?

9       A     Yes, sir.

10      Q     Did you recognize that passenger who was  
11     in the vehicle with the Defendant?

12      A     No, sir, I did not.

13      Q     And is it correct that that passenger  
14     never got out of the vehicle?

15      A     Yes, sir.

16      Q     What did you base your heighth and weight  
17     description of that passenger on, sir?

18      A     5 8, 190. That was just an estimate.  
19     5-foot 8 190 pounds. That was just an estimate just  
20     about when they was pulling out, I just glanced  
21     back.

22      Q     How do you get an estimate of heighth when  
23     somebody who's sitting down?

24      A     Just the upper body. Just the upper body  
25     the way it was -- he wasn't slumped down in the

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1 chair. That's the best how -- that's how I  
2 determined the huge --

3 Q How about the weight of somebody with --

4 A He was just thick, thick dude.

5 Q All right.

6 MR. GRAHAM: Thank you, sir. No further  
7 questions.

8 MR. MCKNIGHT: Just one, follow-up.

9 RECROSS EXAMINATION BY MR. REGGIE

10 MCKNIGHT:

11 Q Mr. Taylor, in your statement to Officer  
12 Kiker, you described the gun as being a chrome one.  
13 A small chrome gun possibly a .38, didn't you?

14 A Yes, sir, I did.

15 Q And the gun was put to the back of your  
16 neck, wasn't it?

17 A The side of my neck.

18 Q The right side?

19 A Yes, sir.

20 Q Okay.

21 MR. MCKNIGHT: Thank you.

22 THE COURT: You may step down, sir.

23 MR. GRAHAM: Your Honor, may I step out,  
24 and get our next witness?

25 THE COURT: We're going to break at this

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1 point, Mr. Graham.

2 Ladies and gentlemen, we'll take the  
3 mid-morning break for fifteen minutes.

4 Follow all the instructions I gave you  
5 yesterday applying during this break and every  
6 break we take.

7 As far as the exhibits, the Sheriff, you  
8 may collect those, and then the jury's excused  
9 for 15 minutes.

10 (The Jury was escorted from the  
11 courtroom by the Sheriff's  
12 Deputy at 11:00 a.m.; after  
13 which, the following proceedings  
14 take place outside of the  
15 presence of the Jury.)

16 THE COURT: Court will be in recess  
17 fifteen minutes.

18 RECESS.

19 DEFENDANT PRESENT.

20 THE COURT: You may return the Defendant  
21 and the jury.

22 (The Jury was returned to the  
23 courtroom by the Sheriff's  
24 Deputy at 11:20 a.m.; after  
25 which, the following proceedings

## **Testimony of Christina Adcock**



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1           WHEREUPON, CHRISTINE ADCOCK, being duly sworn,  
2 testified as follows during DIRECT EXAMINATION  
3 BY MR. DAVID GRAHAM:

4           Q     Miss Adcock, would you state your full  
5 name, please?

6           A     Christine Adcock.

7           Q     Would you please try to pull that  
8 microphone stand closer to where you are, please  
9 ma'am?

10          A     Is that fine.

11          Q     That's much better. Thank you. Miss  
12 Adcock, do you know Jason Taylor?

13          A     Yes, sir.

14          Q     And how do you know Jason Taylor?

15          A     He's the father of my daughter. And we  
16 are together.

17          Q     Would you pull that microphone --

18          A     He's the father of my daughter, and we're  
19 together.

20          Q     I heard actual parts, the father of your  
21 daughter. And what did you say after that?

22          A     He's my boyfriend.

23          Q     Do you also have another child?

24          A     Yes.

25          Q     And please describe the relationship

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1 between the other child and Jason Taylor?

2 A Well, he thinks of him as his own son.

3 MR. MCKNIGHT: I'm sorry I couldn't  
4 understand.

5 THE WITNESS: He thinks of him as his own.

6 Q (By Mr. Graham) Let me draw your  
7 attention, please, to August the 15th of 2005 at  
8 around 3:35, 3:40, that afternoon.

9 Did you have occasion to be at the  
10 Circle K convenience store located between Little  
11 Rock Road and Freedom Drive here in Mecklenburg  
12 County.

13 A Yes, sir.

14 Q Immediately before you got to the Circle K  
15 convenience store, had you gone to some bank nearby?

16 A Yes, sir, the BB&T.

17 Q And what was your purpose in going to the  
18 BB&T?

19 A To get money.

20 Q Say that again?

21 A To get money out of my account.

22 Q And how did you do that?

23 A Um-hum.

24 Q And how did you go about doing that?

25 A To the ATM.

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1 Q And where is that ATM located in  
2 relationship to the main bank building?

3 A It's on the side.

4 Q Did you withdraw money from your account  
5 through the ATM machine?

6 A Yes, sir.

7 Q Were you in a car at that time?

8 A Yes, sir.

9 Q Or some type of motor vehicle?

10 A Yes, sir.

11 Q What kind of motor vehicle was that?

12 A I had a Cavalier at the time.

13 Q And can you please tell us if you were  
14 driving, or not driving that?

15 A I was driving.

16 Q Was Jason Taylor with you?

17 A Yes, sir.

18 Q Where was Jason located in that vehicle?

19 A In the passenger seat.

20 Q And please state whether or not your child  
21 was also in that vehicle?

22 A Yes, sir.

23 Q Which child was that?

24 A My son.

25 Q And where was he located?

## STATE VS. GRANT

1 A In the back.

2 Q After obtaining your money from the ATM  
3 machine, did you drive directly to the Circle K  
4 convenience store?

5 A Yes, sir.

6 Q And where did you park at the Circle K  
7 convenience store?

8 A Like one spot from the road.

9 Q And which road are you referring to?

10 A Little Rock.

11 Q Little Rock Road?

12 A Yes, sir.

13 Q When you -- was that in front of the  
14 Circle K convenience store?

15 A Yes, sir.

16 Q What happened after you parked there at  
17 that location?

18 A I had went inside to get a drink, and then  
19 I came back out and we was getting ready to leave,  
20 and someone had pulled up and put a gun to Jason's  
21 head, to the side of his head, and demanded the  
22 money.

23 Q Do you see that someone who placed the gun  
24 to the side of Jason's head here in the courtroom?

25 A Yes, sir.



## STATE VS. GRANT

1 Q Where is that person?

2 A Over there, (indicating).

3 Q Over there?

4 A (Pointing).

5 Q All right. Is this the gentleman you're  
6 referring to?

7 A No, sir.

8 Q Is this the gentleman you're referring to,  
9 (indicating)?

10 A Yes.

11 MR. GRAHAM: Could the record please  
12 reflect that she has identified the Defendant?

13 THE COURT: The record will so reflect.

14 BY MR. GRAHAM:

15 Q After the Defendant placed the gun to  
16 Jason's head -- well, first of all, was Jason --  
17 where was Jason at the point that the Defendant  
18 placed the gun to Jason's?

19 A In the car.

20 Q Say that again, please?

21 A In the car.

22 Q Was he still seated in the front passenger  
23 seat?

24 A Yes, sir.

25 Q And after the Defendant placed the gun to

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## STATE VS. GRANT

1 Jason's head, did the Defendant say anything?

2 A He told us to give him the money, any  
3 money that we had.

4 Q Okay. What did Jason do?

5 A He gave him the money in the pocket, and  
6 he asked me for the money that I had.

7 Q Well, did he ask you for the money, or did  
8 he demand it?

9 A He told me, demanded it.

10 Q What did you do at that time in regard to  
11 that demand?

12 A I gave him the money.

13 Q How much money did you give him?

14 A I was like \$270, \$275.

15 Q What happened after you gave  
16 the Defendant?

17 A They got in the car, and left

18 Q Now the -- what car did you  
19 Defendant get into?

20 A The Crown Victoria.

21 Q Would you please tell us what <sup>218</sup>  
22 vehicle?

23 A It was a Burgundy.

24 Q Does that vehicle have anything unusual  
25 about its rear window area?

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*\$ 270*  
*Admitted*

## STATE VS. GRANT

1           A     Yes, sir. It was busted out, and had  
2 plastic over it.

3           Q     Had you ever seen that vehicle before the  
4 time of the robbery?

5           A     Yes, sir.

6           Q     Pardon me?

7           A     Yes.

8           Q     Where had you seen it?

9           A     Across the street from where I live.

10          Q     And what had been your occasion for seeing  
11 the vehicle across the street? Who lived across the  
12 street from you at that time?

13          A     The guy that still lives there, one of his  
14 friends.

15          Q     One of whose friends.

16          A     Isreal's.

17          Q     Pardon me.

18          A     Isreal's.

19          Q     When you say Isreal, are you referring to  
20 the Defendant?

21          A     Yes, sir.

22          Q     After the Defendant had taken your money,  
23 what did the Defendant do?

24          A     He got back in his car and left.

25          Q     Did you observe him drive away?

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## STATE VS. GRANT

1 A Yes, sir.

2 Q What street did he drive onto?

3 A He went on to Little Rock.

4 Q Do you recall what direction he went on  
5 Little Rock?

6 A I think left but, I'm not really sure I  
7 can't.

8 Q Okay. What happened after the Defendant  
9 drove away?

10 A I called 911, and Jason got on the phone,  
11 and talked to the operator.

12 Q How long did you wait after the Defendant  
13 drove away to pick up your phone, and dial 911?

14 A It was like a minute after as soon as.

15 Q Pardon me?

16 A As soon as he left the parking lot.

17 Q As a result of that 911 call, did police  
18 officers arrive at the Circle K?

19 A Yes, sir.

20 Q Do you recall about how long it took them  
21 to get there?

22 A It was like two or three minutes.

23 Q Do you recall speaking with one of those  
24 officers there by the name of Yaravitz?

25 A Yes, sir.



## STATE VS. GRANT

1 Q Do you recall telling Officer Yaravitz  
2 what had happened?

3 A Yes, sir.

4 Q Did you tell Officer Yaravitz what you  
5 have told the jury here today?

6 A Yes, sir.

7 Q Do you recall telling Officer Yaravitz  
8 that on that date August the 15th of 2005, that  
9 around 3:30, you and your boyfriend Jason Taylor had  
10 pulled into the Circle K?

11 A Yes, sir.

12 Q And do you recall telling officer Taylor  
13 that it was, in fact, the Circle K where you were  
14 being interviewed?

15 MR. MCKNIGHT: Object to the leading, Your  
16 Honor.

17 THE COURT: Sustained..

18 Q (By Mr. Graham) What did you tell him in  
19 regard to which Circle K it was?

20 A The Little Rock. The one on the corner of  
21 of Little Rock and Freedom.

22 Q And where were you when you were talking  
23 to Officer Yaravitz?

24 A I was outside the car.

25 Q And that car was located where?

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## -- STATE VS. GRANT

1           A     In the parking lot of the Circle K,  
2 parking lot of Circle K.

3           Q     Had you and Jason left the parking lot in  
4 order to make that 911 call?

5           MR. MCKNIGHT:  Objection to leading.

6           THE COURT:  Overruled.

7           THE WITNESS:  No, sir.

8           Q     (By Mr. Graham) Pardon me?

9           A     No, sir.

10          Q     I can't hear you.

11          A     No, sir.

12          Q     Did you tell the officer where you were  
13 seated at the time of the robbery?

14          A     Yes, sir.

15          Q     What did you tell him?

16          A     That I was in the driver's seat.

17          Q     Did you describe the vehicle that the  
18 robber had used?  Did you describe that?

19          MR. MCKNIGHT:  Objection to the leading.

20          THE COURT:  Finish the question.

21          Q     (By Mr. Graham) Did you describe the  
22 vehicle the robber had used to Officer Yaravitz.

23          THE COURT:  Overruled.

24          THE WITNESS:  Yes, sir.

25          Q     Pardon me, ma'am?

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1           A     Yes, sir.

