

STATE OF NORTH CAROLINA
COUNTY OF COLUMBUS

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO. 78 CRS 2415-2416

STATE OF NORTH CAROLINA)
)
VS.)
)
JOSEPH SLEDGE, JR.)

TRANSCRIPT
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The above-captioned case coming on for hearing at the January 23, 2015 Criminal Session of the Superior Court of Columbus County, Whiteville, North Carolina, before the Honorable Thomas H. Lock, Anna J. Wagoner, and Kevin M. Bridges, Judges presiding, the following proceedings were had, to wit:

A P P E A R A N C E S

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TRANSCRIPT ORDERED: January 26, 2015

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Kirstin A. O'Malley, RPR
Official Court Reporter

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Friday, January 23, 2015

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1 (The Court convened at 9:34 a.m. on
2 January 23, 2015, and the case of the
3 State of North Carolina versus Joseph
4 Sledge, Jr., Columbus County Cases 78 CRS
5 2415-2416, was called for hearing. The
6 Defendant and all counsel were present.)
7 JUDGE LOCK: Good morning, everyone. We welcome you
8 all here to this special session of our Columbus
9 County Superior Court. This, of course, is the
10 case of State of North Carolina versus Joseph
11 Sledge, Jr., 78 CRS 2415, 2416. We're gathered to
12 hear evidence today relevant to the recommendation
13 of the North Carolina Innocence Inquiry Commission
14 in the case of the State of North Carolina versus
15 Mr. Sledge. The record should reflect the
16 presence of Mr. Sledge and his attorney, Christine
17 Mumma. The record should also reflect the
18 presence of the elected district attorney for this
19 prosecutorial district, Mr. Jon David. The Court
20 would also like to recognize the honorable Beverly
21 Lake, Jr., Retired Chief Justice of North Carolina
22 Superior Court. Welcome, Chief Justice Lake.
23 Does either party in this matter desire to
24 make an opening statement?
25 MS. MUMMA: No, Your Honor.

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1 JUDGE LOCK: Mr. David?

2 MR. DAVID: No, Your Honor.

3 JUDGE LOCK: In that event, then, the Court is with
4 Mr. Sledge. Ms. Mumma.

5 MS. MUMMA: Your Honor, I would like to start by
6 moving to admit into evidence the Exhibits 1
7 through 5 that have been previously received by
8 the Judges. Those exhibits include the Innocence
9 Inquiry Commission brief, the handouts from the
10 brief, the transcript from the hearing, and the
11 opinion of the Innocence Inquiry Commission and
12 the Plea for Declaration of Innocence, also
13 provided for you. So those, the Innocence Inquiry
14 Commission brief, would be 1, the hearing is 2,
15 the handouts are 3, the opinion of the Commission
16 is 4, and the plea is 5. The notebook in front of
17 you has the exhibit numbers noted in the front as
18 well as the exhibits that we will be addressing
19 today in court.

20 JUDGE LOCK: Exhibits 1 through 5 are received. And
21 also, I would like to note for the record that the
22 State did file a written response this morning to
23 the commissioners, and that is now in the record.

24 Yes, ma'am.

25 MS. MUMMA: Your Honor, the defense calls Rita

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1 Batchelor.

2 JUDGE LOCK: All right. Come up, please.

3 RITA BATCHELOR,

4 being first duly sworn,

5 was examined and testified as follows:

6 **DIRECT EXAMINATION**

7 BY MS. MUMMA:

8 Q Good morning, Ms. Batchelor.

9 A Good morning.

10 Q We understand that you're usually in the other
11 seat handling the proceedings of the court, but
12 thank you for coming to testify today. Would you
13 please state your name for the Court.

14 A Rita Batchelor.

15 Q And how are you employed?

16 A With the clerk's office.

17 Q And what's your position with the clerk's office?

18 A I'm an assistant clerk.

19 Q And how long have you been assistant clerk?

20 A Four years.

21 Q Four years. And you've been at the clerk's office
22 for longer than that, right?

23 A Almost 19 years.

24 Q Ms. Batchelor, I'm going to ask you some questions
25 about your responsibility as the clerk. What is

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1 the primary responsibility of the clerk's office
2 overall?

3 A We're the record-keepers.

4 Q Does that include physical evidence?

5 A Yes, ma'am.

6 Q And what type of physical evidence?

7 A Anything that's admitted in a trial, that's
8 what -- and the Judge -- if it's admitted and
9 received, then we keep up with that.

10 Q So all exhibits entered at trial, whether it's
11 with the State or defense --

12 A Yes, ma'am.

13 Q -- would be in the custody of the clerk's office?

14 A Yes, ma'am.

15 Q Do you also keep the official court records and
16 files for each case?

17 A Yes, ma'am.

18 Q And as deputy clerk, do you have access to
19 evidence rooms for evidence that is taken as
20 exhibits?

21 A Yes, ma'am.

22 Q And how many evidence rooms are there?

23 A We have two vaults --

24 Q Two vaults?

25 A -- that we keep evidence.

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1 Q And is there a difference between what's kept in
2 those vaults?
3 A Yes, ma'am.
4 Q Can you describe that for the Court?
5 A There's a vault that was in -- that's in our high
6 clerk, Jess Hill's office, and then there's one
7 and that's where the old evidence was for old
8 cases. And when our criminal office moved to
9 where we are now, we started using that vault to
10 keep the newer cases' evidence in that.
11 Q Okay. So the vault that's in the high clerk's
12 office is for the older cases?
13 A Yes, ma'am.
14 Q Would a 1978 case be considered an older case?
15 A Oh, yes, ma'am.
16 Q Do you know how far back the cases in that vault
17 go?
18 A Well, 19 --
19 Q At least 19 --
20 A At least 1978, yes, ma'am.
21 Q Can you describe what the vault looks like?
22 A It's kind of like a big closet, has a steel door,
23 shelving, dark.
24 Q Is it locked?
25 A Yes, ma'am, with a combination --

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1 Q Combination lock?

2 A Uh-huh.

3 Q Clerk Batchelor, if you could open the exhibit
4 book that's in front of you and turn to Defense
5 Hearing Exhibit 6, and if you could look at the
6 two items under that tab and describe for the
7 Court what those pictures are.

8 A That's the vault that's in the high clerk's
9 office, where we would keep the -- where the old
10 cases' evidence was kept. That's the outside with
11 the combination lock that you would have to use to
12 get in it.

13 Q Do those pictures accurately depict how the vault
14 is today in that office?

15 A Yes, ma'am.

16 Q And who has the combination for that lock?

17 A The high clerk, Mr. Hill.

18 Q Is that the only person that has the combination
19 for that lock?

20 A Yes, ma'am.

21 Q Do other clerks -- do clerks have access to the
22 other vaults?

23 A Yes, ma'am.

24 Q Who else -- who has access to the other vault?

25 A Myself and Kelly Sullivan, who is the deputy clerk

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1 who works superior court now.

2 Q Do you have -- but you don't have the combination

3 for this vault?

4 A Not for this vault, no, ma'am.

5 Q Okay. So when evidence is taken into custody --

6 admitted as an exhibit and taken into custody by

7 the clerk, can you describe the process in putting

8 that evidence into storage in the clerk's office?

9 A We box it up. There's a form that we use that has

10 the file name, the case number, and there's some

11 other information placed on that. It is put on

12 the outside of the box and also inside the box, as

13 well as a copy in the file. And the box is taped

14 up and sealed and placed in the vault.

15 Q So you have three lists: one in the file, one

16 inside the box, and one outside the box?

17 A Uh-huh.

18 Q And then is the box itself labeled?

19 A Yes, ma'am.

20 Q What's that labeled with?

21 A It's labeled with that actual form on the outside.

22 It's taped on the box.

23 Q And do you know how long this procedure for

24 identifying evidence has been in place?

25 A It's been a few years. Maybe five or six years.

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1 Q Okay.

2 A If not longer.

3 Q Are you familiar with the procedures that were in
4 place in 1978?

5 A No, ma'am. I was only nine years old then.

6 Q Are there any markings on the box that held the
7 exhibits for Joseph Sledge's case from 1978?

8 A His case number and his name.

9 Q Ms. Batchelor, I'm going to ask you some questions
10 about the actual evidence from this case, and
11 particularly we cover to include the chain of
12 custody of the evidence from this case in your
13 office. So I'm going to ask you to read some
14 sections of trial transcript, and we're going to
15 start under Tab 7, Defense 7. And on those pages
16 there's some highlighted sections. Could you
17 please read the highlighted sections? And these
18 are pages from the actual transcript, and if you
19 could read the highlighted sections on those
20 pages.

21 A Just start reading it?

22 Q You can read them out loud.

23 A Okay. "Phillip Little, previously sworn,
24 testified as follows during direct examination by
25 Mr. Chalmers:

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1 "Question: Mr. Little, on the 6th day of
2 September 1976, state whether or not you removed
3 from the body of the victim, Ms. Aileen Davis, any
4 hairs.

5 "Answer: Yes, I did.

6 "Question: I hand you here an envelope which
7 has heretofore been identified, and the contents
8 thereof, as State's Exhibit Number 12C, and ask if
9 you can identify that.

10 "Answer: Yes, sir.

11 "Question: Would you tell His Honor and the
12 jury what State's Exhibit Number 12C contains,
13 please, sir.

14 "Answer: 12C contains a plastic film
15 container that I placed the hairs in that I found
16 on the body of Aileen Davis on the 6th day of
17 September 1976, and it also has my identifying
18 mark on the container.

19 "Question: All right, sir. Now, from the
20 time you received State's Exhibit Number 12C until
21 the time that you -- what did you do with it after
22 you took those hairs from that body and placed it
23 in the container?

24 "Answer: I kept it in my custody until such
25 time as I gave it to Special Agent Lee Sampson of

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1 the State Bureau of Investigation.

2 "Question: And from the time you took it
3 from the body of Ms. Aileen Davis until the time
4 you turned it over to Mr. Lee Sampson of the SBI,
5 did it remain in your custody, care, and control?

6 "Answer: It did.

7 "Question: And was it in the same condition
8 at the time you received it as it was when you
9 turned it over to Mr. Sampson?

10 "Answer: It was."

11 Q Thank you, Ms. Batchelor. Now, in recalling what
12 you've just read, did Deputy Little testify that
13 he removed hairs from the body of Aileen Davis?

14 A Yes, ma'am.

15 Q And he also stated Exhibit 12C contained the
16 plastic container with the hairs removed from
17 Aileen Davis's body?

18 A Yes, ma'am.

19 Q And did he state that Exhibit 12C remained in his
20 custody until he turned it over to the SBI?

21 A Yes, ma'am.

22 Q Now, if you would turn over to Exhibit 8. And
23 this is the testimony of Agent Frier, beginning on
24 page 43. I know it seems long to go to page 48,
25 but it's not all highlighted, so if you could just

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1 "Question: Through the United States mail?