2           Q     Do you recall giving Officer Yaravitz a  
3 description of the robber?

4           A     Yes, sir.

5           Q     Do you recall telling Officer Yaravitz  
6 what the robber had done with the weapon in regard  
7 to Jason?

8                   MR. MCKNIGHT:  Objection to the leading.

9                   THE COURT:  Overruled.

10                  THE WITNESS:  Yes, sir.

11           Q     (By Mr. Graham) What did you tell the  
12 officer in that regard?

13           A     That he had placed the gun to Jason's --  
14 side of his neck.

15           Q     Do you recall telling the officer what  
16 demands the robber had made to you and Jason?

17                   MR. MCKNIGHT:  Objection.

18                   THE COURT:  Overruled.

19           Q     (By Mr. Graham) What did you tell the  
20 officer?

21           A     That he demanded our money.

22           Q     Do you recall telling the officer that the  
23 robber had called you a name?

24                   MR. MCKNIGHT:  Objection to the leading.

25                   THE COURT:  Sustained.

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1 THE WITNESS: Yes, sir.

2 Q (By Mr. Graham) What did you tell the  
3 officer in that regard?

4 THE COURT: Rephrase the question.

5 MR. MCKNIGHT: Objection.

6 Q (By Mr. Graham) What did you tell the  
7 officer that the robber had said to you?

8 MR. MCKNIGHT: Objection. ( *she had*  
9 the leading. *\$15*)

10 THE COURT: Overruled.

11 THE WITNESS: He had called  
12 word.

13 Q (By Mr. Graham) Would you please  
14 word? *224*

15 A Bitch.

16 Q Do you recall telling the officer that you  
17 gave the robber \$15?

18 A Yes, sir.

19 Q Did you do that?

20 A Yes, sir.

21 Q When he you referred to an amount of money  
22 earlier as \$270, what money were you referring to?

23 A Jason had money, then I had the \$15.

24 Q Where had the \$270 come from?

25 A The bank.

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1 Q Do you recall telling the officer anything  
2 about the robber having --

3 MR. MCKNIGHT: Objection.

4 THE COURT: Finish the question.

5 Q (By Mr. Graham) Do you recall telling the  
6 officer anything about the robber having a companion  
7 with the robber in the robber's car?

8 A Yes, sir.

9 THE COURT: Overruled.

10 Q (By Mr. Graham) Pardon me?

11 A Yes, sir.

12 Q What did you tell the officer?

13 A That there was a guy in the passenger  
14 seat. He never exited the car.

15 Q Miss Adcock, had you had ever seen the  
16 Defendant, Isreal Grant, before the robbery?

17 A Yes, sir.

18 Q Where had you seen Isreal Grant before the  
19 robbery?

20 A Across the street from where I live.

21 Q Before the robbery, how many times would  
22 you say that you had seen Isreal Grant across the  
23 street from where you lived?

24 A It was like either every day or every  
25 other day. He was always across the street.

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1 Q Did Jason Taylor ever tell you about a  
2 drug transaction between himself and Isreal Grant?

3 A He had mentioned to me something after it  
4 happened.

5 Q What did he tell you?

6 A He told me that he had took Isreal over to  
7 a friend's house to purchase some weed, and then  
8 later on Isreal came back over and said that it was  
9 short.

10 Q When you spoke with Officer Yaravitz there  
11 at the Circle K immediately after the robbery, did  
12 you tell Officer Yaravitz the name of the robber?

13 MR. MCKNIGHT: Objection to the leading.

14 THE COURT: Overruled.

15 THE WITNESS: No, sir.

16 Q (By Mr. Graham) Did you tell Officer  
17 Yaravitz anything about Jason Taylor having a  
18 previous relationship with Isreal Grant?

19 MR. MCKNIGHT: Objection to the leading.

20 THE COURT: Overruled.

21 THE WITNESS: No, sir.

22 Q (By Mr. Graham) What was that, no?

23 A No, sir.

24 Q Was that no?

25 A No, sir.

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1 Q Miss Adcock, do you recall on September  
2 the 15th of 2005, that would be a month later,  
3 Detective Randy Carroll coming to your home where  
4 you and Jason Taylor lived?

5 A Yes, sir.

6 Q What did Detective Carroll do on that  
7 occasion at your home?

8 A He showed us a lineup of some pictures.

9 Q Do you know if Jason Taylor picked out any  
10 picture in that photo lineup?

11 A Yes, sir.

12 Q How do you know that?

13 A I was standing right there.

14 Q Where were you standing?

15 A I was sitting on my porch.

16 Q Where were Jason Taylor and Detective  
17 Carroll at the time that Detective Carroll was  
18 showing Jason the photo lineup?

19 MR. MCKNIGHT: Objection to the leading.

20 THE COURT: Overruled.

21 THE WITNESS: They were down at the bottom  
22 of the steps, at the bottom of the porch.

23 Q (By Mr. Graham) Did you talk with  
24 Detective Randy Carroll while he was there?

25 A No, sir.

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1 Q Did you tell Randy Carroll the name of the  
2 robber while he was there?

3 A No, sir.

4 Q Did you tell Randy Carroll anything about  
5 the previous relationship between Jason Taylor and  
6 Isreal Grant?

7 A No, sir.

8 Q Did you tell Detective Carroll that before  
9 the robbery, you had seen Isreal Grant on many  
10 occasions right across the street from where you  
11 lived?

12 A No, sir.

13 Q When Detective Carroll was there showing  
14 that photo lineup to Jason Taylor --

15 MR. MCKNIGHT: Well, objection to the  
16 leading.

17 THE COURT: Finish the question.

18 Q (By Mr. Graham) When Detective Carroll was  
19 there showing the photo lineup to Jason Taylor, were  
20 you and Jason still living across the street from  
21 that same location where you had seen the Defendant  
22 before?

23 A Yes, sir.

24 Q Did you tell Detective Carroll that the  
25 robber frequently visited right across the street

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1 from where the detective was standing right at that  
2 moment?

3 A Yes, sir.

4 MR. MCKNIGHT: Objection, Your Honor.

5 THE COURT: Sustained.

6 MR. MCKNIGHT: Move to strike, Your Honor.

7 THE COURT: Sustained. The jury disregard  
8 the answer.

9 Q (By Mr. Graham) Did you tell Detective  
10 Carroll anything on that date when he showed the  
11 photo lineups?

12 A No, sir, I wasn't the one talking to him.  
13 He talked to Jason.

14 Q Pardon me?

15 A He talked to Jason.

16 Q From your vantage point up on the porch,  
17 were you able to see which photograph Jason Taylor  
18 picked out in that photo array?

19 MR. MCKNIGHT: Objection to the leading.

20 THE COURT: Overrruled.

21 Q (By Mr. Graham) Ma'am?

22 A Yes, sir.

23 Q What photograph did he pick out?

24 A The picture of Isreal Grant.

25 Q I couldn't hear you.

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1 A The photo of Isreal Grant?

2 MR. MCKNIGHT: Your Honor, could we go  
3 back to one question before? I think the  
4 witness said that she didn't see from the  
5 vantage point.

6 THE COURT: Well, you may inquire on  
7 cross-examination.

8 MR. MCKNIGHT: Very good.

9 MR. GRAHAM: May I approach the witness,  
10 Your Honor.

11 (The statement was marked  
12 State's Exhibit No. 5 for  
13 identification.)

14 THE COURT: Yes, sir.

15 Q (By Mr. Graham) Miss Adcock, I'm going to  
16 hand you a one page document marked as State's  
17 Exhibit number 5, and ask you to take a look at that  
18 please.

19 Please read it silently to yourself.

20 A (Witness complying).

21 Q Have you had a chance to read that  
22 document?

23 A Yes, sir.

24 Q Does your signature appear at the bottom  
25 of that document?

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1           A     Yes, sir.

2           Q     And what is that document?

3           A     That is the statement that I made.

4           Q     Pardon me?

5           A     That is the statement that I made.

6           Q     And is that the one that you made to

7 Officer Yaravitz?

8           A     Yes, sir.

9           THE COURT: State moves to introduce

10 State's Exhibit 5 if it please the Court.

11           MR. MCKNIGHT: No objection, Your Honor.

12           THE COURT: It's received.

13                     (The statement previously marked  
14                     for identification as State's  
15                     Exhibit No. 5 was received into  
16                     evidence.)

17           MR. GRAHAM: The State would request that  
18 State's Exhibit number 5 be published to the  
19 jury by the jurors receiving exact copies of  
20 that document.

21           THE COURT: You may pass it, Sheriff.

22           MR. GRAHAM: May I tender a copy to the  
23 Court?

24           THE COURT: Yes, sir.

25           Q     (By Mr. Graham) Miss Adcock, when you

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1 parked your vehicle at the Circle K convenience  
2 store immediately before the robbery.

3 Did you pull straight in to the  
4 parking space, or did you back into it.

5 A I was pulled straight in.

6 Q And when you testified that the robber got  
7 back into his vehicle immediately after the robbery.

8 Where was his vehicle located in  
9 relationship to your vehicle when the robber got  
10 back into it?

11 A I was on the passenger side of my car.

12 Q And please state whether that was --  
13 whether the robber's vehicle was pulled in like  
14 yours, that is, facing in the general direction of?

15 A Yes, it was.

16 MR. MCKNIGHT: Object to the leading.

17 THE COURT: Sustained.

18 Q (By Mr. Graham) Describe the position of  
19 the robber's vehicle in relationship to yours.

20 A It was pulled exactly like mine. It was  
21 pulled up in there.

22 Q About how close was the driver's side door  
23 of the robber's vehicle to your passenger door?

24 A Just enough for him to open the door and  
25 get out.



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1 Q At the point, where the robber's vehicle  
2 was parked directly beside your vehicle.

3 Where was Little Rock Road with  
4 relationship to the robber's vehicle?

5 A It was to the right.

6 Q From where you were seated in the driver's  
7 side of your vehicle, when you looked at the  
8 robber's vehicle, what was on the other side of the  
9 robber's vehicle?

10 MR. MCKNIGHT: Objection to the leading.

11 THE COURT: Overruled.

12 THE WITNESS: The road?

13 THE COURT:: Overruled.

14 Q (By Mr. Graham) What's your answer?

15 A Little Rock Road.

16 Q Miss Adcock, is it correct that on June  
17 the 29th of 2007 in Gaston County, you were  
18 convicted of misdemeanor possession of stolen goods?

19 A Yes, sir.

20 Q And is it correct that you pled guilty to  
21 that charge?

22 A Yes, sir.

23 Q And have you been placed on 18 months of  
24 supervised probation as a result of that?

25 A Yes, sir.

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1 MR. GRAHAM: No further questions of this  
2 witness at this time.