2 "Answer: Yes, sir.

3 "Question: And as a result of receiving
4 these items, did you make any comparison and
5 examination thereof?

6 "Answer: Yes, sir, I did.

7 "Question: Frier, I hand you here State's
8 Exhibit 13 and ask you if you can identify that,
9 sir.

10 "Answer: Yes. This is the shipping envelope
11 bearing the registry number from the FBI to
12 Special Agent Sampson. I don't see the postal.
13 It is dated 1976 on the back side.

14 "Question: And in State's Exhibit Number 13,
15 did you also forward to Mr. Sampson State's
16 Exhibit Number 12?

17 "Answer: Yes. Exhibit 12 is an enclosure
18 envelope containing the specimens that were
19 examined in the laboratory.

20 "Question: All right. Now, did you place
21 the seal on State's Exhibit Number 12 before you
22 mailed this back to Mr. Sampson?

23 "Answer: Yes, I did."

24 Q Okay. You can stop right there. So based on that
25 testimony, did FBI Agent Frier testify that he

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1 read the highlighted sections.

2 A Okay. "James C. Frier, being first duly sworn,
3 testified as follows during direct examination by
4 Mr. Chalmers:

5 "Question: What is your name, sir?

6 "Answer: My name is James C. Frier, spelled
7 F-r-i-e-r.

8 "Question: And, Mr. Frier, what is your
9 occupation?

10 "Answer: I'm a special agent with the
11 Federal Bureau of Investigation, currently
12 assigned in Washington, D.C.

13 "Question: Mr. Frier, subsequent to
14 September 13, 1978, sir, did you have an occasion
15 to receive in your laboratory in Washington, D.C.
16 certain hairs from the director of the State
17 Bureau of Investigation in Raleigh, North
18 Carolina?

19 "Answer: Yes, sir, I did receive some hairs
20 from the State Bureau of Investigation. I believe
21 it was in 1976.

22 "Question: 1976? And as a result of
23 receiving these items from -- how did you receive
24 these items?

25 "Answer: They came in a sealed envelope.

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1 received the hairs from the SBI in 1976 in a
2 sealed envelope?

3 A Yes, ma'am.

4 Q And did he also testify that the envelope was
5 marked as State's Exhibit Number 12 at trial and
6 contained samples examined by the SBI lab?

7 A Yes, ma'am.

8 Q And did he testify that he labeled those --
9 actually, if you go on to page 49 and look at the
10 testimony there.

11 A State 12A marked for identification. "Answer:
12 There are also present three plastic envelopes
13 which I have labeled Q1, Q2, and Q3, all of which
14 bear my initials, JCF. The Q symbols mean that
15 they are questioned items.

16 "Question: Now, Mr. Frier, do you have in
17 the envelope an item marked Q4?

18 "Answer: Yes, I do. Q4, which bears my
19 initials, JCF, is an empty film container inside a
20 plastic bag. This also contained hairs at one
21 time which had been removed and placed on one of
22 the microscope slides I showed you."

23 Q So based on that testimony, Agent Frier testified
24 he labeled the hairs received from the SBI as Q1,
25 Q2, Q3, and Q4, and those were put on slides. Q4

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1 was put on a slide?

2 A Q4, yes, ma'am.

3 Q All right. Now we're going to move to page 62,
4 the next page in your binder. And if you could
5 read the highlighted section on 62 through 63.

6 A "Question: Mr. Frier, I believe that you have
7 heretofore testified that you received State's
8 Exhibit 12A, State's Exhibit Number 12C, and
9 State's Exhibit Number 12D at your laboratory in
10 Washington, D.C.; is that correct?

11 "Answer: Yes, sir, it is.

12 "Question: Now, with respect to State's
13 Exhibit 12C and State's Exhibit 12D, tell His
14 Honor and the jury, please, sir, what you did
15 after you received those two items at your
16 laboratory in Washington, D.C.

17 "Answer: Yes, sir. Those items were
18 represented to me as being hairs removed from
19 various areas of the crime scene. Upon my
20 receipt, I mounted them on microscope slides,
21 which I have placed in these containers, and then
22 I compared them against the known pubic hair
23 sample that I received in this case represented to
24 me as being from the defendant."

25 Q Thank you, Ms. Batchelor. So based on this

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1 testimony, did Agent Frier testify that he
2 received Exhibit 12A from the SBI?

3 A Yes, ma'am.

4 Q And the hairs that were originally in the
5 containers, the canisters, this is based on all of
6 Mr. Frier's testimony they were taken out of the
7 canister and put on slides?

8 A Yes, ma'am.

9 Q And were those slides examined by the FBI?

10 A Yes, ma'am.

11 Q If you'll move on to Defense Exhibit Number 9.
12 And this is testimony from SBI Agent Marshall
13 Evans. Beginning on page 207, if you could read
14 the highlighted sections through the end,
15 page 210.

16 A "Question: What is your name, sir?

17 "Answer: Marshall Evans.

18 "Question: And, Mr. Evans, what is your
19 occupation?

20 "Answer: I'm a special agent with the North
21 Carolina State Bureau of Investigation.

22 "Question: Mr. Evans, how long have you been
23 a member of the State Bureau of Investigation?

24 "Answer: Five years and 29 days.

25 "Question: Now, Mr. Evans, on the first day

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1 of July 1977, or just prior thereto, were you a
2 member of the State Bureau of Investigation
3 engaged in the performance of your official duties
4 as an SBI agent for the State of North Carolina?

5 "Answer: Yes, sir, I was.

6 "Question: What, if anything, did you
7 receive in the United States mail?

8 "Answer: I received a package on July 1,
9 1977, at the Clinton Post Office in Clinton, North
10 Carolina.

11 "Question: All right, sir. And did you open
12 that package?

13 "Answer: Yes, sir. State's Exhibit
14 Number 13 was enclosed in the box which I received
15 at the Clinton Post Office on July 1, 1977.

16 "Question: And did you at that time open
17 State's Exhibit Number 13, or was it open?

18 "Answer: The envelope was sealed when I
19 received it.

20 "Question: All right, sir. Did you open
21 State's Exhibit Number 13?"

22 Q You can keep going.

23 A "Answer: I opened State's Exhibit Number 13 on
24 September 29, 1977.

25 "Question: And state whether or not, upon

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1 opening State's Exhibit Number 13 on the 29th day
2 of September 1977, it contained State's Exhibit
3 Number 12.

4 "Answer: Yes, sir, it did.

5 "Question: All right, sir. And what, if
6 anything, did you do with State's Exhibit
7 Number 12 after you received it?

8 "Answer: I maintained it in my custody until
9 I brought it to this courtroom, Superior Court for
10 Columbus County, the week of May 1, 1978.

11 "Question: And from the time you received it
12 until the time you brought it to this courtroom in
13 May of '78, was it in your exclusive custody,
14 care, and control?

15 "Answer: Yes, sir, it was. Exhibit
16 Number 12" -- I'm sorry.

17 "Question: Was State's Exhibit Number 12 in
18 the same condition in May of 1978 as it was at the
19 time you received it? When did you say you
20 received it?

21 "Answer: On July 1, 1977. Yes, sir, it
22 was."

23 Q Thank you, Ms. Batchelor. Please do take another
24 drink of water whenever you need that. All right.
25 So reviewing Mr. Evans's testimony, does that

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1 testimony reflect that Agent Evans received the
2 FBI envelope in 1977?
3 A Yes, ma'am.
4 Q And did he bring that envelope to court in 1978?
5 A Yes, ma'am.
6 Q So now we've -- based on the testimony you read so
7 far, we've had the hairs removed from the body by
8 Detective Little, put into a canister, given to
9 the SBI, sent from the SBI to the FBI for
10 examination, rushed to the SBI, and held in
11 custody and brought to court; is that correct?
12 A Yes, ma'am.
13 Q From what you read so far?
14 A Yes, ma'am.
15 Q Now, if we can turn to Defense Exhibit Number 10.
16 And here you have the testimony of Lacy Thompson.
17 Are you familiar with Lacy Thompson?
18 A Yes, ma'am.
19 Q Who's Lacy Thompson?
20 A He was clerk of court at one time.
21 Q In 1978, most likely.
22 A Okay.
23 Q If you could read the testimony of Mr. Thompson
24 starting on page 301 of Defense Exhibit 10.
25 A "Question: Mr. Thompson, what is your name, sir?

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1 "Answer: Lacy R. Thompson.

2 "Question: And, Mr. Thompson, what office do
3 you hold here in Columbus County?

4 "Answer: Clerk of superior court.

5 "Question: And how long have you held that
6 office?

7 "Answer: Nine years and nine months.

8 "Question: Now, Mr. Thompson, during the
9 month of May 1977, at the criminal term of
10 superior court of Columbus County, did you have an
11 occasion to take into your possession certain
12 items of evidence that were introduced into the
13 trial of the case entitled State against Sledge?

14 "Answer: I did.

15 "Question: I hand you here State's
16 Exhibit 12, State's Exhibit 12A, State's
17 Exhibit 12B, State's Exhibit 12C, State's
18 Exhibit 12D, State's Exhibit 12E, and State's
19 Exhibit 12F, together with State's Exhibit 13 and
20 State's Exhibit 1218 (sic), and ask if, in your
21 official duties as clerk of superior court of
22 Columbus County, you received these items into
23 your custody, care, and control.

24 "Answer: I did.

25 "Question: And since May of 1977 -- I beg

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1 your pardon -- May of 1978, have these items been
2 in your exclusive custody, care, and control until
3 they were identified as State's exhibits in
4 evidence this week?

5 "Answer: Yes, sir, they have been.

6 "Question: And are they in the same
7 condition now as they were at the time you
8 received them in May of 1977?

9 "Mr. Chalmers: Now, if Your Honor pleases,
10 the State at this time desires to introduce into
11 evidence State's Exhibit 12, State's Exhibit 12A,
12 State's Exhibit 12B, State's Exhibit 12C, State's
13 Exhibit 12D, State's Exhibit 12E, State's
14 Exhibit 12F, State's Exhibit 1213 -- State's
15 Exhibit 13, and State's Exhibit 18."

16 Q Thank you, Ms. Batchelor. So based on
17 Mr. Thompson's testimony, did the evidence remain
18 in the custody of the high clerk of court from the
19 first trial, brought back into evidence for the
20 second trial?

21 A Yes, ma'am.

22 Q And previously, you read testimony to indicate the
23 items -- evidence 12 items were the hair collected
24 from the crime scene; is that correct?

25 A Yes, ma'am.

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1 Q We're going to move forward to discuss some of the
2 previous orders that have been filed in this case,
3 and we're going to start with defense
4 Exhibit 11 -- actually, you can look at 11 through
5 14. If you want to glance at those and see what
6 those exhibits are.