3 THE COURT: Mr. McKnight?

4 MR. MCKNIGHT: Thank you.

5 CROSS-EXAMINATION BY MR. REGGIE MCKNIGHT:

6 Q Now Miss Adcock, this robbery occurred on  
7 Monday, August 15th, 2005, didn't it?

8 A Yes, sir.

9 Q And after the robbery occurred, the police  
10 were called, right?

11 A Yes, sir.

12 Q And you have, in front of you the  
13 statement, that you gave to the police officer the  
14 day of the robbery, don't you?

15 A Yes, sir.

16 Q And according to your testimony earlier  
17 today, the police arrived within two or three  
18 minutes of the robbery, didn't they?

19 A Yes, sir.

20 Q And so within two or three minutes of the  
21 robbery while it was still fresh in your mind, you  
22 spoke to Officer Yaravitz, didn't you?

23 A Yes, sir.

24 Q And Officer Yaravitz took down your  
25 statement word for word what you told him, right?

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## -- STATE VS. GRANT

1           A     Yes, sir.

2           Q     And after he wrote your statement you  
3 signed it at the bottom, didn't you?

4           A     Yes, sir.

5           Q     Do you have the statement in front of you  
6 right there?

7           A     Yes, sir.

8           Q     Now, the robbery occurred Miss Adcock at  
9 the Circle K that sits between Little Rock Road and  
10 Freedom Drive, didn't it?

11          A     Yes, sir.

12          Q     And the robbery occurred as Mr. Taylor was  
13 getting out of his car?

14          A     No, sir, he didn't have a chance to get  
15 out.

16          Q     And you remained sitting in the car,  
17 right?

18          A     Yes, sir.

19          Q     And the robbers didn't wear masks, did  
20 they?

21          A     No, sir.

22          Q     Now, you pulled into the front of the  
23 Circle K, didn't you?

24          A     Yes, sir.

25          Q     So your car was facing the front of the

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1 Circle K, right?

2 A Yes, sir.

3 MR. MCKNIGHT: Your Honor, if I can  
4 approach?

5 THE COURT: We'll go ahead and break here  
6 Mr. McKnight, and we'll resume with that at  
7 2:00 o'clock.

8 You may step down for now, ma'am.

9 Ladies and gentlemen, we'll take the lunch  
10 break until 2:00 p.m.

11 The jurors are excused until 2:00 o'clock,  
12 (The Jury was escorted from the  
13 courtroom by the Sherriff's  
14 Deputy; after which, the  
15 following proceedings take place  
16 outside of the presence of the  
17 Jury:).

18 THE COURT: Court will be in recess until  
19 2:00.

20 LUNCH RECESS.

21 DEFENDANT PRESENT.

22 THE COURT: Counsel ready for the jury?

23 MR. GRAHAM: State's ready.

24 MR. MCKNIGHT: We are, Your Honor.

25 THE COURT: Return the jury.

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1 Miss Adcock, you can come back to the  
2 stand now.

3 (The Jury was returned to the  
4 courtroom by the Sheriff's  
5 Deputy at 2:08 p.m.; after  
6 which, the following proceedings  
7 take place in the presence of  
8 the Jury:).

9 THE COURT: You may resume, Mr. McKnight.

10 MR. MCKNIGHT: Thank you, Your Honor.

11 Q (By Mr. McKnight) At the time we left off,  
12 where we left off, I think I was asking you are you  
13 familiar with the area around the Circle K where you  
14 were robbed?

15 A Yes, sir.

16 MR. MCKNIGHT: Your Honor, may the witness  
17 approach the diagram?

18 THE COURT: Yes.

19 Q (By Mr. McKnight) Miss Adcock, I'm going  
20 to hand you this red pen.

21 Now, you indicated to Officer  
22 Yaravitz that day that you had been to the BB&T  
23 earlier, right?

24 A (Nods yes).

25 Q Now the BB&T is located right in front of

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1 Circle K, isn't it?

2 A Right.

3 Q Would this be where the BB&T is located?

4 A Yes, sir.

5 Q Left, then he left the BB&T and you went  
6 to the Circle K, right?

7 A Yes, sir.

8 Q Now, when you pulled into the Circle K  
9 the -- with the red pen, would you mark where  
10 approximately you think you pulled in?

11 A (Witness complying).

12 Q Over there? Okay. Now, across the street  
13 from the Circle K on the Little Rock Road side,  
14 there are buildings, aren't there?

15 A Um-hum.

16 Q There is a Dominos Pizza?

17 A Um-hum.

18 Q There is a Sprint store?

19 A Um-hum.

20 Q There's a cafe there?

21 A Um-hum.

22 Q And there's a laundromat?

23 A Um-hum.

24 Q And you told Officer Yaravitz that day,  
25 and this was on a Monday, right?

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1 A Um-hum.

2 Q So all those businesses were open, weren't  
3 they?

4 A Um-hum.

5 Q The BB&T was open, wasn't it?

6 A Um-hum.

7 Q Of course, the Circle K was open cause  
8 that's where you were going?

9 A Right.

10 A Correct.

11 Q If you look out to the right, you'll see  
12 Freedom Drive, won't you.

13 A Um-hum.

14 Q You can see the cars passing by on Freedom  
15 Drive, can't you?

16 A Um-hum.

17 Q And similar in this vicinity that is where  
18 you were would be the intersection of Moores Chappel  
19 and Little Rock Road, wouldn't you?

20 A Um-hum.

21 Q You can see the light from the parking  
22 lot, can't you?

23 A Um-hum.

24 Q Now, you told Officer Yaravitz that a car  
25 pulled into the parking space, you pulled in front

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1 right?

2 A Um-hmm.

3 Q You were facing the Circle K?

4 A Um-hmm.

5 Q So -- and the Circle K has plate glass in  
6 front of it, doesn't it?

7 A To the side of it. It wasn't directly in  
8 front of the Circle K. We was off to the side where  
9 where the road is.

10 Q But these are the parking lots, parking  
11 spaces, right?

12 A Um-hum.

13 Q Now, over to the end of the Circle K is at  
14 your back, there's a garbage dumpster, right there?

15 A Um-hum.

16 Q You weren't parked in front?

17 A I was parked right there between the  
18 garbage dumpster and the store, right.

19 Q Okay. But not in front of the garbage  
20 dumpster?

21 A Um-hum.

22 Q And behind you, behind the car would have  
23 been the gas pump, right?

24 A Right, correct.

25 Q (By Mr. Mcknight) Thank you.

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1           A     (Retaking stand).

2           Q     Now, Miss Adcock, in your statement that  
3     you gave that day to Officer Yaravitz, the statement  
4     you gave within two to three minutes, according to  
5     your testimony today after the robbery, you told him  
6     that Jason called 911?

7           A     I dialed the number, and he is the one  
8     that talked to the operator.

9           Q     Okay. Was it dialed from his cell phone  
10    or your cell phone?

11          A     It was my cell phone.

12          Q     And after the robbery occurred, you didn't  
13    go inside the store, did you?

14          A     No, I had went inside the store before.

15          Q     Okay. Did you tell Officer Yaravitz in  
16    this statement that you had gone into the store?

17          A     Yes, I did.

18          Q     He just failed to write it down, is that  
19    what you're saying?

20          A     (Nods yes).

21          Q     Okay.

22          A     Cause I had actually went to go to the  
23    bathroom.

24          Q     And after the robbery, did the store clerk  
25    come outside?

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1 A No, sir.

2 Q Did you go in and tell the store clerk  
3 that you had been robbed?

4 A Yes, sir.

5 Q You did?

6 A Yes, sir.

7 Q What was the name of the store clerk?

8 A I have -- I don't remember.

9 Q Did you ask the store clerk about the  
10 security video, surveillance video?

11 A No, sir.

12 Q Now, it's been your testimony today that  
13 after the 911 call was made, within two to three  
14 minutes, the police were there, right?

15 A Yes, sir.

16 Q There were two officers, right?

17 A There was one that pulled up first and  
18 then the second one pulled up a couple minutes after  
19 the first one pulled up.

20 Q Okay. And while the -- within two to  
21 three minutes of the incident, while it was still  
22 fresh in your mind, you gave Officer Yaravitz your  
23 statement, didn't you?

24 A Yes, sir.

25 Q Okay. And you told Officer Yaravitz that

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1 day that a Burgundy Crown Victoria pulled up, right?

2 A Right.

3 Q And the driver was a black male 5 9,  
4 150 pounds wearing a white shirt, black jeans?

5 A Yes, sir.

6 Q Okay. All right. And then you said that  
7 he jumped out of his car, and placed a black gun to  
8 Jason's head, is that what you told him?

9 A Yes, sir.

10 Q Now Miss Adcock you live at 934  
11 Interventent, is it lane or?

12 A I've moved, Avenue.

13 Q After you lived there for quite sometime,  
14 haven't you?

15 A Yes.

16 Q You live there with your mother?

17 A Yes, sir.

18 Q And across the street from you, one of  
19 your neighbors is Marquis Funderburk, right?

20 A Yes, sir.

21 Q And also Jennifer Fitzgibbons.

22 A Jennifer Fitzgibbons? I don't know a  
23 Jennifer Fitzgibbons.

24 Q So Marquis Funderburk?

25 A Um-hum.

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1 Q And is it your -- it was your testimony  
2 earlier today that you saw Mr. Grant -- you had seen  
3 Mr. Grant there every day?

4 A Yes, sir.

5 Q Now Miss Adcock, in this statement that  
6 you gave Officer Yaravitz, within two to three  
7 minutes of the robbery, you never mentioned Isreal  
8 Grant's name, did you?

9 A No, I didn't.

10 Q You never mentioned the fact that you'd  
11 seen him across the street every day, did you?

12 A No, I didn't.

13 Q You never mentioned the fact that he had  
14 actually been to your house before, had you?

15 A No, I didn't.

16 Q You never mentioned the fact that you had  
17 actually spoken to him, Isreal Grant before, did  
18 you?

19 A No, sir.

20 Q You never mentioned the fact that you  
21 actually seen Isreal Grant talking to Jason Taylor  
22 before, did you?

23 A No, sir.

24 Q Now, on September 15th 2005, Detective  
25 Carroll, did he come to your house?

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1           A     Yes, sir.

2           Q     And it's your testimony today that while  
3 he was there, you saw him show Mr. Taylor a photo  
4 lineup?

5           A     Yes, sir.

6           Q     And it's your testimony today that you  
7 could see the photo lineup from where you were  
8 standing, correct?

9           A     Yes, sir.

10          Q     And it's your testimony today that you saw  
11 Mr. Taylor point out someone on the photo lineup,  
12 isn't that right?

13          A     Yes, sir.

14          Q     And on September 15th, 2005, you didn't  
15 identify Isreal Grant, did you?

16          A     No, I didn't.

17          Q     You didn't tell detective Taylor on  
18 September 15th, 2005(sic.) that Isreal Grant had  
19 been across the street, you'd seen him across the  
20 street every day, did you?

21          A     No.

22          Q     You didn't tell detective Taylor that day  
23 that Isreal Grant had been to your house before, did  
24 you?

25          A     No, sir.

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1 Q You didn't tell Detective Taylor that day  
2 that you spoke with Isreal Grant before, did you?

3 A No.

4 Q And you didn't tell Defendant Taylor that  
5 day that you'd seen Isreal Grant talking to Jason  
6 Taylor before?

7 A Can you repeat that?

8 Q You didn't tell Detective Taylor that day  
9 that you had seen Isreal Grant and Jason Taylor  
10 talking?

11 A No, I never told him that.

12 Q And on that day, you actually told  
13 Detective Taylor that you probably couldn't identify  
14 anyone because you were scared?

15 A Say what? Can you repeat the question?

16 Q On September a 15th, 2005, you told  
17 Detective Taylor that you probably couldn't identify  
18 anyone because you were scared?

19 A Yes.

20 Q So when Mr. Grant asked you earlier, asked  
21 you earlier today if you said anything to Detective  
22 Carroll that wasn't really true, was it?

23 A Say what.

24 Q So when Mr. Graham asked you earlier if  
25 you had said anything to Detective Carroll and you

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1 said no, that wasn't really true, was it?

2 A I did not say anything to him. He was not  
3 speaking to me, so I did not speak to him.

4 Q Okay. But you did tell him that you  
5 probably couldn't identify anyone because you were  
6 scared?

7 A I couldn't identify him.

8 Q You did tell Detective Carroll that that  
9 day?

10 A No, sir, I didn't.

11 Q When did you tell him that?

12 A I didn't tell him that at all. Jason had  
13 told him that. But I never said anything to the  
14 detective, because he was not talking to me.

15 Q So now it's your testimony that you didn't  
16 tell him that?

17 A I did not tell him that.

18 Q Okay. Let's fast forward two years  
19 present day. Within.

20 The last two weeks or so had -- did  
21 you receive a phone call from Mr. Grant -- well Mr.  
22 Graham, the District attorney?

23 A Two years ago.

24 Q No, no, no. Within the last two weeks?

25 A Yes, sir.

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1 Q Do you remember who you talked to?

2 A I talked to -- actually I talked to  
3 Officer Shelton, Detective Shelton.

4 Q Detective Shelton is who you talked to?

5 A (Nods yes).

6 Q And during that conversation with  
7 Detective Shelton recently, you told them that you  
8 did, in fact, recognize the robber that day?

9 A No, I did not.

10 Q Did you not tell Detective Shelton that?

11 A (Nods no).

12 Q You never told anyone that you recognized  
13 the robber?

14 A (Nods no).

15 Q Okay. Well --

16 A But I know what kind of car it was that  
17 pulled up, and I knew that he drove that car.

18 Q So it's your testimony Miss Adcock that  
19 you, in fact, do not recognize -- did not recognize  
20 the robber that day?

21 A That day I did not, no, cause I did not  
22 look at him.

23 Q You never looked at him?

24 A (Nods no). I glanced, but it wasn't a  
25 full contact look.



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1 Q So you never did see the robber that day,  
2 that's your testimony?

3 A I seen him, but I could not clearly see  
4 him cause he was --

5 Q Okay.

6 A -- outside of the car.

7 Q Okay. So it's your testimony today that  
8 you did not recognize Isreal Grant from the day of  
9 the robbery?

10 A Right, the day of, yes, sir.

11 Q And so then is it your testimony that the  
12 sole basis of your identification is because of the  
13 car?

14 A Yes, sir. I mean there's no other car  
15 like it, and nobody else drives it.

16 MR. MCKNIGHT: Well, strike that, Your  
17 Honor. The witness's continued response.

18 THE COURT: Were you finished, ma'am?

19 THE WITNESS: I'm finished.

20 THE COURT: All right.

21 Q (By Mr. Mcknight) Miss Adcock, did you  
22 ever tell Detective Shelton that the reason why you  
23 didn't identify the robber that day is because  
24 Officer Yaravitz never asked you?

25 A Yes, sir.

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1 Q Well, just so we're clear. You do not  
2 know what the person who robbed you that day looked  
3 like?

4 A I remember vaguely, it's been two years  
5 ago.

6 Q Okay.

7 MR. MCKNIGHT: No further questions, Your  
8 Honor, at this time.

9 THE COURT: Mr. Graham?

10 MR. GRAHAM: Thank you, Your Honor.

11 REDIRECT EXAMINATION BY MR. DAVID GRAHAM:

12 Q Christina, do you remember -- Christina,  
13 within the past two weeks talking with me on the  
14 telephone two or three different times?

15 A Yes, sir.

16 Q Do you recall me asking you if, before the  
17 robbery, you had ever seen the robber in your  
18 neighborhood?

19 MR. MCKNIGHT: Objection to the leading.

20 THE COURT: Overruled.

21 THE WITNESS: Yes, sir.

22 Q (By Mr. Graham) You do recall me asking  
23 you that?

24 A Yes, sir.

25 Q When I asked you that question, what did

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1     you tell me?

2           A     Yes, sir, that I have seen him in the  
3     neighborhood.

4           Q     And where did you see him? I'm sorry,  
5     where did you tell me that you had seen the robber  
6     in your neighborhood before the robbery?

7           A     Across the street from me.

8           Q     Say that again?

9           A     Across the street from where I live.

10          Q     Do you recall me asking you what he was  
11     doing across the street from where you lived?

12          A     No, sir.

13          Q     Do you recall telling me that he was --  
14     MR. MCKNIGHT: Objection to the leading.

15               THE COURT: Finish the question.

16               MR. GRAHAM: Pardon me, sir?

17               THE COURT: You may finish the question.

18          Q     (By Mr. Graham) What, if anything did you  
19     tell me with regard to who the robber was visiting  
20     across the street?

21          A     Oh, Marquis Funderburk that lives there.

22          Q     Would you say --

23          A     The one that lives there.

24          Q     Would you say that --

25          A     Marquis Funderburk, the one that lives

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1     there.

2           Q     Pardon me?

3           A     The one that lives there are Marquis, the  
4     one that lives there.

5           Q     Do you know if the robber's girlfriend  
6     ever lived across the street from you?

7           A     No, sir.

8           Q     Do you recall when you and I were having  
9     had an occasion to talk over the telephone within  
10    the past two weeks, do you recall telling me that  
11    you actually recognized the robber?

12               MR. MCKNIGHT:  Objection to the leading.

13               THE COURT:  Sustained.

14   BY MR. GRAHAM:

15           Q     What do you recall telling me in regard to  
16    who did the robbery?

17           A     That the guy across the street that, or  
18    that hangs across the street driving the Crown Vic  
19    is the one who did it.  That the best that I could  
20    best identify.

21           Q     Say that last part?

22           A     That I could best identify.

23           Q     At the time of the robbery, did you know  
24    the name of the person that you had seen across the  
25    street from your home?



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1           A     Yes, sir.

2           Q     And what was his name?

3           A     Isreal.

4           Q     Did Isreal Grant ever speak to Jason  
5     Taylor in your presence in regard to the drug  
6     transaction?

7                     MR. MCKNIGHT: Object to the leading.

8                     THE COURT: Overruled.

9                     THE WITNESS: Yes, sir.

10          Q     (By Mr. Graham) Pardon me?

11          A     Yes, sir. After the fact that the drug  
12     transaction went down.

13          Q     And what was it that Isreal Grant said in  
14     your presence to Jason Taylor regarding that?

15          A     He told Jason that the marijuana that he  
16     had purchased was short, and that he expected him to  
17     pay for the -- what was short of it.

18          Q     Did Jason respond to Isreal Grant when  
19     Isreal Grant said that to him?

20          A     Yes, sir.

21          Q     What did Jason say?

22          A     He told him he needed to go back to the  
23     guy that he got it from.

24          Q     Christina, do you still live in that same  
25     house, same neighborhood that you've been referring

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1 to?

2 A Yes, sir.

3 Q Who lives in the house with you?

4 A My mom and my two children.

5 Q And your two children are ages what?

6 A 4 and 1.

7 Q Do the Defendant's friends still live  
8 directly across the street from you?

9 A Yes, sir.

10 MR. GRAHAM: Your Honor, may I ask the  
11 witness to step to the white board, please?

12 THE COURT: Yes.

13 BY MR. MCKNIGHT:

14 Q Christina, if you would please take this  
15 blue marker if it works, and please mark where the  
16 Defendant parked his vehicle in relationship to your  
17 vehicle at the time of the robbery.

18 A (Indicating), drawing.

19 MR. GRAHAM: Thank you very much. Take  
20 your seat.

21 MR. GRAHAM: No further questions. Thank  
22 you.

23 THE COURT: Mr. McKnight.

24 MR. MCKNIGHT: Just briefly, Your Honor.

25

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1                   RE CROSS EXAMINATION BY MR. REGGIE

2                   MCKNIGHT:

3                   Q     Miss Adcock, in one of your conversations  
4     with Mr. Grant, didn't you tell him you did not know  
5     the name of the robber?

6                   A     No, I did not.

7                   Q     The conversation that you spoke of a few  
8     minutes ago between Jason Taylor and Mr. Grant, that  
9     conversation took place actually after August 15th,  
10    didn't it?

11                  A     No, it did not.

12                  MR. MCKNIGHT: Your Honor. Can the  
13    witness come down to the board?

14                  THE COURT: Yes.

15                  Q     (By Mr. Mcknight) Now Miss Adcock, you  
16    testified that the assailant's vehicle was where  
17    this blue line is, right?

18                  A     Right.

19                  Q     And directly behind both these vehicles,  
20    there's still gas pumps, aren't they?

21                  A     They're not directly behind.

22                  Q     They're in this area?

23                  A     Yes.

24                  Q     And behind this area there's the BB&T  
25    bank, isn't it?

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1           A     Um-hmm.

2           Q     And behind this area, there's Moores  
3 Chappel Road, isn't it?

4           A     Um-hum.

5           Q     Do you recall if people were at the gas  
6 tank?

7           A     No, I don't.

8           MR. MCKNIGHT: Thank you.

9           THE COURT: You have further questions?

10          MR. MCKNIGHT: No, Your Honor.

11          THE COURT: You may step down. Who's your  
12 next witness, Mr. Graham?

13          MR. GRAHAM: Your Honor, if it please the  
14 Court, if we could go back to State's Exhibit  
15 number 4.

16          THE COURT: Yes, sir.

17          MR. GRAHAM: That's the document  
18 identified by Officer Randy Owens as being a  
19 copy of his notes. That has been previously  
20 allowed by the Court.

21                 May I approach the bench, and tender to  
22 the Court that proposed --

23          THE COURT: Have you seen the exhibit, Mr.  
24 McKnight?

25          MR. MCKNIGHT: No, I have not.



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1 THE COURT: Just be sure that it comports  
2 with the Court's ruling.

3 MR. GRAHAM: Yes, sir.

4 THE COURT: And the record reflect that he  
5 with respect to this exhibit, Counsel conferred  
6 with the Court at the bench, and it was agreed  
7 that a portion of the exhibit would be  
8 redacted, and the District Attorney has now  
9 done that.

10 Are you satisfied with the way it looks,  
11 Mr. McKnight?

12 MR. MCKNIGHT: I am, Your Honor.

13 THE COURT: All right.

14 MR. GRAHAM: Your Honor in regard to  
15 State's Exhibit 4, I would ask the Court's  
16 permission that the exhibit as it has now been  
17 tendered to the Court, be published to the  
18 jury.