7 A (Witness complied.) And 14?

8 Q Yes, ma'am.

9 A Okay.

10 Q Do you recognize those items that you just looked
11 at?

12 A Yes, ma'am.

13 Q What are they?

14 A They're different orders signed by -- one by Judge
15 Gore, one by Judge Sasser, orders to review DNA
16 testing.

17 Q Can you give me the years of those orders?

18 A Exhibit 11 is 2003; Exhibit 12, 2006; Exhibit 13,
19 2008; and Exhibit 14, 2010.

20 Q And would these orders be the type of documents
21 that would be in the clerk's file?

22 A Yes, ma'am.

23 Q So let's start with Exhibit 11. And do you know
24 if there was any action taken on defense
25 Exhibit 11 following the 2003 order for DNA

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1 testing? What action would have been taken by the
2 Court when you receive an order like this?

3 A We would clock it in and would read whatever the
4 Judge ordered in here. If it's to send copies, we
5 would send copies to the DA or to the defendant,
6 or just follow the order that Judge sent.

7 Q And step three of the order, at the end, can you
8 read what that says?

9 A I can't make out that second word.

10 Q What does the rest of it say?

11 A "Of the agency involved in the investigation of
12 this case."

13 Q So the order was to be delivered to each agency
14 involved in the investigation of the case; is that
15 correct?

16 A Yes, ma'am.

17 Q And do you know if this order was given to each
18 agency involved in the investigation of the case?

19 A It should have been, yes, ma'am. As far as I
20 know, it would have been.

21 Q Ms. Batchelor, have you ever received any
22 correspondence from Mr. Sledge in this case? Do
23 you know if there's any letters from him in the
24 case file?

25 A Yes, ma'am.

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1 Q Do you know if there were any letters received
2 after the 2003 order, and 2004, inquiring about
3 the status of this order?

4 A I'm sure there is. When one is filed, they always
5 write to inquire of the status on orders like
6 this. I would have to look in the file.

7 Q Okay. If I could ask you to turn to Defense
8 Exhibit 15.

9 A Okay.

10 Q The second line down, there's a date on that
11 letter.

12 A Uh-huh.

13 Q What is that date?

14 A 26 January 2004.

15 Q And on the second page, who is that letter from?

16 A Joseph Sledge, Jr.

17 Q And Defense Exhibit 16, second line down, what's
18 the date on that letter?

19 A 15 August 2004.

20 Q And second page -- well --

21 A I don't have a second page.

22 Q Can you skim over those letters and tell me the
23 gist of those letters? What is Mr. Sledge asking?

24 A In 16, he's asking for us to direct information to
25 Judge Gore about the bodies being sent to

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1 Southeastern General Hospital for lab reports and
2 rape kits, because he didn't think we may have had
3 that information.

4 Q Is he also asking about the status of the order
5 and offering help to attempt to locate evidence in
6 the first paragraph? Are you looking at 16?

7 A I'm looking at 16. Well, he was offering to let
8 us know about the agencies that could submit
9 affidavits to this court.

10 Q Okay. So he's inquiring about the 2003 order?

11 A Yes, ma'am.

12 Q And is that the same for Exhibit 15?

13 A He's inquiring about the DNA testing on 15.

14 Q That's fine. They're letters of inquiry about the
15 status of the order?

16 A Uh-huh.

17 Q And, Ms. Batchelor, to your knowledge and based on
18 the records of the clerk of court, was there any
19 action taken with regard to this 2003 order with
20 the evidence that was in the custody of the clerk?

21 A I don't remember.

22 Q Let's turn to Exhibit 17. Can you tell the Court
23 what Exhibit 17 is?

24 A It is a letter from, at that time, Senior Resident
25 Superior Court Judge William C. Gore, Jr.

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1 Q And the date of that letter?

2 A December 8, 2004.

3 Q Can you read that letter out loud to the Court,
4 please.

5 A "Dear Mr. Sledge, I have had the clerk of superior
6 court of Columbus County and my assistant mail a
7 copy of my order to all interested parties that we
8 believe could have possession of the materials you
9 seek. At this point, none them have responded to
10 the order. As a superior court judge, I am not in
11 a position to make any further investigations into
12 your claims. I have acted in good faith and
13 believe the agencies and people I have sent the
14 order to have acted in good faith as well. Unless
15 there is some reason to believe that law
16 enforcement officials, prosecutors, or other
17 witnesses are willfully disobeying this Court's
18 order to produce the evidence you have sought, I
19 will not take any further action in this matter.
20 Sincerely, William C. Gore, Jr., Senior Resident
21 Superior Court Judge."

22 Q Thank you, Ms. Batchelor. And based on the
23 testimony you read earlier, we established that
24 the evidence was in the custody of the clerk of
25 court; is that correct?

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1 A Yes, ma'am.

2 Q And that evidence was in custody from 1978 until

3 2004, when this letter was written?

4 A Yes, ma'am.

5 Q If we can turn to Defense Exhibit 18. Do you

6 recognize this?

7 A Yes, ma'am.

8 Q And what is it?

9 A It's an affidavit signed by, at that time, Rex

10 Gore, the district attorney.

11 Q And when did he sign that affidavit?

12 A June 7, 2005.

13 Q So this is over six months after the letter from

14 Judge Gore; is that correct?

15 A Yes, ma'am.

16 Q And who was Rex Gore?

17 A At that time, he was the elected district

18 attorney.

19 Q And did you witness the signing of this affidavit?

20 A Yes, ma'am.

21 Q Could you read the affidavit out loud, please.

22 A Yes, ma'am. "Now comes Rex Gore, District

23 Attorney," and after that it says as follows: "1,

24 the affiant was given a copy of the order in this

25 matter granting the defendant's motion for DNA

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1 testing. Number 2, affiant contacted the Office
2 of the Sheriff of Bladen County in search for any
3 requested materials that investigators might have
4 under their care, custody, or control. Number 3,
5 Phillip Little, Chief Deputy for the Bladen County
6 Sheriff, informed affiant that he had no such
7 materials and that his contact with other agencies
8 did not yield any such materials. Number 4,
9 affiant caused a search for the case file in the
10 possession of this office. Said search yielded no
11 requested materials. Number 5, agencies for
12 affiant contacted the Criminal Division of the
13 clerk of the Office for the Clerk of Columbus
14 County in search for any requested materials that
15 may have been entered into evidence during the
16 trial of defendant and which were still retained
17 by the clerk. Number 6, affiant's further
18 investigation revealed that the Office of the
19 Clerk of Court for Columbus County has in its
20 possession items entered into evidence during the
21 trial of defendant that may be material requested
22 by defendant. This being done on June 7, 2005."
23 And it's signed "Rex Gore, District Attorney,
24 sworn before me on June 7, 2005, Rita Batchelor."
25 Q Thank you, Ms. Batchelor. So just to review,

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1 Defendant's Exhibit 11 is the 2003 order requiring
2 that any evidence in custody be sent away for
3 testing; is that correct?

4 A Yes, ma'am.

5 Q And Defendant's Exhibit 12 is the order from 2006
6 requiring any evidence in custody be sent away for
7 testing; is that correct?

8 A Yes, ma'am.

9 Q And the order of 2008 is a court order requiring
10 any evidence in custody be sent away for testing;
11 is that correct?

12 A Exhibit 13?

13 Q Yes.

14 A Yes, ma'am.

15 Q And then Exhibit 14 is a 2010 order requiring any
16 evidence in custody of any agency to be sent for
17 testing; is that correct?

18 A Yes, ma'am.

19 Q Okay. So do you know if any evidence was ever
20 sent by the clerk's office away for testing?

21 A Before we found those on the shelf?

22 Q Yes.

23 A Not until Ms. Pridgen and I found those on the
24 shelf.

25 Q There was no evidence sent -- the box of evidence

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1 was never sent away for testing?

2 A Now, there was a box of -- there was, like -- not
3 the hairs. We couldn't find -- there was, like,
4 a -- there was, like, a box of dresses or
5 something that we had sent, or a shirt or
6 something that was sent, but not at the time with
7 the hairs. There was two separate ones sent.

8 Q So the box of the victims' dresses, the box that
9 was labeled Joseph Sledge's case --

10 A Uh-huh.

11 Q -- physical evidence in there was sent away for
12 testing? Do you recall what year that was?

13 A No, ma'am, I sure don't.

14 Q I'll provide you with a document to refresh your
15 memory on that.

16 A Okay.

17 Q But that was in response to several court orders
18 asking that evidence be sent away; is that
19 correct?

20 A Yes, ma'am.

21 Q We'll come back to that. Let's go forward to
22 August of 2012. And in August of 2012, do you
23 recall working on cleaning out the evidence vault
24 with the high clerk, Sheila Pridgen?

25 A Yes, ma'am.

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1 Q Can you tell why you were working on the evidence
2 vault?
3 A So that we wouldn't have to move all of that to
4 the new annex that they were building and put it
5 in the new evidence, run over there.
6 Q Were you doing inventory?
7 A Yes, ma'am.
8 Q And were you going to dispose of some evidence, if
9 possible?
10 A Yes, ma'am.
11 Q And where was Ms. Pridgen?
12 A Up on the ladder.
13 Q And where were you?
14 A On the floor.
15 Q And do you recall Ms. Pridgen finding some
16 evidence?
17 A Yes, ma'am. It was way back on the shelf.
18 Q Can you describe for the Court what happened when
19 she found that evidence?
20 A She was up on the top of the ladder, and she was
21 pulling boxes and just different things out. And
22 she pulled out this envelope, and it had his name,
23 and she -- she said, "This goes -- this is, like,
24 in Joseph Sledge." And she said, "This must be
25 something -- the hairs they were looking for," or

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1 something they were looking for. And I was,
2 like -- she said, "Go call," and that's what I
3 did.
4 Q Go call who?
5 A You, Ms. Mumma.
6 Q Was Ms. Pridgen aware there were court orders for
7 all evidence in the case be sent away for testing?
8 A I can't say whether she was.
9 Q Do you know that's why she needed to call me,
10 because there was a court order for all the
11 evidence to be sent?
12 A It's possible, because I had to -- she knew of the
13 box that I had sent prior, to be sent off. She
14 knew of that evidence being sent off.
15 Q And this is to refresh your memory.
16 MS. MUMMA: May I approach?
17 JUDGE LOCK: You may.
18 Q (BY MS. MUMMA) Ms. Batchelor, could you read the
19 bottom line that indicates when evidence was sent?
20 A Okay. "Remaining articles of evidence sent to Lab
21 Corps on 10/3/11," signed by me, Rita Batchelor,
22 and witnessed by Kelly Sullivan.
23 Q So in October of 2011 --
24 A Uh-huh.
25 Q -- eight years after the original court order, was

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1 that when the evidence was first sent away for
2 testing?