19 THE COURT: You may pass it Sheriff.

20 MR. GRAHAM: May I approach.

21 THE COURT: Yes, sir.

22 MR. GRAHAM: Your Honor, may I step out,  
23 and see if my next witness is here?

24 THE COURT: Yes, sir.

25 MR. GRAHAM: I call the next witness.

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1 THE COURT: Yes, sir.

2 MR. GRAHAM: The next witness will be  
3 Officer Yaravitz. Your Honor, may Miss Adcock  
4 by allowed to remain in the courtroom at this  
5 time?

6 THE COURT: Yes.

7 MR. GRAHAM: Thank you, sir.

8 WHEREUPON, SAM YARAVITZ, being duly sworn, testified  
9 as follows during DIRECT EXAMINATION  
10 BY MR. DAVID GRAHAM:

11 Q Officer Yaravitz, would you take the  
12 witness stand please, sir. Officer, I don't  
13 remember -- state your name please, sir.

14 A Sam Yaravitz.

15 Q And how are you employed?

16 A Charlotte Police Department.

17 Q Approximately how long have you worked for  
18 the Charlotte Police Department?

19 A Eight years.

20 Q Let me draw your attention, please to  
21 August the 15th of 2005, and approximately 3:41 in  
22 the afternoon.

23 Did you have occasion to receive a  
24 dispatch to go to 507 Little Rock Road, the location  
25 of a Circle K convenience store?

The defense put on two witnesses to establish Grant's whereabouts on the day of the crime. Jennifer Fitzgibbons (Fitzgibbons), Grant's girlfriend at the time of the crime and trial, as well as the mother of his child, testified that she was with Grant on the day of the crime. She testified that he picked her up between 9:30 and 10:00 AM from her sister's house and they went to look for jobs. Her young son was in the car with them. Fitzgibbons testified that on the morning of August 15, 2005, they drove to Food Lion to get unemployment guides and job finders. They then sat in the Food Lion parking lot looking to see who was hiring. Around 10:30 AM, they drove to the Circle K (same Circle K where robbery occurred later in the day). While there, they ran into an acquaintance of theirs who lived in the same apartment complex and needed a ride. Grant gave the individual a ride home.

At around 11:00 AM, they arrived at Adecco. Grant went in to apply for a position while Fitzgibbons and her son waited in the car. Fitzgibbons further testified that she and her son waited in the car for two to two and a half hours. When Grant came outside he told her that he didn't have his social security card and needed to get it in order to complete the application. They left Adecco and went to Jefferson's house, where Grant was staying, to get the social security card.

Fitzgibbons testified that as they drove back through the neighborhood, they saw Rashad Mackey (Mackey) outside. Mackey asked Grant if he would take a ring to a pawn shop for Mackey because Mackey couldn't find his ID. Grant agreed to take the ring to the pawn shop, but informed Mackey that he had to go back to Adecco first to provide his social security card. Fitzgibbons testified that she and Grant then went back to Adecco, that she believed that

this was around 3:00 PM, and that Grant was inside Adecco for about 15 minutes. When Grant came back outside he informed Fitzgibbons that he had gotten the position.

Fitzgibbons testified that she asked Grant to take her and her son back to her sister's house and he agreed. When they got to the house, she sat outside with Grant for a few minutes talking. Grant said that he was going to the pawn shop for Mackey and that he would call her later. According to Fitzgibbons testimony, Grant left her there around 3:45 PM. She later spoke with Grant around 5:00 PM when he called her. When she saw him later that night he had a receipt from a pawn shop which showed a time of 4:03.

On cross-examination, Fitzgibbons admitted that she may have told the defense's private investigators that Grant dropped her off at her sister's house around 3:00 PM on the day of the crime.<sup>26</sup>

Mackey was also called by the defense to establish Grant's whereabouts on the day of the crime. Mackey testified that he saw Grant around 2:00 PM on the day of the crime at Mackey's house. At that time he asked for a ride to the pawn shop and Grant informed him he couldn't take him because he had an interview at Adecco. Mackey then asked Grant if he could take a ring to the pawn shop for him and Grant agreed. Mackey estimated that Grant left around 2:30 PM. During this exchange, Fitzgibbons was with Grant. Mackey also confirmed that he knew of the Victims, Taylor and Adcock, and that he had seen Grant talking to both Taylor and Adcock in the past. Mackey confirmed that Grant gave him the money from the ring

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<sup>26</sup> State v. Israel Grant, Trial Transcript (Court Reporter Jillian Turner), Pgs. 4-18.



that Grant pawned for him. Mackey also confirmed during his testimony that Grant and the Victims knew each other prior to the crime.<sup>27</sup>

Grant did not testify during the defense's presentation of the case. However, he provided a statement during sentencing. His statement at sentencing is included below.

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<sup>27</sup> State v. Israel Grant, Trial Transcript (Court Reporter Jillian Turner), Pgs. 20-24.

THE COURT: You may submit that to me in chambers then. Stand up there, sir.

Did you want to say anything, sir?

THE DEFENDANT: Yes, sir, Your Honor. Your Honor, I'm 21 years old. I did not rob them.

THE COURT: Well, sir, what concerns me is your record, and the fact that the record shows a pattern of offenses that involve guns.

THE DEFENDANT: Yes, sir. Yes, sir. It was a life that I was living, yes. Yes, sir. I was young.

I do make mistakes. Just like I said, I had not done it. I was at a job for Power House Mechanical for 11 months as a certified forklift driver.

I ain't just been out the there doing nothing. I did try to do something with my life.

I got fired, because he made a racial comment. Then just like he said, you got proof showing that I was -- I was out there trying to get a job that day.

I am not a bad guy. I am not a bad guy. I have never been in really no serious trouble.

1           I do try to do something with my life and  
2           it just, and it's right now it is messed up,  
3           that I am actually an innocent man going to  
4           prison.

5           I am actually an innocent man going to  
6           prison, and I wish you would truly believe me  
7           that they made a bad decision, cause I -- just  
8           like I said stated, I knew them.

9           Just like she said, I seen her ever day.  
10          If I seen her at BB&T getting money, why would  
11          I go rob them at the convenience store in my  
12          car? She lived right across.

13          I could have just went over there across  
14          the street and took it. I'm not going to rob  
15          these people.

16          She says she went in there in the store,  
17          got back in the car, went and told the clerk,  
18          and nobody wouldn't talk to the clerk and  
19          nobody wouldn't go look at the camera. Come  
20          on, Your Honor.

21          That's -- come on man. Then I got a car  
22          that nobody sees that there were people at the  
23          store. Nobody didn't see that. I did not rob  
24          these people, man.

25          THE COURT: All right, sir. All right,

At the conclusion of the trial, the jury found Grant guilty of two counts of Robbery with a Dangerous Weapon (RWDW) and one count of Possession of a Firearm by a Felon. Grant was sentenced to 103-133 months for one RWDW, 103-133 months for the second RWDW, and 16-20 months for the Possession of a Firearm by a Felon. These sentences were to run consecutively. Grant has since been released from state custody and is currently incarcerated in federal prison on an unrelated conviction.



## **VIII. Application to Commission**

The Commission received Grant's claim of innocence on July 16, 2013. On January 23, 2014, the Commission contacted defense attorney Bruce Cunningham (Cunningham) who indicated that he was representing Grant on a Motion for Appropriate Relief (MAR) based on a witness coming forward to make a statement. At that time, Cunningham informed the Commission that the witness had not come forward and that he had placed the MAR on hold so that the Commission could review the case.

On March 18, 2014, Cunningham officially referred the case to the Commission and provided his file to Commission. At that time, Cunningham informed the Commission that the Victim, Christina Adcock, had recanted and provided a signed affidavit, but stated that he was placing the MAR on hold while the Commission reviewed the case. A copy of the referral letter is included below.

# THE LAW OFFICE OF BRUCE T. CUNNINGHAM, JR.

Bruce T. Cunningham, Jr.  
Amanda S. Zimmer, Associate

225 NORTH BENNETT ST.  
SOUTHERN PINES, NC 28387  
910.693.3999 (PHONE)  
910.695.0983 (FAX)

Susan Carter, Legal Assistant  
Maryann Cary, Legal Assistant

---

March 18, 2014

Kendra Montgomery-Blinn  
The NC Innocence Inquiry Commission  
Administrative Office of the Courts  
P.O. Box 2448  
Raleigh, NC 27602

Re: State v. Israel Grant

Dear Kendra,

Enclosed are copies of the trial transcripts and documents in Israel Grant's case. I am also enclosing a copy of the recantation affidavit of Christina Adcock. Her original statement is also included. We would request that the Innocence Inquiry Commission conduct an investigation into Mr. Grant's case. Also, I will not take any action in court on Mr. Grant's behalf unless I hear from you that the Commission has completed its work.

Thank you for your assistance.

With all the best wishes, I am

Sincerely,

THE LAW OFFICE OF BRUCE T. CUNNINGHAM, JR.



Bruce T. Cunningham, Jr.  
BTCjr/mmc  
Cc: Israel Grant  
Enclosure

On December 16, 2015, the Commission received a copy of a Judgment vacating the conviction of Grant for 05 CRS 2404995, the RWDW against Adcock. This was the first time that the Commission was made aware that an MAR had been filed and that a judgment had been entered. The Commission continued its investigation as the entire conviction had not been vacated.

On May 8, 2017, the Commission moved Grant's case into Formal Inquiry and he signed a Waiver of Procedural Safeguards and Privileges with the assistance of his appointed attorney, Chris Fialko of Fialko Law. The Commission has conducted a detailed investigation in this case. The entirety of the Commission's investigation will be presented in a hearing to the Commissioners on November 29, 2017.

## **IX. Post-Conviction Motion for Appropriate Relief**

A Motion for Appropriate Relief (MAR) was filed by Cunningham on February 3, 2015. Among other things, the MAR was based on the newly discovered evidence of Victim Adcock's affidavit recanting her testimony at trial. On March 4, 2015, Senior Resident Superior Court Judge W. Robert Bell ordered an evidentiary hearing within 30 days on Grant's ineffective assistance of counsel claims as outlined in the MAR. Judge Bell denied the remaining claims, including the newly discovered evidence claim related to the affidavit of Adcock, without a hearing.

On May 26, 2015, Judge Bell issued a written Order, with consent of the State, vacating the conviction and sentence for Grant in 05 CRS 244095 (RWDW of Adcock) based on Adcock's affidavit as newly discovered evidence. Judge Bell denied the other claims in Israel Grant's MAR. Judge Bell did not conduct a hearing on the MAR. Adcock did not testify and her affidavit was not entered as evidence. Grant was released after Judge Bell's Order was entered as Grant had completed his sentence on the RWDW of Taylor and the Possession of a Firearm by a Felon convictions. Grant's convictions on the RWDW of Taylor and the Possession of a Firearm by a Felon were not vacated.

A copy of Adcock's signed affidavit, the MAR (without attachments), the March 4, 2015 Order, the May 8, 2015 Judgment, the May 26, 2015 Order, and the June 8, 2015 Dismissal, are included below.



I Christina L. Adcock age 28 resident of Mecklenburg County  
 sign this affidavit on my own free will. I Christina L. Adcock attest to the truthfulness of  
 this statement I was not threatened, forced, or promised anything to complete this affidavit. I  
 falsely gave a testimony stating on August 15, 2005 me and my former boyfriend  
Jason Taylor were victims of a robbery committed by Israel S. Grant. I never  
 witnessed nor was the victim of any robbery involving Israel S. Grant at the Circle K  
 convenience store at the corner of Little Rock Road and Freedom Drive in Charlotte, North  
 Carolina.

Print Name: Christina L. Adcock

Date: 03/10/14

Signature: Christina L. Adcock

DOB: 09/20/85

STATE OF NC  
 COUNTY OF Mecklenburg

The foregoing instrument was acknowledged before  
 me this 10 day of March, 2014, by Christina L. Adcock

J M White  
 Notary Public's Signature  
 Personally Known NO OR  
 Type of Identification Produced DL

Jermaine M White  
 Notary Name

JERMAINE M WHITE  
 Notary Public, North Carolina  
 Mecklenburg County  
 My Commission Expires  
 September 05, 2018

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STATE OF NORTH CAROLINA  
COUNTY OF MECKLENBURG

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT CRIMINAL DIVISION  
FILE #05 CRS 24094-95

244094-95

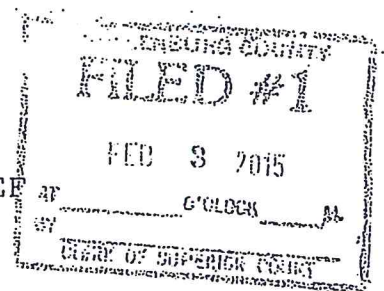
STATE OF NORTH CAROLINA

v.

ISRAEL GRANT,

Defendant.

)  
)  
) MOTION FOR  
) APPROPRIATE RELIEF AT  
)  
)



NOW COMES the Defendant, pursuant to N.C.GEN.STAT. § 15A-1411 et seq and the Sixth and Fourteenth Amendments to the United States Constitution, and moves that an Order be entered vacating the convictions herein. In support of this Motion, the Defendant shows the following:

PROCEDURAL BACKGROUND

1. The Defendant was indicted by the Grand Jury of Mecklenburg County on two counts of Armed Robbery and Possession of Firearm by a Felon. Ex. A.
2. The charges came on for trial at the August 15, 2007 criminal session of Mecklenburg County Superior Court, with the Honorable David S. Cayer, Judge Presiding.
3. Upon verdicts of guilty, the Defendant was sentenced to two consecutive sentences of 103 to 133 months on the Armed Robbery charges and 16 to 20 months on the Possession of Firearm by a Felon. Ex. B.

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4. On December 16, 2008 the North Carolina Court of Appeals filed an opinion affirming the convictions and sentences imposed. Ex. C.

#### INTRODUCTION TO CLAIMS ONE, TWO AND THREE

Claims One, Two and Three bring together a series of defense counsel's "confusion", "misunderstanding", "mistakes" and basic lack of communication with his client, which, all combined, demonstrate an ineffective assistance of counsel, in violation of the Defendant's rights secured by the Sixth and Fourteenth Amendments to the United States.

All revolve around the jury unnecessarily being informed that the Defendant had a prior Conspiracy to Commit Armed Robbery on his record, thereby prejudicing him in the eyes of the jury.

#### CLAIM ONE

- I. THE FAILURE TO COUNSEL TO STIPULATE TO THE EXISTENCE OF A PRIOR FELONY CONVICTION ON DEFENDANT'S RECORD CONSTITUTED INEFFECTIVE ASSISTANCE OF COUNSEL.

5. The Sixth and Fourteenth Amendments to the United States Constitution guarantees to criminal defendants the right to effective assistance of counsel.

6. The Defendant contends that there are two separate standards by which effectiveness is evaluated, based on two separate cases decided by the United States Supreme Court on the same day in 1984.
7. The most commonly known case is *Strickland v. Washington*, 466 U.S. 668 (1984), which sets forth a two part test in most claims of ineffectiveness. There are two prongs to the test in *Strickland*: 1) whether counsel's performance was deficient, and 2) whether the defendant was prejudiced. "First, the defendant must show that counsel's performance was deficient. This requires showing that counsel made errors so serious that counsel was not functioning as the "counsel" guaranteed the defendant by the Sixth Amendment. Second, the defendant must show that the deficient performance prejudiced the defense." *Strickland* at 687.
8. A second category of Sixth Amendment cases was discussed by the Court in *U.S. v. Cronic*, 466 U.S. 648 (1984). *Cronic* deals with when the circumstances surrounding the claim of ineffectiveness support a conclusion that there was inherent prejudice in the situation and prejudice is presumed.



9. The Defendant contends that the circumstances surrounding counsel's handling of the Possession of Firearm by Felon issue constitute a violation of both standards, and a new trial is required.
10. When the trial began, defense counsel McKnight pleaded the Defendant to a charge of Possession of Firearm by Felon, which had already been dismissed and had nothing to do with the current case being tried.
11. Attached as Exhibit D is the plea colloquy between the Judge and a Defendant for a charge which was no longer pending. The Defendant submits that the colloquy reveals that defense counsel either never read the discovery and correspondence from the District Attorney, or, he read it, but didn't realize the charge had nothing to do with what happened on the day of the alleged Armed Robberies.
12. The exchange began with Assistant District Attorney David Graham stating to Judge Cayer "Mr. McKnight has just advised me this morning that Mr. Grant would like to plead guilty to the charge of possession of firearm by a convicted felon" at margin number 24. Ex. D p 4.
13. Mr. McKnight complained to the judge that the decision to plead guilty on the charge was precipitated by the unwillingness of the State to "not try Mr. Grant for the

possession of a firearm by a convicted felon at the same time we try him for the armed robberies." Mr. McKnight further stated, "The point is, Your Honor, he indicated to me and we have no qualms to pleading guilty to the possession of firearm by felon case." Ex D p 5.

14. When Mr. McKnight stated that he wanted to do the guilty plea and defer sentencing, Mr. Graham stated, "That's fine." Ex. D p 6.

15. The judge arraigned Mr. Grant on the charge of Possession of Firearm by Felon in 05 CRS 76342 and McKnight responded, "Your Honor, my client's authorized me to enter a plea of guilty to that charge." Ex. D p 7.

16. Following the inquiry on all questions on the Transcript of Plea, Mr. McKnight said he would stipulate to a factual basis for the plea.

17. However, when the District Attorney began reciting the facts and talked about a shotgun, Mr. McKnight stated that the weapon he thought the parties were talking about was not a shotgun. A confusing sequence of comments ensued, until it became clear that Mr. McKnight had pleaded his client guilty to a charge that had been dismissed.

18. Mr. Graham stated, "Your Honor, the Defendant Mr.

Grant was charged in a different charge of possession of a firearm by convicted felon. I think that's what Mr. McKnight is referring to when he refers to a shotgun. That case has already been dismissed. It's not on the docket. Perhaps Mr. McKnight did not realize what his client was pleading guilty to today, or what his client was charged with." Ex. D p 14-15.

19. When the Judge asked if there was a misunderstanding, McKnight answered "There is, Your Honor." And he stated, "I was under the impression that this was the same firearm for which Mr. Grant had been federally held on, indicted for involving a Mossburg shotgun." Ex. D p 15.

20. Graham immediately responded, "Your Honor, I previously sent Mr. McKnight an e-mail telling Mr. McKnight that that charge was dismissed long ago." P. 15.

21. After saying that he was "mistaken", Mr. McKnight made a motion to withdraw the guilty plea to the charge that had been dismissed, which was allowed.

22. Against that backdrop of confusion at the beginning of the trial, the Defendant contends that his attorney

passed up an opportunity to prevent the jury from knowing that he was a convicted felon.

23. The State moved to join the current charge of Possession of Firearm by Felon with the trial of the two Armed Robbery cases. Realizing that evidence of a prior felony conviction would be prejudicial, Mr. McKnight objected to the District Attorney putting the clerk on the stand to introduce the judgment of a prior conviction of the Defendant. McKnight stated, "Your Honor, I'm going to, at this time, object to this line of question and to this particular document." Ex. E p 314.

24. McKnight objected by saying "we have never received notice that they were going to attempt to introduce this kind of evidence into the trial." Ex. E p 315 The judge responded, "Well, you knew he was charged with possession of firearm by a felon obviously."

25. District Attorney Graham also responded with a comment that calls into question the thoroughness of Mr. McKnight in reviewing the discovery in the case. "And, Your Honor, just for the record, I would like Your Honor to know that I have long ago provided this document to the defense in discovery." Ex. E p 316.



26. In the course of the discussion about the introduction of the judgment, the Judge offered a chance to keep the prejudicial information from the jury. He said, "Well, how would the State meet their burden of proof on the possession of firearm by felon charge if they didn't proceed this way? I mean normally--well, I don't know any other way they could do it unless you stipulate to it."
27. Without consulting with the Defendant, counsel refused to stipulate to the prior conviction, which was an established matter of public record. "Very well, Your Honor, I'm not going to stipulate to it." Ex. E p 317.
28. The Defendant contends that counsel was ineffective by refusing to stipulate to the prior conviction, without conferring with his client.
29. Not only did counsel refuse to stipulate, he lodged an objection to the Clerk authenticating an official court judgment in front of the jury. Ex. E p. 318. So, the jury heard that the Defendant was a convicted felon, and then heard the defense counsel try to keep the jury from being informed of that fact.
30. In addition, the document was published to the jury, which meant that the jury knew that Mr. Grant has

previously been convicted of Conspiracy to Commit Robbery with a Dangerous Weapon. Ex. E.

31. The opinion of the Court of Appeals makes clear the significance of Counsel's refusal to stipulate. On appeal, the Defendant argued there was error in admitting the actual court document into evidence, which showed that the felony the Defendant had been convicted of was Conspiracy to Commit Armed Robbery. The Opinion rejected the contention, stating, "Here, defense counsel objected to admission of the evidence of the conviction, but refused to stipulate that the Defendant had a prior conviction. As a result, the trial court did not err in admitting the conviction." Ex. C p 2. (emphasis added)
32. Under the *Strickland* standard, the prejudice to the Defendant by the jury learning he had a prior conviction of Conspiracy to Commit Armed Robbery, ~~is self-evident.~~ Further, under the *Cronic* standard of a lack of zealous advocacy and breakdown of the adversary system, it is objectively unreasonable for any attorney to refuse an opportunity to stipulate to a prior conviction, which would prevent the State from introducing a judgment showing exactly what the prior felony was.

#### CLAIM TWO

II. THE FAILURE OF COUNSEL TO NOT ADVISE THE  
DEFENDANT OF THE OPTION TO TENDER AN *ALFORD*  
PLEA TO POSSESSION OF FIREARM BY A FELON  
CONSTITUTED INEFFECTIVE ASSISTANCE OF  
COUNSEL.