3 A Yes, ma'am.

4 JUDGE LOCK: Counsel, I know that letter is in the
5 materials that were submitted to us, but do you
6 want to mark it as an exhibit for purposes of this
7 hearing?

8 MS. MUMMA: I will, Your Honor, and we'll mark it with
9 the last number so we can add it in sequence.

10 JUDGE LOCK: That will be fine.

11 Q (BY MS. MUMMA) So that's 2010. Then we go
12 forward to cleaning out the closet in 2012, and
13 Ms. Pridgen finds an envelope. I'm going to ask
14 you to turn to Defense Exhibit 19. Does that look
15 like a picture of the envelope, folded over, that
16 Ms. Pridgen found?

17 A Yes, ma'am.

18 Q And why do you think that envelope wasn't in the
19 box?

20 A I can't say. It could have fell out. The box --
21 I mean, it's a 1978 case; the tape could have come
22 undone.

23 Q Was it clearly visible on the shelf?

24 A No, ma'am. It was -- I mean, she was literally
25 having to reach way back and pull, so it was not

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1 visible. 'I mean, she was reaching way back,
2 pulling stuff off the shelf.

3 Q If you'll turn to Defense Exhibit 20. Does that
4 look like a picture of the inside of the vault in
5 the high clerk's office?

6 A Yes, ma'am.

7 Q And if you look down at the bottom right-hand
8 corner, is there a box of evidence in that
9 right-hand corner?

10 A Yes, ma'am.

11 Q What does that box say?

12 A "Joseph Sledge."

13 Q And can you describe to the Court where that
14 envelope was located?

15 A If you start with the shelf that has Joseph Sledge
16 on it, it would be the shelf below the -- it would
17 be the third shelf -- would be the shelf below the
18 one with the white --

19 Q Exhibits, the larger exhibits?

20 A -- exhibits sticking out, uh-huh.

21 Q So in relation to the evidence previously sent for
22 Mr. Sledge, this was a much higher --

23 A Yes, ma'am. We cleaned this out. That had been
24 cleaned out some.

25 Q And if you would turn to Defense Exhibit 21. And

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1 do you recognize this?

2 A Yes, ma'am.

3 Q And what is this?

4 A This is an e-mail you sent to me.

5 Q And the date of that e-mail?

6 A August 20, 2012.

7 Q And can you read that out loud, please.

8 A "Rita, the envelope with evidence from the Joseph
9 Sledge case should be kept sealed and then put
10 into a larger envelope that is labeled as evidence
11 for Joseph Sledge, Case Number F10-9804, attention
12 Meghan Clement. That envelope should be sealed
13 and put into another larger envelope addressed to
14 Evidence Custodian, Cellmark Forensics, 13988
15 Diplomat Drive, Suite 100, Dallas, Texas 75234,
16 Attention: Ms. Meghan Clement. Thank you for
17 recognizing that this evidence had not previously
18 been analyzed under the court order. Please let
19 me know if you require additional information.
20 Sincerely, Chris Mumma," and then your telephone
21 number.

22 Q In response to this e-mail, did you send the
23 evidence for Cellmark Forensics?

24 A Yes, ma'am.

25 Q Attention: Meghan Clement?

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1 A Yes, ma'am.

2 MS. MUMMA: Your Honor, I would like at this point to
3 admit Exhibits 6 through 21, and we will add in 32
4 as well, which is the letter referenced by
5 Ms. Batchelor.

6 MR. DAVID: We have no objection.

7 JUDGE LOCK: Defendant's Exhibits 6 through 21 and 32
8 are received.

9 MS. MUMMA: Ms. Batchelor, thank you for your
10 testimony. I don't have any further questions.
11 Thank you also for your service to Columbus
12 County.

13 THE WITNESS: Thank you.

14 JUDGE LOCK: Mr. David, any questions?

15 MR. DAVID: Yes, briefly.

16 **CROSS-EXAMINATION**

17 BY MR. DAVID:

18 Q Ms. Batchelor, good morning. Just have a couple
19 of follow-up questions in light of Ms. Mumma's
20 line of questioning to you. First, with regard to
21 the physical space in the clerk's office, this
22 vault you previously described that's containing
23 the evidence that ultimately contained this
24 envelope with the hairs in it, I'm going to direct
25 your attention back to Defense Exhibit 20. Are

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1 you looking at that photograph?

2 A Yes, sir.

3 Q You previously testified there is a box located in
4 the bottom right-hand corner of that shelving and
5 that the envelope was actually separated from
6 that, was it not?

7 A Yes, sir.

8 Q And that it was on top of the cabinet?

9 A Yes, sir. That box is a new box that is a box
10 that I made when -- after everything was coming
11 back from being analyzed, that is a box that I
12 made to start storing everything in back together.

13 Q You previously testified that in response to the
14 earlier court orders, you had located a box of
15 physical evidence which contained dresses or
16 slips, things of that sort?

17 A Uh-huh.

18 Q And that had been subjected to scientific testing?

19 A Yes, sir.

20 Q You had sent that off?

21 A That had been sent off, yes, sir.

22 Q When it came back, you created this new box and
23 put it here?

24 A Yes, sir.

25 Q Now, during this search of the evidence room in

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1 August of 2012, you indicated you remember
2 conducting that search with Ms. Pridgen?

3 A Yes, sir.

4 Q And your goal in being there that day was to
5 prepare things to eventually move to our new
6 courthouse annex, correct?

7 A Yes, sir.

8 Q Is it fair to say that -- this picture doesn't
9 have much scale to it, but these shelves, they're
10 roughly 20 feet high, are they not?

11 A I can't say. I just know --

12 Q I'm sorry, 12 feet high, so over -- well over head
13 high?

14 A I'm short; they're very tall.

15 Q I get you. And Ms. Pridgen's not present, but she
16 is not real tall herself, is she?

17 A She's shorter than I am.

18 Q So would it be fair to say that you could not see
19 over on top of these cabinets without some type of
20 ladder?

21 A Oh, no, sir.

22 Q And, in fact, on this day in August of 2012,
23 Sheila was on top of the ladder, was she not?

24 A Yes, sir.

25 Q And upon discovery of the envelope, is it your

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1 opinion that she immediately appreciated the fact
2 that this was evidence in a case for which
3 scientific testing had previously been ordered?

4 A Yes, sir.

5 Q I want to return to a couple of those previous
6 orders. First, turning your attention to
7 Defendant's Exhibit Number 11, that was the first
8 order issued by Judge William Gore, Jr. on June 11
9 of 2003; is that correct?

10 A Yes, sir.

11 Q Now, on the first page, in the fourth line, it
12 says that this is a motion for DNA testing filed
13 by the defendant, pro se, on the 4th day of June,
14 2003. Ma'am, what does "pro se" mean?

15 A That he's not represented by an attorney; he's
16 doing it on his own.

17 Q So at that time, Mr. Sledge was actually
18 requesting the Court the DNA testing on his own
19 behalf, was he not?

20 A Yes, sir.

21 Q And thereafter, it appears, based on the second
22 order, that being Defendant's Exhibit 12, that he
23 is represented, because there is a consent by the
24 defendant in that Tia Barnes from the North
25 Carolina Center of Actual Innocence signed off on

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1 that on the final page for an order that's dated
2 in hand the 11th day of July, 2006, correct?

3 A Yes, sir.

4 Q So it appears that some three years passed between
5 these two orders. He's now represented, but he's
6 effectively asking for the same thing, correct,
7 that the testing of these hairs, among other
8 items --

9 A Yes, sir.

10 Q I want to turn your attention now to State's
11 Exhibit 17. And, again, this previous exhibit,
12 State's Exhibit 11, was dated the 11th of July,
13 2006. Going over to 17 --

14 A Yes, sir.

15 Q -- that is a letter from Judge Gore, is it not?

16 A Yes, sir.

17 Q Addressed to Mr. Sledge, not any attorney,
18 correct?

19 A Yes, sir.

20 Q And you previously read this letter for the Court,
21 but, in pertinent part, he says that he's had the
22 clerk of court and his assistant mail a copy of
23 the order to all interested parties, that he's not
24 in a position as a superior court judge to make
25 any further investigation as to his claims, that

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1 he's acted in good faith and believes the agencies
2 and people that he sent the order to acted in good
3 faith as well, correct?

4 A Yes, sir.

5 Q And let's now go over to State's Exhibit 18. That
6 is the affidavit by Mr. Gore. Do you have that in
7 front of you?

8 A Yes, sir.

9 Q Mr. Gore, in this affidavit, relays that he has
10 requested the Bladen County Sheriff's Office to
11 conduct a search, that he has asked you to conduct
12 a search, and then says, finally, in paragraph
13 number 6, "Affiant's further investigation reveals
14 that the Office of Clerk of Court for Columbus
15 County has in its possession items entered into
16 evidence during the trial of defendant that may be
17 materials requested by the defendant." And this
18 is dated June 7, 2005, correct?

19 A Yes, sir.

20 Q Do you know what would have caused -- and,
21 actually, the person that notarized this document
22 was you?

23 A Yes, sir.

24 Q Do you recall there being some conversation with
25 Mr. Gore and either you or the clerk of court at

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1 this time about the presence of items of evidence
2 for Mr. Sledge in your possession?

3 A Not that I can remember.

4 Q During your time at the clerk's office, since
5 2003, when you were first ordered by Judge Gore
6 until the time that things were ultimately found
7 some nine years later, do you recall there ever
8 being a search, either direct by you or others in
9 your department, to look for this biological
10 evidence?

11 A Yes, sir. I looked myself, and so did
12 Ms. Pridgen.

13 Q Can you please describe that to the Court, how
14 many times and over what period of time you
15 conducted these searches?

16 A We looked -- I couldn't -- approximately two or
17 three times. And we couldn't ever -- we couldn't
18 find anything. And we would look through the
19 vault -- you have to understand, this vault,
20 there's a lot -- at that time -- the picture
21 that's in here now is not what that vault looked
22 like at that time. There was a lot more in there
23 at that time. Things were just crammed behind
24 stuff, and so as far as having to pull things,
25 boxes, just an extensive search would have had to

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1 really have been done. And so we looked, and at
2 that time, we couldn't find anything. We would
3 look in the files. You couldn't find -- we just
4 couldn't find anything.

5 Q In fact, one of those earlier searches did yield
6 the dresses and the slips, did it not?

7 A Yes, sir.

8 Q However, this envelope had apparently become
9 separated from that other evidence?

10 A Yes, sir.

11 Q And to your knowledge, that was on top of the
12 cabinet the entire time?

13 A Yes, sir. Well, I can't say it was up there the
14 whole time. I just can tell you, when Ms. Pridgen
15 found it, that's where she found it at.

16 Q Did she appear genuinely surprised at the time of
17 this discovery?

18 A Yes, sir.

19 Q Did you act on that information immediately and
20 contact Ms. Mumma the same day?

21 A Yes, sir.

22 MR. DAVID: Ma'am, thank you for your service to the
23 people of Columbus County. I don't have any
24 further questions.

25 THE WITNESS: Thank you.

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1 JUDGE LOCK: Any redirect?

2 MS. MUMMA: Yes, Your Honor.

3 **REDIRECT EXAMINATION**

4 BY MS. MUMMA:

5 Q Ms. Batchelor, there were several orders asking
6 for the same thing to be done in this case. Do
7 you recall why, after the order of 2003 -- and,
8 actually, let's just move to 2006. The order was
9 issued in 2006, but yet the evidence was not sent
10 until 2011, and there were two other orders
11 required in between. Do you recall why we had to
12 keep redoing the order?

13 A No, ma'am.

14 Q Was there confusion about who was responsible for
15 presenting the evidence?

16 A There could have been, yes, ma'am, at that time.

17 Q And do you recall speaking with me on the phone,
18 trying to talk through -- how we outlined who was
19 responsible?

20 A I do remember calling you at one time, because I
21 think at one time, the lab that it was supposed to
22 go to was not -- we didn't end up -- it wasn't
23 supposed to go there. It ended up having to go to
24 another lab. I think there was a lot of confusion
25 as to who had what.

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1 MS. MUMMA: Thank you, Ms. Batchelor.

2 MR. DAVID: Nothing further.

3 **CROSS-EXAMINATION**

4 BY JUDGE LOCK:

5 Q Ms. Batchelor, do I understand that the high clerk
6 is the only person who has the combination to what
7 you described as vault number 1, the vault
8 containing the old evidence?

9 A Yes, sir. That vault is in the high clerk's
10 office, and they are the only one that has that
11 combination.

12 Q So each elected clerk simply passed along the
13 combination to that vault to his or her successor?

14 A I'm assuming so, sir. I would have to defer to my
15 new high clerk.

16 **CROSS-EXAMINATION**

17 BY JUDGE WAGONER:

18 Q At the time when this was found on the upper
19 shelf, that was in the old -- the number 1 vault,
20 the older vault --

21 A Yes, ma'am.

22 Q -- correct?

23 A Yes, ma'am.

24 Q But today, that's a totally different vault,
25 right? As we speak today, it's a different --

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1 you've moved?

2 A We use a different vault. We don't use that vault
3 for the newer cases. What we would call our newer
4 cases, we put our evidence in the vault number 2.

5 JUDGE LOCK: Any questions from counsel in light of
6 the questions of the Court?

7 MS. MUMMA: Your Honor, just to clarify.

8 **RE-REDIRECT EXAMINATION**

9 BY MS. MUMMA:

10 Q Vault number 1, where the evidence from 1978 was
11 stored, is that vault still used for the 1978
12 evidence?

13 A It holds some old evidence.

14 Q Has Mr. Sledge's evidence always been in vault 1?

15 A Yes, ma'am.

16 Q In the high clerk's office?

17 A Yes, ma'am.

18 Q With one combination -- with a combination lock
19 that only one person has?

20 A Yes, ma'am.

21 MS. MUMMA: Thank you.

22 JUDGE LOCK: Anything for the State?

23 MR. DAVID: No, sir.

24 JUDGE LOCK: Thank you very much. Ms. Batchelor, you
25 may step down.

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1 THE WITNESS: Thank you.

2 MS. MUMMA: Your Honor, the defense calls Meghan
3 Clement.

4 MEGHAN CLEMENT,
5 being first duly sworn,
6 was examined and testified as follows:

7 **DIRECT EXAMINATION**

8 BY MS. MUMMA:

9 Q Good morning, Ms. Clement.

10 A Good morning.

11 Q Thank you for coming to North Carolina on short
12 notice from Texas. Ms. Clement, can you please
13 state your full name for the Court.

14 A My name is Meghan Clement.

15 Q Where are you employed?

16 A I'm employed at Cellmark Forensics in Texas as the
17 senior director.

18 Q And your position is senior director?

19 A Yes.

20 Q What does the senior director do?

21 A My responsibilities include not only analyzing
22 evidence and cosigning reports, doing technical
23 reviews, also overseeing all of the casework that
24 is done, contract casework and independent
25 casework in the laboratory, as well as some

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1 administrative responsibilities and marketing
2 responsibilities.

3 Q Ms. Clement, if you could turn to Defense
4 Exhibit 22 in the notebook in front of you. Do
5 you recognize this document?

6 A Yes, I do.

7 Q And what is that document?

8 A It is my CV.

9 Q Could you tell the Court a little bit about your
10 educational background?

11 A Yes. I have a Bachelor of Science in biology from
12 Westfield State College in Massachusetts and a
13 Master of Science in forensic sciences from the
14 University of New Haven in West Haven,
15 Connecticut. I also attended graduate-level
16 courses at the University of New Mexico in
17 Albuquerque, as well as obtaining graduate-level
18 credits for courses that I actually took at the
19 FBI, but the credits were recognized through the
20 University of Virginia.

21 Q And how long have you been working in the field of
22 DNA analysis?

23 A I have been working in the field of DNA analysis
24 since approximately 1988. I actually started in
25 forensics in 1985. They weren't using DNA at that

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1 point. DNA really started being used in forensics
2 about late 1986, '87, and as it began becoming an
3 up-and-coming science, laboratories started
4 implementing procedures and validating and things
5 like that.

6 Q And according to your CV, you worked for LabCorp
7 and Cellmark. Can you tell the Court about your
8 work experience and how you ended up at those
9 places?

10 A Yes. Actually, my DNA started in Albuquerque,
11 where I started their DNA laboratory. I also
12 worked in Tarrant County, which is in Fort Worth,
13 Texas, performing DNA analysis. I left Tarrant
14 County in November of 1994 and moved to North
15 Carolina, where I started working for what was
16 originally Roche Biomedical Laboratories. They
17 had a forensic DNA laboratory that had just
18 started up about a year and a half earlier. In
19 December of 2011, LabCorp purchased Orchid
20 Cellmark, which was a forensic testing company
21 that had laboratories in Dallas and the United
22 Kingdom, and in June of 2012, they decided to
23 close the North Carolina laboratory and merge it
24 with the laboratory in Dallas, so in June of 2012,
25 I actually moved to Dallas. But up until that

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1 point, I'd been working in North Carolina, as I
2 said, originally for Roche Biomedical, which then
3 became LabCorp in 1995.

4 Q And, Ms. Clement, have you testified as a DNA or
5 forensics expert in the past?

6 A I have, yes.

7 Q And do you know about how many trials?

8 A I think it's about 357 or 58.

9 Q And have you testified for the State as well as
10 defense?

11 A Yes. The majority of my testimony is for the
12 prosecution and for the State, about 90 percent of
13 them.

14 MS. MUMMA: Your Honor, I would like to tender
15 Ms. Clement as an expert in DNA analysis.

16 MR. DAVID: No objection.

17 JUDGE LOCK: Allowed.

18 Q (BY MS. MUMMA) Ms. Clement, if you would look at
19 Exhibits 23 through 30. And if you could glance
20 though those and tell me if you recognize them and
21 what those exhibits are?

22 A Exhibits 25 through 30 are various reports that
23 were submitted by the different agencies that
24 performed DNA analysis in this particular case.

25 Q And in 23 and 24?

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1 A I'm sorry, yes, 23 also; 23 and 24 as well.

2 Q And have you had a chance to previously review
3 those reports?

4 A I have, yes.

5 Q Is it customary for forensic scientists to testify
6 regarding work done by other forensic scientists?

7 A Certainly that's typical in a field, to be able to
8 review what other laboratories have done and to
9 testify to the results as long as you're
10 proficient in that type of testing and understand.

11 Q And are you comfortable testifying regarding the
12 information in these particular reports?

13 A Yes, I am.

14 MR. DAVID: Your Honor, just as a matter of form, I
15 would object at this time. On page 438 of the
16 transcript of proceedings, Ms. Clement previously
17 testified she reviewed in depth that prior testing
18 of other agencies, including Mitotyping. I
19 believe that the purpose of her being called today
20 was for the limited purpose of talking about chain
21 of custody, and specifically with respect to the
22 hairs.

23 JUDGE LOCK: Objection overruled. You may continue.

24 Q (BY MS. MUMMA) Ms. Clement, did your lab,
25 Cellmark Forensics, ever receive hair evidence

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1 from this case to be tested?

2 A Yes, we did.

3 Q And if you would look at Exhibit 25, that might
4 help refresh your memory with regard to when
5 Cellmark received that evidence.

6 A Yes. The evidence was received on August 31 of
7 2012.

8 Q And who sent that evidence to your lab?

9 A That evidence was received from Rita Batchelor.

10 Q And where was Ms. Batchelor?

11 A At the county clerk's office.

12 Q County clerk's office. Okay. And can you
13 describe the evidence you received and how it was
14 packaged?

15 A The evidence was received in a sealed envelope.
16 There was an interior sealed envelope, and there
17 were numerous slide holders, which had slides
18 containing hairs. The slides were labeled as Q1,
19 Q2, Q3, Q4, and there was another slide labeled
20 K1, which was designated as reference hairs, or
21 from a known source.

22 Q And if you would look at the photograph in
23 Exhibit 19.

24 A (Witness complied.)

25 Q Do you recognize this photograph?

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1 A I do, yes.

2 Q Can you describe what that is a photograph of?

3 A Yes. This is a photograph of the inner envelope,
4 which was sealed and contained the bottom portion
5 the slide holders, which were sealed and contained
6 various slides.

7 Q Who took this photograph?

8 A One of our technicians in the laboratory, Romy
9 Franco.

10 Q So the photograph was taken after you received the
11 evidence and opened the envelopes?

12 A That's correct. As part of the inventory process
13 of identifying what evidence we've received, this
14 picture was taken.

15 Q Okay. And if you can go to Exhibit 31. And that
16 exhibit, can you describe that for the Court?

17 A Yes, I can. Exhibit 31 is pictures of the actual
18 slides and what they looked at when they were
19 taken out of the slide holders.

20 Q And the tag at the top, what is that tag? Is that
21 your tag, or is that --

22 A The white, square tags that are labeled FR 12-0174
23 and have various other identifying numbers are
24 actually bar code tags that were applied by
25 Cellmark Forensics. It's a unique identifier for

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1 each of the individual slides.

2 Q And who took the pictures of these slides?

3 A Again, the technologist, Romy Franco.

4 Q Do you recognize these slides as being pictures
5 taken by Cellmark?

6 A Yes, I do.

7 Q And so the slide -- there's some initials in the
8 third line down on the left. Can you read those
9 initials out loud?