33. The Defendant contends that if counsel did not want to stipulate to the existence of the conviction, another way to keep the Defendant's prior record from the jury was simply to do an *Alford* plea, as charged, to the Possession of Firearm by Felon indictment.
34. The Defendant chose not to testify, partly because, if he had, his prior record would be known by the jury.
35. It is clearly established law that the State may not prohibit a defendant from tendering a plea of guilty as charged, without the benefit of a plea bargain. *North Carolina v. Alford*, 91 S.Ct. 160 (1970).
36. According to the attached affidavit of the Defendant, counsel did not discuss with the Defendant the benefits of pleading guilty to Possession of Firearm by Felon under the *Alford* case. Ex. F.
37. In Claim Two, the Defendant contends that defense attorney McKnight was ineffective, under both *Strickland* and *Cronic*, for failing to discuss the *Alford* plea option with the Defendant.

CLAIM THREE

III. THE FAILURE OF DEFENSE COUNSEL TO MAKE AN  
OBJECTION PURSUANT TO *U.S. V. OLD CHIEF*, TO  
PREVENT THE STATE FROM SPECIFYING THE PRIOR  
CONVICTION SUPPORTING POSSESSION OF FIREARM  
BY FELON CONSTITUTED INEFFECTIVE ASSISTANCE  
OF COUNSEL.

38. In Claim Three, the Defendant contends that his attorney was ineffective for failing to take advantage of the holding in *Old Chief v. United States*, 519 U.S. 172 (1997).
39. In *Old Chief*, the Supreme Court recognized the prejudice that could come to a defendant for the jury to hear that he was a convicted felon. Even the word "felony", which comes from the Old French word for "villainy" suggests that felons are undesirable people.
40. As a way of reducing the impact of the information on a jury, Justice Souter wrote for the Court that, upon motion of the defendant, the exact type of prior felony conviction can be kept from the jury. "Fearing prejudice if the jury learns the nature of the earlier crime, defendants sometimes seek to avoid such an informative disclosure by offering to concede the fact of a prior conviction." *Id.* at 174.
41. As argued above, for the jury in Defendant's case, in which he was on trial for two counts of Armed Robbery,



to hear that he had already been convicted of Conspiracy to Commit Armed Robbery was highly detrimental.

42. The Defendant therefore contends that the failure of counsel to move that the jury not be informed about which crime in particular the Defendant had been convicted of, constituted ineffective assistance of counsel.

#### CLAIM FOUR

IV. DEFENSE COUNSEL WAS INEFFECTIVE IN SUGGESTING TO THE DEFENDANT THAT HE WAS FACING THE SAME POTENTIAL PUNISHMENT IF HE WENT TO TRIAL OR PLEAD GUILTY.

43. The United States Supreme Court has made it perfectly clear that defendants must receive effective assistance of counsel at both trials and during plea bargaining. *Lafler v. Cooper*, 132 S.Ct. 1376 (2012), *Missouri v. Frye*, 132 S.Ct. 1399 (2012), *Hill v. Lockhart*, 106 S.Ct. 366 (1985).

44. According to the attached affidavit, the Defendant had a conversation with his attorney about plea bargain prospects. Ex. F.

45. The Defendant had received a plea bargain from the State which called for approximately eight years in prison.

46. The Defendant inquired of counsel what he thought would be a potential punishment if he went to trial and was convicted of the three charges. Counsel stated that he believed the likely punishment would be about eight years.
47. Believing that there was very little to risk by going to trial, Defendant rejected the plea bargain offer.
48. Following trial, the Defendant was sentenced to a total of 19 years.
49. The Defendant alleges that if he had not been told that he would receive approximately the same sentence if he went to trial or if he didn't, he would have accepted the plea offer.
50. In *Lafler v. Cooper*, 132 S.Ct. 1376 (2012), the United States Supreme Court held that a remedy for ineffective assistance of counsel during plea negotiations was to have the plea offer reinstated. The Court is requested to take judicial notice of the Burke County case of *State v. Tony White*, in which the State was ordered to reoffer the rejected plea offer. Ex. G.
51. The Defendant respectfully requests that the Court enter an order requiring the State to accept the plea offer previously extended.

CLAIM FIVE

V. THE INCREASE IN POTENTIAL SENTENCE DUE TO A CONVICTION WHICH POST-DATED THE DATE OF OFFENSE IN THIS MATTER IS UNJUST AND A VIOLATION OF THE *EX POST FACTO* CLAUSE.

52. The offense date for the three charges was August 15, 2005. Ex. A.
53. On the date of the offense, the Defendant was a Prior Record Level II offender, with four points. Ex. H.
54. Armed Robbery is a class D felony. Therefore, on the date of offense the maximum possible punishment that the Defendant faced for one count of Armed Robbery was 77 to 102 months.
55. On April 13, 2007, the Defendant was convicted in federal court for the offense of Possession of Firearm by Felon, which for sentencing purposes is a class G felony, carrying four points. Ex. H.
56. Therefore, on the sentencing date for the current charges, the Defendant's prior record level had been increased to prior record level III.
57. The maximum possible punishment to which the Defendant was exposed on the date of sentencing had gone up to 103 months, an increase of 133 months.
58. The Defendant is mindful that N.C.GEN.STAT. § 15A-1340.11(7) provides that "a person has a prior

conviction when, on the date a criminal judgment is entered, the person being sentenced has been previously convicted of a crime."

59. However, the Defendant contends that over two hundred years ago, in *Calder v. Bull*, 3 U.S. 386, (1798), the United States Supreme Court held that "Every law that changes the punishment, and inflicts a greater punishment, than the law annexed to the crime, when committed" violates the *ex post facto* provision of the United States Constitution.

60. The Defendant is also mindful of *State v. Threadgill*, 741 S.E.2d 677 (2013), which holds contrary to the Defendant's argument, and this claim is presented for preservation purposes.

#### CLAIM SIX

VI. THE IMPRISONMENT OF THE DEFENDANT FOR 103 to 133 MONTHS BASED ON THE TESTIMONY OF CHRISTINE ADCOCK, WHICH HAS BEEN RECANTED, VIOLATES THE DEFENDANT'S RIGHT TO DUE PROCESS, SECURED BY THE FOURTEENTH AMENDMENT.

61. The Defendant was charged with Armed Robbery of Christine Adcock. Ex. A.

62. Ms. Adcock testified on behalf of the State that she and Jason Taylor had been to BB & T and withdrew money from the ATM machine.



63. During direct exam, Ms. Adcock identified the Defendant as the person who robbed her of \$15.00.
64. On cross examination at the trial, Adcock acknowledged that she did not name the Defendant as the perpetrator.
65. Further, on cross examination, Adcock testified that she did not recognize the robber on the day of the incident. Tr. p 248. In fact, Adcock testified, "I did not look at him. I glanced, but it wasn't a full contact look." Tr. p 248. She further testified on cross exam that she remembered vaguely what the robber looked like. Tr. p 250.
66. Attached as Ex. I is an affidavit executed by Christine Adcock in which she stated, "I never witnessed nor was the victim of any robbery involving Israel Grant at the Circle K convenience store."
67. The Defendant contends that he has protested his innocence consistently throughout this case. At the sentencing hearing he maintained, "I did not rob them." Tr. p 343.
68. The Defendant contends that the incarceration of a person who is in fact innocent violates the due process clause of the Fourteenth Amendment.

CLAIM SEVEN

VII. THE FAILURE OF TRIAL OR APPELLATE COUNSEL  
TO PRESENT AND PRESERVE ANY ISSUE ABOVE  
CONSTITUTES INEFFECTIVE ASSISTANCE OF  
COUNSEL.

69. In the event that the State may contend that any of the claims above are procedurally barred for failure to be raised in the trial court or on direct appeal, the Defendant contends that he received ineffective assistance of trial and appellate counsel.
70. In support of the claim of prejudice, the Defendant contends that if any of the claims above had been presented previously, the trial or appellate court would have ruled in his favor, thereby establishing the prejudice prong of *Strickland*.
71. Wherefore, the Defendant requests that he obtain relief on his claims.

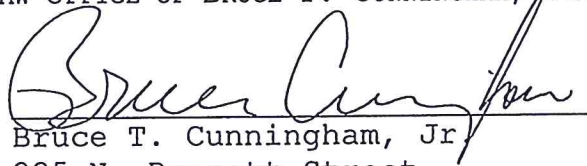
WHEREFORE, the Defendant requests that an Order be entered as follows:

1. That an evidentiary hearing be allowed.
2. That an Order be entered vacating the Defendant's convictions and the matter placed back on the calendar.
3. For such other relief as the Court feels is warranted.

Respectfully submitted, this the 28th day of January, 2015.

THE LAW OFFICE OF BRUCE T. CUNNINGHAM, JR.

By:

A handwritten signature in black ink, appearing to read "Bruce T. Cunningham, Jr.", written over a horizontal line.

Bruce T. Cunningham, Jr.  
225 N. Bennett Street  
Southern Pines, NC 28387  
Phone: 910.693.3999  
Fax: 910.695.0983  
btcunningham545@gmail.com  
NC Bar No. 5564

STATE OF NORTH CAROLINA  
COUNTY OF MECKLENBURG

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT CRIMINAL DIVISION  
FILE 05 CRS 24094-95

STATE OF NORTH CAROLINA )  
 ) CERTIFICATION OF COMPLIANCE  
 ) N.C. GEN. STAT. § 15A-1420 (A)  
 )  
 )  
 v. )  
 )  
 ISRAEL GRANT, )  
 Defendant )

Now comes counsel for the Defendant and certifies,  
pursuant to N.C. GEN. STAT. § 15A-1420(a)(1)(c1), the  
following:

1. In my professional judgment as a postconviction attorney, there is a sound legal basis for this motion; and
2. This motion is made in good faith; and
3. I hereby give notice to the following attorney who initially represented the Defendant and the district attorney's office of this motion by simultaneously mailing, by first class mail, copies of the foregoing Motion for Appropriate Relief, together with any attachments, as well as a copy of this certification, to the following addresses:

Mr. Reggie McKnight  
1401 East 7<sup>th</sup> Street  
Suite 100  
Charlotte, NC 28204



Mr. R. Andrew Murray  
District Attorney  
720 East 4<sup>th</sup> Street  
Suite 403  
Charlotte, NC 28202

4. I have

- ( X ) Reviewed the trial transcript; OR
- ( ) Made a good-faith determination that the nature of the relief sought in the Motion does not require that the trial transcript be read in its entirety; OR
- ( ) Have been unable to locate the transcript, having undertaken the following efforts to locate the transcript:

This the 28<sup>th</sup> day of January, 2015.

THE LAW OFFICE OF BRUCE T. CUNNINGHAM, JR.

By: 

Bruce T. Cunningham, Jr.  
NC Bar No. 5564  
225 N. Bennett Street  
Southern Pines, NC 28387  
Phone: 910.693.3999  
Fax: 910.695.0983  
btcunningham545@gmail.com

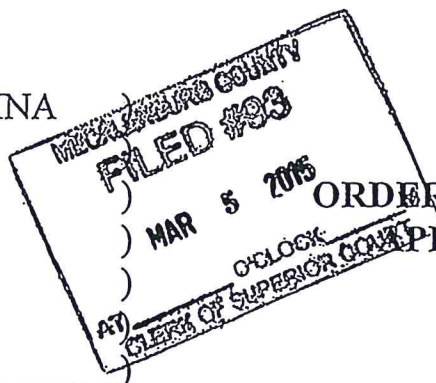
STATE OF NORTH CAROLINA  
MECKLENBURG COUNTY

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
FILE NOS. 05-CRS-244094 - 95

STATE OF NORTH CAROLINA

v.

ISRAEL GRANT,  
Defendant



ORDER REGARDING MOTION  
FOR APPROPRIATE RELIEF

This matter was heard upon a Motion for Appropriate Relief (MAR) filed on February 3, 2015 by Defendant/Petitioner who is now confined with the Department of Correction. In ruling on this matter, the undersigned has considered the verified Motion for Appropriate Relief filed by the Defendant, including any attachments thereto.

1. On August 17, 2007 the Defendant was convicted of two counts of Robbery with a Dangerous Weapon and one count of Possession of a Firearm by a Felon. He was sentenced on the same date by the Honorable David S. Cayer to two consecutive sentences of 103 to 133 months in prison. Judge Cayer also sentenced the Defendant to an active term of 16-20 months on the Possession of a Firearm by a Felon Charge to run consecutive to the two previously imposed active sentences. These were presumptive range sentences for a Prior Record Level III Defendant with 8 prior record level points as was the Defendant.
2. On December 16, 2008 the N.C. Court of Appeals affirmed the convictions.
3. In his Motion for Appropriate Relief, Defendant contends:
  - (1) That his trial counsel was ineffective (Claims 1-4) because;
    - A. he failed to stipulate to the predicate felony in the Possession of a Firearm by a Felon (PFBF) charge thereby allowing the charge (Conspiracy to Commit Armed Robbery) to be known by the jury;

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- B. he did not consult with his client before he declined to stipulate to the predicate felony;
  - C. he failed to ask for a limiting instruction with respect to the admission of the predicate felony into evidence;
  - D. he failed to request a limiting instruction on the purposes for which the jury could consider the predicate felony;
  - E. he failed to invoke U.S. v. Old Chief to prevent the jury from knowing the exact nature of the predicate felony;
  - F. he incorrectly advised the Defendant that should he elect to go to trial his potential punishment was about the same as the plea offer made by the State (i.e. about eight years in prison).
- (2) The increase in potential sentence due to a conviction which post-dated the date of offense in this matter is unjust and a violation of the *ex post facto* clause. (Claim 5)
  - (3) That one of the witnesses at trial has recanted her testimony (i.e. newly discovered evidence). (Claim 6)
  - (4) Ineffective Assistance of Appellate Counsel for failing to present these issues on appeal. (Claim 7)

With respect to Claims 1-4 of the Defendant's Motion for Appropriate Relief, the Court finds that an evidentiary hearing is warranted.

With respect to Claim 5, the Court finds that that issue could have been raised on appeal and was not. It is therefore procedurally barred. It is without merit.

With respect to Claim 6, the Court finds that the allegations contained therein are insufficient to warrant an evidentiary hearing. There is not an affirmative statement that the alleged "new evidence" was unknown or unavailable to the Defendant at the time of trial which could not with due diligence have been discovered or made available at that time.




Additionally, Claim 6 is deficient as a matter of law in that in order for relief to be granted based upon "new evidence," it must not merely tend to contradict, impeach or discredit the testimony of a former witness. Nowhere in the Defendant's motion or accompanying affidavit or other documents is it asserted otherwise. It is without merit.

Claim 7 simply contains conclusory statements. It is a "catch-all" and is contingent upon "the State contend[ing] that any of the claims above are procedurally barred for failure to be raised in the trial court or on direct appeal, the Defendant contends he received ineffective assistance of trial and appellate counsel." The Court finds that it lacks merit on its face.

IT IS THEREFORE ORDERED that:

1. The District Attorney set this matter on for an evidentiary hearing within thirty (30) days as to the Ineffective Assistance of Counsel Claims (Claims 1-4).
2. The Defendant's Claims 5, 6, and 7 are denied and an evidentiary hearing is not warranted.

This the <sup>4<sup>th</sup></sup> ~~26<sup>th</sup>~~ day of <sup>March</sup> ~~February~~, 2015.

  
\_\_\_\_\_  
W. Robert Bell  
Senior Resident Superior Court Judge

cc: Defendant  
District Attorney  
Bruce Cunningham,  
Attorney for Defendant  
Court File



# STATE OF NORTH CAROLINA

File No.

05CRS244095

51

MECKLENBURG County

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

## STATE VERSUS

Name Of Defendant  
 GRANT, ISRAEL

Race B Sex M Date Of Birth 02/18/1986

Attorney For State  
 BRUCE LILLIE

☐ Def. Found Not Indigent ☐ Def. Waived Attorney ☐ Attorney Denied

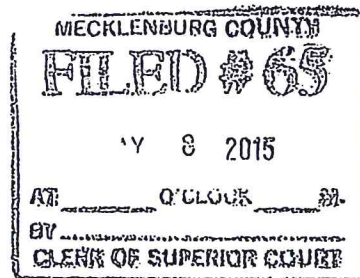
Attorney For Defendant  
 BRUCE CUNNINGHAM

☐ Appointed ☐ Retained Crt Rptr Initials LCR

Offense(s)  
 RWDW

## JUDGMENT/ORDER OR OTHER DISPOSITION

MAR GRANTED  
 JUDGMENT VACATED



## SIGNATURE OF JUDGE

Date  
 05/08/2015

Name Of Presiding Judge (Type Or Print)  
 W. ROBERT BELL

Signature Of Presiding Judge

Material opposite unmarked squares is to be disregarded as surplusage.

STATE OF NORTH CAROLINA

MECKLENBURG COUNTY

STATE OF NORTH CAROLINA

v.

ISRAEL GRANT,

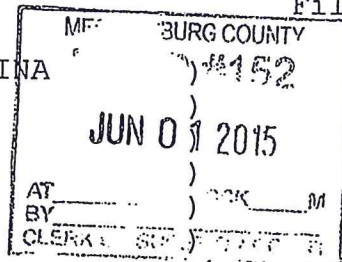
DEFENDANT )

IN THE GENERAL COURT OF JUSTICE

SUPERIOR COURT DIVISION

File Nos. 05 CRS 244094-95

05 CRS 076342



ORDER

THIS CAUSE coming on to be heard before the undersigned Judge Presiding at the May 8, 2015 Criminal Session of Mecklenburg County Superior Court, upon the Motion for Appropriate Relief filed by the Defendant, and the Defendant being present with his counsel, Bruce T. Cunningham, Jr. and the State being represented by Assistant District Attorney Bruce Lillie, the Court, with the consent of the State, makes the following Findings of Facts and Conclusions of Law:

#### FINDINGS OF FACT

1. At the August 15, 2007 Criminal Session of Mecklenburg County Superior Court, the Defendant was found guilty of two counts of Armed Robbery and one count of Possession of Firearm by Felon.

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2. Two consecutive sentences of 103 to 133 months were imposed on the Robberies and a consecutive sentence of 16 to 20 months was imposed on the charge of Possession of Firearm by Felon.
3. The convictions and sentences were affirmed by the North Carolina Court of Appeals on December 16, 2008.
4. On February 3, 2015 the Defendant filed a Motion for Appropriate Relief alleging various claims of ineffective assistance of counsel and a claim designated as Claim Six, which involved a recantation of testimony by prosecuting witness Christina Adcock.
5. In an Order entered by this Court on March 4, 2015, an evidentiary hearing was granted on Claims One through Four.
6. On May 8, 2015, the Defendant moved that the Court reconsider that portion of the March 4, 2015 Order denying a hearing on Claim Six. Before this Court, the State has represented that it consents to the Court modifying the Order denying a hearing on Claim Six of the Motion for Appropriate Relief.
7. Further, the Assistant District Attorney has represented to the Court that he has conferred with witness Christina Adcock, who was present in court on

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May 8, 2015, and that both the State and Ms. Adcock consent to the Court modifying the March 4, 2015 order.

8. The State agreed that the affidavit of Christina Adcock attached to the Motion for Appropriate Relief is newly discovered evidence.
9. The State further consented, with the agreement of Christina Adcock, that following the consideration of newly discovered evidence, the entry of an Order vacating only the charge involving Christina Adcock, 05 CRS 2244095, would be appropriate.
10. The State has maintained its opposition to any relief sought by the Defendant in any claim other than Claim Six.

Upon the foregoing FINDINGS OF FACT, the Court makes the following CONCLUSIONS OF LAW;

11. There is a reasonable probability that, if the jury had heard evidence consistent with the statements of Christina Adcock in her affidavit, a different outcome would have been reached with respect to the verdict in 05 CRS 2244095.
12. With the consent of the State, and consistent with the Due Process Clause of the Fourteenth Amendment of the United States Constitution, it would be appropriate for

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the Court to enter an Order vacating the conviction and sentence in 05 CRS 2244095.

13. That the remaining claims in the Defendant's Motion for Appropriate Relief are hereby denied.

14. That nothing in this Order will impact the convictions or sentences in 05 CRS 244094 or 05 CRS 76342.

WHEREFORE, with the consent of the State, the conviction and sentence in 05 CRS 244095 are hereby VACATED and the matter will be returned to the docket of the Mecklenburg County Superior Criminal Court, for disposition by the State.

This the 28 day of May, 2015

  
\_\_\_\_\_  
Judge Presiding

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## STATE OF NORTH CAROLINA

Mecklenburg

County



In The General Court Of Justice

☐ District ☒ Superior Court Division

## STATE VERSUS

Defendant Name

Israel Grant

**DISMISSAL****NOTICE OF REINSTATEMENT**

(For Offenses Committed On Or After Dec. 1, 2013)

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

File Number

Count No.(s)

Offense(s)

05crs 244095

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RWDW

☒ **DISMISSAL**

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

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

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

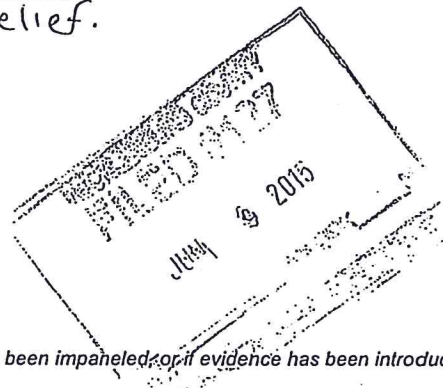
See A motion for appropriate relief.

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

in exchange for a dismissal of the following charges:

☐ 4. Other: (specify)☐ See additional information on reverse.

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

☐ **DISMISSAL WITH LEAVE**

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

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

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

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

Date

6/8/15

Name Of Prosecutor (Type Or Print)

D. Bruce Little

Signature Of Prosecutor

☐ **REINSTATEMENT**

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

Date

Name Of Prosecutor (Type Or Print)

Signature Of Prosecutor

## **X. Conclusion**

A hearing will be conducted before the North Carolina Innocence Inquiry Commission on November 29, 2017. At that time, Commission staff will present the evidence uncovered during the Commission's investigation.

The Commission is charged with considering "credible, verifiable evidence of innocence that has not been previously presented at trial or considered at a hearing granted through postconviction relief."<sup>28</sup> At the conclusion of the hearing, each Commissioner shall determine whether "there is sufficient evidence of factual innocence to merit judicial review."<sup>29</sup>

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<sup>28</sup> N.C.G.S. § 15A-1460.

<sup>29</sup> N.C.G.S. § 15A-1468(c).