10 A They appear to be JCF.

11 Q Do you recognize those as the initials of an agent
12 from the FBI?

13 A Yes, that's what they appear to be.

14 Q Ms. Clement, do you know where the Q4 -- which is
15 the individual slide holder that was holding Q4;
16 is that correct? Q3 and Q4 were in one slide
17 holder that's depicted on 19?

18 A Yes.

19 Q And do you recall where the hairs from Q4 were
20 collected?

21 A It was identified that they were from the body
22 of -- I believe it was Aileen.

23 Q Davis?

24 A Davis, yes.

25 Q And how did you know that the hairs labeled Q4

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1 were found on the body of Aileen Davis?

2 A It was labeled as such.

3 Q And that labeling was provided -- did you also get
4 a report?

5 A Yes, from the FBI.

6 Q And did that report describe Q4 as being the hairs
7 removed from the body of Aileen Davis?

8 A Yes, that's correct.

9 Q And if you could turn to Exhibits 25 and 26.

10 A (Witness complied.)

11 Q Are those Cellmark laboratory reports?

12 A They are, yes.

13 Q What do those reports tell us?

14 A The first report, which is Defendant's Exhibit 25,
15 is the report of testing on one of the hairs from
16 Q4. Q4 actually contained nine hairs. We had
17 tested one of them. It had a root, and so we
18 attempted the traditional-type DNA testing.
19 However, we were unable to get results from that,
20 most likely because of degradation and the age of
21 the hair.

22 Defendant's Exhibit 26 is a second report
23 which describes a second type of DNA testing
24 called mitochondrial DNA testing. We had tested
25 some of the shaft of the hair, and we were able to

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1 obtain results. However, there was a mixture in
2 the particular sample, and some of our forensics
3 had a protocol that does not allow them to
4 interpret mixtures, and, therefore, the hair was
5 reported as inconclusive.

6 Q Were these hairs old?

7 A Yes, they were.

8 Q And how do you know they were old?

9 A You could tell by the glue on the slide that held
10 the slide cover over them, and also knew that they
11 had been mounted in the '70s, so, obviously, they
12 were very old.

13 Q And why would a mixture -- why could a mixture
14 show up on an old hair?

15 A There's a couple of different reasons why we might
16 obtain a mixture on an old hair. In the '70s and
17 '80s, prior to DNA even being used, they did not
18 use very aseptic techniques. You would literally
19 pick up a hair and mount it with your own fingers,
20 so you're introducing your own DNA, and it's
21 possible that some of the person who mounted those
22 hairs DNA could have gotten on that. And then
23 you're putting literally glue or adhesive to put
24 the slide cover on top of it, and then they sit
25 for 20 years, and it becomes embedded under the

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1 scales of the hair.

2 Another reason that you can come up with a
3 mixture is, when you have old samples, they're
4 degraded, and so the DNA has broken up, and during
5 your analysis of these, you can get bits and
6 pieces of information and not the whole segment,
7 and some of the pieces may overlap and it just
8 sort of appears that there may be a mixture. So
9 that's because you're not seeing the whole
10 picture; you're seeing bits and pieces of it
11 instead of the entire thing.

12 Q Based on the age of the hairs and the results you
13 were obtaining, did you have a recommendation for
14 the defense regarding the testing of those hairs
15 and how to proceed?

16 A I did, yes.

17 Q What was that recommendation?

18 A I recommended that the hairs be sent off to Terry
19 Melton at Mitotyping Technologies. They were one
20 of the first laboratories who performed
21 mitochondrial DNA analysis, and they have very
22 specialized techniques that they could employ,
23 which they include techniques on ancient DNA
24 samples and historical samples, and so I thought
25 that they would have the best chance of obtaining

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1 a result.

2 Q Can you describe the type of technique that's used
3 for a hair that's been mounted on a slide with
4 glue?

5 A Yes. The first thing that you have to do is you
6 have to release the hair from the mounting medium,
7 so the slide literally sits in a chemical, usually
8 xylene, that will dissolve the glue. And you can
9 take the cover slip off, and then you recover the
10 hairs from that solution. It doesn't -- the
11 xylene doesn't do anything to the DNA. So they --
12 once you recover those hairs, during the
13 mitochondrial process, you're looking at a
14 specific segment of DNA, and in the majority of
15 laboratories that perform mitochondrial DNA,
16 they'll break up and test the first half of the
17 segment of DNA and the second segment of DNA. And
18 that's what Cellmark does. What Mitotyping does
19 is they will break it up much further. They'll
20 test the first fifth and then the overlapping next
21 fifth and an overlapping next fifth, so they can
22 have a complete picture of smaller fragments of
23 DNA. So you'll get more of a result in degraded
24 samples.

25 Q And did you, in fact, send the hairs to

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1 Mitotyping?

2 A Yes.

3 Q And did you receive confirmation that the hairs
4 were received by Mitotyping?

5 A Yes. We tracked the shipment. We let them know
6 we were sending them, and we got a response from
7 FedEx saying they were received the next day. And
8 Terry also sent a corresponding e-mail that she
9 had received them.

10 Q And if you turn to Defense Exhibit 27. And what
11 is that, Defense Exhibit --

12 A Defense Exhibit 27 is a report from Mitotyping
13 Technologies.

14 Q And the date of that report?

15 A The date of the report is December 13 of 2012.

16 Q Okay. And based on that report, was Mitotyping
17 able to obtain a DNA profile from the hairs?

18 A They were. They tested two of the hairs that were
19 sent in this first report, and they were able to
20 obtain results from both of them.

21 Q And did they obtain a DNA sample from Mr. Sledge?

22 A They had actually taken the profile that Cellmark
23 Forensics had developed from Mr. Sledge so they
24 could compare our profile to theirs, and they did
25 make that comparison.

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1 Q At some point did they also obtain a DNA sample
2 from a member of the victim's family?

3 A Yes, they did.

4 Q Did they compare the DNA profile from the hairs
5 found on the body of Aileen Davis to the DNA
6 profile of Mr. Sledge?

7 A Yes, they did.

8 Q What did that comparison show?

9 A That Mr. Sledge was excluded as a contributor of
10 those hairs as well as all of his maternal
11 relatives.

12 Q Was there any indication of the race, the origin
13 of those hairs?

14 A Yes, there was. Mitochondrial DNA is used to
15 trace lineages, and it was determined that the
16 hairs originated from an African or
17 African-American source.

18 Q Okay. And did Mitotyping compare the DNA profile
19 of the hairs found on Aileen Davis's body to the
20 victim's family members?

21 A Yes, they did.

22 Q And the results of that testing?

23 A In that particular testing, the hairs could not
24 have originated from Aileen Davis's family,
25 from -- or maternal relatives.

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1 Q And if you turn to Defense Exhibit 28.

2 A Yes.

3 Q And what is that?

4 A Defense Exhibit 28 is a second report from
5 Mitotyping Technologies dated September 30, 2013,
6 which compares the remaining hairs from Q4 as well
7 as some hairs from item Q1.

8 Q And so a DNA profile was obtained, and did any of
9 those hairs match Mr. Sledge?

10 A The hairs of Q4, or those hairs that were
11 collected from the body, none of them matched
12 Mr. Sledge and the victim. None of them matched
13 the victim, the victim's maternal lineage.

14 Q And did all the hairs, the nine hairs, have the
15 same mitochondrial profile?

16 A Yes, the same -- all of the hairs did have the
17 same mitochondrial profile, predominant
18 mitochondrial profile. For those that did show
19 slight mixtures, they were the same predominant
20 profile, and they all matched.

21 Q Would that indicate the hairs came from the
22 individual within the same maternal lineage?

23 A They either came from the same individual or from
24 individuals within the same maternal lineage, yes.

25 Q Have any of the hairs that were found on the body

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1 of Aileen Davis matched Mr. Sledge?

2 A None of them.

3 Q If you would turn to Defense Exhibit 23. Can you
4 tell what this is?

5 A Defense Exhibit 23 is a laboratory report dated
6 May 19, 2009, from the State Bureau of
7 Investigation.

8 Q What were they testing?

9 A They were testing clothing items, a dress and a
10 slip from Aileen Davis, dress and a slip from
11 Josephine Davis.

12 Q Okay. And from looking at this report, was the
13 SBI able to obtain a male DNA profile from the
14 bottom of Aileen Davis's slip, a partial male
15 profile?

16 A Yes.

17 Q And were they able to obtain a partial male DNA
18 profile on the bottom of Josephine Davis's dress?

19 A Yes.

20 Q And did they obtain a DNA profile for Mr. Sledge?

21 A Yes.

22 Q And did they compare the partial male profile
23 found on the bottom of Aileen Davis's slip to
24 Mr. Sledge's DNA profile?

25 A Yes, they did.

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- 1 Q What was the result of that comparison?
- 2 A They did not match.
- 3 Q And did they compare the partial male profile
- 4 found on the bottom of Josephine Davis's dress to
- 5 Mr. Sledge?
- 6 A Yes, they did.
- 7 Q What was the result of that?
- 8 A Again, it did not match the profile of Mr. Sledge.
- 9 Q Okay. Return to Exhibit 24. And do you recognize
- 10 this document?
- 11 A I do.
- 12 Q And what is that?
- 13 A Exhibit 24 is a LabCorp report outlining DNA tests
- 14 that were performed at LabCorp. The report is
- 15 dated August 3, 2010.
- 16 Q And did LabCorp conduct DNA testing on Aileen
- 17 Davis's slip?
- 18 A Yes, we did.
- 19 Q And why did LabCorp conduct additional testing on
- 20 the slip that was previously tested?
- 21 A We had additional -- we had testing techniques
- 22 that could potentially yield additional results.
- 23 Q And did you obtain a result?
- 24 A We did, yes.
- 25 Q And did you obtain a partial male profile?

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1 A Yes, we did.

2 Q And did that partial male profile from Aileen
3 Davis's slip match the DNA profile of Mr. Sledge?

4 A No, it did not.

5 Q Defense -- moving on to 29. And do you recognize
6 that document?

7 A I do.

8 Q And what's the date of that document?

9 A Defense Exhibit 29 is a Cellmark Forensics report
10 dated October 8 of 2014.

11 Q And did that report include testing -- DNA testing
12 of the linoleum found surrounding the victims?

13 A I just know that it was a piece of linoleum
14 flooring. I'm not sure where exactly it was
15 recovered from.

16 Q Did Cellmark obtain a male profile from the
17 linoleum floor?

18 A We did observe a partial male profile, yes.

19 Q Did that partial male profile obtained from the
20 floor match Mr. Sledge?

21 A No, Mr. Sledge was excluded as a contributor.

22 Q Because it was a male profile, we know it did not
23 come from the victims; is that correct?

24 A That's correct.

25 Q And if you would turn to 30. What is that report?

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1 A Defense Exhibit 30 is a letter that I have written
2 on November 25 of 2014 outlining the comparisons
3 of the male testing results from the SBI, from
4 LabCorp, and from Cellmark.

5 Q So and in that report, did you compare the partial
6 male profile from the linoleum floor to the
7 partial male profile obtained from Aileen Davis's
8 slip?

9 A Yes.

10 Q What was that result of that comparison?

11 A What I determined was that there was overlapping
12 characteristics, and therefore, there could have
13 been a common contributor to DNA in the linoleum
14 and the profile from Aileen Davis's slip, or they
15 could have come from the same contributor.

16 Q Ms. Clement, in all the testing that has been done
17 in this case, has there ever been any profile
18 obtained that matched Mr. Sledge other than his
19 own?

20 A No.

21 Q So does any of the physical evidence from the
22 crime scene tested by the state crime lab,
23 LabCorp, Cellmark, or Mitotyping match Mr. Sledge?

24 A None of the evidence that was collected from the
25 crime scene or the victims. There was one hair

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1 that was tested from, I believe, his own pair of
2 pants which matched him, but other than that,
3 nothing matched Mr. Sledge.

4 MS. MUMMA: Thank you, Ms. Clement.

5 Your Honor, I would like to move for
6 Exhibits 22 through 31 to be admitted into
7 evidence.

8 MR. DAVID: Without objection.

9 JUDGE LOCK: Defendant's Exhibits 22 through 31 are
10 received.

11 Further direct?

12 MS. MUMMA: No, Your Honor.

13 JUDGE LOCK: Cross?

14 **CROSS-EXAMINATION**

15 BY MR. DAVID:

16 Q Ms. Clement, I can still say good morning.

17 A Good morning.

18 Q Thank you for traveling to be here with us today.
19 I want to turn your attention to State's Exhibit
20 Number 31 -- I'm sorry, Defendant's Exhibit 31,
21 which is photographs of the slides containing the
22 hairs.

23 A Yes, sir.

24 Q In fact, I believe you testified that a member of
25 your staff photographed these slides as he

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1 received them; is that correct?

2 A That's correct.

3 Q Thereafter, you caused these slides to be broken
4 up so you can individually test the hairs inside?

5 A Yes, for Q4 specifically, was the one that we
6 applied the xylene and removed the hairs from the
7 slide.

8 Q I see photographs that appear to be five different
9 slides. Did you only open up Q4?

10 A Yes.

11 Q Okay. And so you've not tested the other hairs
12 that are in the other four slides, correct?

13 A That is correct.

14 Q With respect to Q4, that appears on page 2 of the
15 Defendant's Exhibit 31, does it not, so the bottom
16 half of this photograph?

17 A That's correct.

18 Q And you can still see on this photograph,
19 initials, which were presumably written years ago,
20 JCF, that being Special Agent Frier of the Federal
21 Bureau of Investigation?

22 A That's correct.

23 Q Incidentally, have you worked with Agent Frier in
24 the past, or do you know anything about him?

25 A I have not.

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1 Q Scientific community's relatively small, is it
2 not?

3 A It is, yes.

4 Q But he's considerably older than you. He was
5 working back in the '70s?

6 A That's correct.

7 Q Did you have an opportunity to review his
8 testimony as part of your involvement in this
9 case?

10 A I did not.

11 Q Were you present in court this morning when
12 Ms. Mumma had the clerk of court Rita Batchelor go
13 over the testimony?

14 A Yes, I did.

15 Q I want to review some of that that's Defendant's
16 Exhibit 8, because it's going to be germane to
17 some questions I have for you. Before we get to
18 Mr. Frier's testimony, I do want to better
19 understand what it is you did with Q4. You said
20 you received an envelope containing glass slides,
21 five glass slides, correct?

22 A That's correct.

23 Q And the Q4 contained a number of hairs -- I
24 believe you testified nine separate hairs --
25 sandwiched between these glass slides?

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1 A That's correct.

2 Q Can you describe to the Court the methodology used
3 to open this up? You indicated a substance was
4 used, but did you personally perform the testing?

5 A I did not.

6 Q Were you present when it was done?

7 A I don't remember if I was present. I don't
8 remember if I was present when she originally put
9 the slide into -- it's a little vial. We add
10 clean xylene and, we put -- it's, like, a slide
11 holder that also holds it.

12 Q That's to release the glue?

13 A Yes.

14 Q What was the name of the person again?

15 A Romy Franco.

16 Q So at some point, you caused the slides to be
17 pulled apart?

18 A That's correct.

19 Q Were you present when that happened?

20 A No, I was not.

21 Q What manner did you prepare the hairs for later
22 testing?

23 A Once the hairs are released from the slide, we
24 find that the best way to keep the slides in a
25 usable condition is to apply them to the back glue

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1 of a Post-it note, and the hair will stick, but it
2 will -- it's easily retrieved from that item. And
3 so that's what was done in this particular case;
4 the hairs were placed on the back of a Post-it
5 note.

6 Q That would be all nine hairs?

7 A Yes.

8 Q And it appears, according to Defendant's Exhibit
9 Number 27, that initially only two of those hairs
10 were tested, correct?

11 A That is correct, hairs number 6 and number 7, and
12 those numbers were hairs that we put on the
13 Post-it note, as each one was recovered and placed
14 on the Post-it note.

15 Q Do you have an opinion as to what motivated the
16 testing of those two hairs to the exclusion of the
17 other seven, why only those two hairs initially?

18 A That I don't know.

19 Q Who would?

20 A I would imagine that -- I know originally we were
21 asked to test -- there are some that were darker,
22 some that were lighter, and I know we were asked
23 to test hairs to be of Negroid origin, so I would
24 imagine that those two hairs appeared to be of
25 Negroid origin.

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1 Q But you'd have to ask Terry Melton for that,
2 because she's the one that made the decision which
3 two-of those nine hairs to test?

4 A Yes.

5 Q In fact, we learned in Defendant's Exhibit 28 that
6 all nine hairs matched each other?

7 A Yes, all the eight hairs, then the ninth hair that
8 Cellmark Forensics tested.

9 Q And so the decision to single out these two hairs
10 as opposed to the other ones, apparently, was of
11 no consequence, because all the hairs came from
12 the same source, correct?

13 A Ultimately, that's what was determined, yes.

14 Q And you agree with the methodology that was used
15 by Dr. Melton? You felt like it was reliable
16 science?

17 A Yes, I do.

18 Q So you had testified that all nine hairs
19 ultimately matched each other through the DNA
20 testing, mitochondrial DNA testing?

21 A Well, either came from the same source or
22 maternally-related relatives, yes.

23 Q Right. But initially, the determination to
24 separate out two hairs was done through some type
25 of microscopic comparison or some visual

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1 determination that these are mostly the hairs,
2 quote, unquote, of Negroid origin, or
3 African-American origin?

4 A I would assume so.

5 Q By the way, that was a term of art used back in
6 1978, the time the testimony was, the "Negroid"
7 hairs?

8 A That's correct.

9 Q In fact, special Agent Frier focused in on two
10 hairs as well, did he not?

11 A That's my understanding, yes.

12 Q Yet in Q4, ultimately, again, all nine of these
13 hairs are apparently from the same maternal
14 source?

15 A That's correct.

16 Q I want to talk, then, about the science which
17 underlied that initial determination in a
18 courtroom back in 1978. Are you familiar with
19 hair comparison analysis?

20 A I am, yes.

21 Q Can you please describe for the Court what that
22 involved?

23 A Microscopic hair comparison analysis is performed
24 by looking at your question hairs, identifying
25 specific characteristics, the pigmentation of the

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1 hair. There's a center portion of the hair that's
2 called a cuticle. There's a continuous cuticle or
3 broken cuticle. There are numerous types of
4 characteristics which you identify
5 microscopically, and you would have to have a
6 known reference sample of hair that you would look
7 at to determine what the reference sample looked
8 like and then make a microscopic comparison to
9 determine whether it could have come from the
10 source of the reference sample. So it was very
11 subjective testing. Over the years, they -- and
12 since DNA has become so involved, they realized
13 it's just so subjective it's become -- and there's
14 a lot of controversy now over microscopic hair
15 comparison.

16 Q So fair to say that in the scientific community as
17 it exists today, that this technology or this type
18 of testing is largely discredited?

19 A There has been, yes, a lot of publicity on
20 discrediting microscopic hair comparison.

21 Q Yet in 1978, at the time of the trial, that was
22 the only type of scientific testing that was
23 available for the comparison of hairs, correct?

24 A Yes.

25 Q DNA was not yet available?

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1 A That's correct.

2 Q And Mr. Frier, an agent for the FBI, testified in
3 this case using that type of scientific
4 comparison, did he not?

5 A Yes.

6 Q Could you turn to Defendant's Exhibit 8, please,
7 and turn to page 63.

8 A Yes.

9 Q The question which appears at the top of page was
10 given by the prosecutor, and if you would, I'll
11 let you read the answer.

12 "Question. All right, sir. And will you
13 tell His Honor and the jury what you did?"

14 And then the answer is what?

15 A "Well, I examined these hair samples by use of a
16 comparison microscope and compared them against a
17 known pubic hair sample from the defendant, and
18 came to the conclusion that the pubic hairs found
19 in both Exhibit 12C and 12B were microscopically
20 like similar hairs comprising a pubic hair sample
21 from the defendant, which was 12D, and could have
22 originated from him or another person of the same
23 race whose hairs exhibit the same microscopic
24 characteristics.

25 "I would like to expound upon that a little

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1 bit, if I may, in that I look at hairs on a
2 day-to-day basis, and I find that extremely
3 unlikely when hair samples taken from two
4 different individuals at random cannot be
5 differentiated between. Hairs are quite distinct
6 in their own innate microscopic characteristics."
7 Q "Hairs are quite distinct in their own innate
8 microscopic characteristics." And prior to that,
9 he says, Do you find it extremely unlikely that
10 the hair samples taken from two different
11 individuals at random cannot be differentiated by
12 him?
13 A That's what he testified to.
14 Q Is it your opinion that's an overstatement?
15 A Knowing what we know today, absolutely.
16 Q In fact, in light of DNA testing, that was
17 incorrect, was it not?
18 A That's correct, that it's incorrect.
19 Q Let's go back to Defendant's 28. Again, this is
20 the testing that showed that not just two hairs
21 matched each other but that all ten hairs
22 contained in Q4 matched each other, correct?
23 A There were only nine hairs in Q4, but yes.
24 Q I'm sorry --
25 A All nine hairs.

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- 1 Q -- all nine hairs. On the first page, in
2 paragraph number 2, when you're talking about the
3 testing of these various hairs, you measure them
4 at various lengths, correct?
- 5 A That is correct.
- 6 Q And then it says, "was taken, consumed, and then
7 designated a unique number." What does "consumed"
8 mean?
- 9 A "Consumed" is how much is used up in the testing.
- 10 Q Do any of these hairs still exist for later
11 testing, if we want to do that?
- 12 A There may be some portions of hairs. Let me see.
13 It appears there's approximately 1.5 centimeters
14 for number 6, and number 7 was consumed; 8 appears
15 to have been consumed; 3 was consumed; 1 was
16 consumed; 2 was consumed; 5 was consumed; and 9
17 was consumed. So it does look like number 6 is
18 the one that still has hair remaining.
- 19 Q So these nine hairs, eight of them were entirely
20 consumed for the purposes of testing, correct?
- 21 A Correct.
- 22 Q And a single hair remains for which a portion is
23 still available?
- 24 A Yes.
- 25 Q And you were actually the one who recommended that

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1 this testing be performed by Dr. Melton, correct?

2 A Yeah.

3 Q Do you know Dr. Melton?

4 A Yes, I do.

5 Q You've worked with her in the past?

6 A I have referred cases to her in the past, and we
7 have worked on some cases together, us doing
8 either STR testing and her lab doing mito testing,
9 or vice versa.

10 Q And in your previous attempts to test these hairs,
11 you said that the hairs were too poorly degraded
12 for purposes of the method that you used, correct?

13 A In the first type of testing, where we attempted
14 on the root only to obtain a traditional STR
15 profile, we obtained no profile, which was clearly
16 indicative that the DNA was degraded. When we
17 attempted mitochondrial testing, we did obtain
18 results. However, we obtained a mixture, and the
19 protocols at Cellmark were not to allow analysts
20 to draw conclusions on mixtures.

21 Q Have you ever caused your results from those
22 initial testings containing the mixture to be
23 compared against Dr. Melton's ultimate opinion?

24 A Yes.

25 Q Are you able to show that to the Court?

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1 A Yes. The same predominant profile that was seen
2 in the other hairs was also seen from the testing
3 at Cellmark Forensics.

4 Q You effectively reached the same conclusion?

5 A Yes.

6 Q How many hairs did you test, just two?

7 A Just one. We tested the root first, and we tested
8 further on in the shaft of the hair, so it was the
9 same hair that was tested using two different
10 techniques.

11 Q I see. And Dr. Melton, in her report, says on
12 page 2 -- and, again, this is Defendant's
13 Exhibit 28 -- describes her methodology. She
14 says, "The ten question hairs were analyzed
15 individually according to standard protocol. The
16 DNA in the samples was degraded, necessitating the
17 use of ancient DNA approach using many primers."

18 A That's correct.

19 Q Different than the protocol that you used?

20 A Yes. Cellmark Forensics doesn't have many primer
21 sets to employ, and Mitotyping does.

22 Q And you feel like, based on what you know from the
23 scientific community and reliable science, these
24 results can be trusted?

25 A I do, yes.

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1 MR. DAVID: Thank you. I don't have any further
2 questions.

3 JUDGE LOCK: Counsel, will there be redirect?

4 MS. MUMMA: Your Honor --

5 JUDGE LOCK: Let's take a brief break, about a
6 ten-minute recess. About ten minutes.

7 (The court recessed at 11:58 a.m. and
8 reconvened at 12:10 p.m.)

9 JUDGE LOCK: Ms. Mumma, any redirect?

10 MS. MUMMA: Yes, Your Honor, briefly.

11 **REDIRECT EXAMINATION**

12 BY MS. MUMMA:

13 Q Ms. Clement, you previously answered -- or on
14 cross-examination, answered that only Q4 hairs
15 were tested. Do you recall that Q1 hairs were
16 tested as well?

17 A Yes. They were tested by Mitotyping.

18 Q What report are those referenced in?

19 A In the report dated September 30, 2013. Q1 hairs
20 were designated as Q9, Q10, Q11, and Q12 by
21 Mitotyping.

22 Q And do you recall where those hairs were located?

23 A Yes. They were recovered from the pants of
24 Mr. Sledge.

25 Q Okay. And then if I can take you back to

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1 Exhibit 8, page 63, the testimony that you read
2 aloud for District Attorney John David from Agent
3 Frier. And the first line of his answer, he was
4 comparing those hairs against known pubic hair
5 samples; is that correct?

6 A That's correct, yes.

7 Q Recalling now that those hairs were compared to
8 Mr. Sledge's known pubic hairs, do you recall why
9 the two specific hairs that underwent DNA testing
10 originally were chosen?

11 A Because it was thought that they were the two
12 pubic hairs which he had microscopically declared
13 a match to.

14 Q So of the nine hairs that you looked at and were
15 put on that Post-it note, did you try to identify
16 the hairs that looked most likely to be pubic
17 hairs?

18 A Yes. Certainly number 4 that was tested at
19 Cellmark Forensics did appear to be pubic hair.

20 Q And the pubic hairs were the hairs that were used
21 as part of the evidence at trial against
22 Mr. Sledge; is that correct?

23 A That's correct.

24 MS. MUMMA: Thank you, Ms. Clement.

25 JUDGE LOCK: Recross?

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1 MR. DAVID: Nothing further.

2 JUDGE BRIDGES: I do have a question, Ms. Clement.

3 **CROSS-EXAMINATION**

4 BY JUDGE BRIDGES:

5 Q Just to clarify, I believe you said that the hairs
6 contained in Q4 -- I believe we described them as
7 ancient or historic; would that be fair?

8 A Mitotyping uses ancient techniques, or techniques
9 that they commonly use on ancient hairs. They use
10 many primer sets in order to develop a profile.
11 So that's not hairs that were ancient themselves,
12 but the technique used to develop a profile is
13 considered ancient techniques.

14 Q So it has nothing to do with the age of the sample
15 itself --

16 A No.

17 Q -- not the terminology?

18 A Correct.

19 Q That's just the name of the scientific process by
20 which they're analyzed?

21 A Correct.

22 Q Now, would it be fair to say that the hairs in Q4
23 degraded over time?

24 A Oh, absolutely, yes.

25 Q And just as a point of clarity for those of us who

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1 are not experts in DNA analysis, we have heard the
2 term or phrase "false positives" when it comes to
3 certain testing. Does that even apply to DNA
4 testing? In other words, do degraded samples ever
5 produce false recordings or readings of different
6 DNA profiles because of the age of the sample?

7 A No, that does not occur.

8 Q So either you get enough of the sample to test to
9 have a result which shows a specific DNA profile
10 or, if it's too degraded, it just shows nothing at
11 all? It's indeterminate?

12 A That's correct.

13 JUDGE BRIDGES: Thank you for clearing that up.

14 JUDGE LOCK: Anything for either party in light of the
15 Court's questions?

16 MS. MUMMA: No, Your Honor.

17 MR. DAVID: No, sir.

18 JUDGE LOCK: All right. Thank you very much.

19 Further evidence for the defendant?

20 MS. MUMMA: No, Your Honor.

21 JUDGE LOCK: Mr. David, is there any evidence for the
22 State?

23 MR. DAVID: Your Honor, we would not be calling any
24 witnesses today. Of course, today's proceedings
25 come at the heel of an Innocence Inquiry

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1 Commission review which occurred on December 3
2 through December 5. That was a very extensive
3 proceeding which numerous witnesses testified to.
4 I know that you reviewed a transcript of those
5 proceedings as well as the Commission brief in
6 anticipation of this hearing today. I would ask
7 that you take judicial notice of that transcript
8 as well as the Commission brief that has been
9 prepared. And that would be the only showing from
10 the State. We adopt their findings and ask the
11 Court to consider those findings in making your
12 decision today.

13 JUDGE LOCK: Yes, sir. That is allowed. Mr. David,
14 we do believe it would be appropriate to allow the
15 members of the families of Ms. Josephine and
16 Aileen Davis to address this tribunal if they
17 choose to do so. Have you conferred with them
18 about that desire?

19 MR. DAVID: Your Honor, I have, and there are several
20 family members of Josephine and Aileen present in
21 the courtroom. Ms. Catherine Brown, who has been
22 our point of contact, is here. I have passed
23 along your request to her, and she would be
24 prepared to address the Court at this time.

25 JUDGE LOCK: She certainly may do so. Ms. Mumma, is

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1 there any requirement that they be sworn, or may
2 they address the tribunal from the prosecutor's
3 table?

4 MS. MUMMA: I think the prosecutor's table is just
5 fine.

6 MR. DAVID: Your Honor, I would say she's fairly
7 soft-spoken and she might want to use some type of
8 microphone.

9 JUDGE LOCK: If you prefer, she can sit in the witness
10 chair and address us from there.

11 If you would, please state your name for the
12 record and your relationship to the victims in
13 this case.

14 MS. BROWN: Yes, sir. Your Honor, thank you for
15 allowing us the opportunity to speak with you
16 today. My name is Catherine Brown. I am the
17 granddaughter of Josephine Davis and the niece of
18 Aileen Davis, and I'm speaking today on their
19 behalf.

20 Josephine Davis was our grandmother, and
21 Aileen Davis was our aunt. On September 6, 1976,
22 they were both brutally murdered, and we're
23 standing for them today and we're speaking on
24 their behalf today.

25 Grandma Josie and Aunt Aileen were the most

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1 kind, humble, and considerate two people that ever
2 walked the face of this earth. They showed
3 compassion as they looked after Granddaddy Parson,
4 Uncle Sidney, and other family members, stayed
5 with them when they had nowhere else to go. They
6 even looked after me when I was an infant. They
7 would do anything for anybody. Aunt Aileen was a
8 great cook, and you couldn't go there without
9 trying something that she had cooked. They also
10 showed generosity by donating lands to a church so
11 that it could be built near their home.

12 Grandmother Josie and Aunt Aileen lived in a
13 house called "love" by their children and
14 grandchildren. They were loved by their family,
15 and they showed that love in return every day.
16 They will forever be in our hearts, and they will
17 never be forgotten.

18 Due to the possible change in the conviction
19 today, this case, after 38 years, would become an
20 unsolved mystery. We, the family, are heartbroken
21 by this decision. District Attorney Jon David
22 states that he would be reopening the case, and
23 we, the remaining family members, are shocked by
24 this change and are compelled to ask the community
25 for help in finding the persons or persons

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1 responsible for this heinous crime to be brought
2 to justice. If you have any information about
3 this, please call the Bladen County Sheriff's
4 Department or any other law enforcement agency as
5 soon as possible.

6 We, the Davis family, have been hurt long
7 enough. We have also been deeply hurt by the
8 comments that have been written about our loved
9 ones and our family. To the very few that have
10 showed any compassion for the family, we thank
11 you. We, the family, would like to take this time
12 to thank current District Attorney Jon David,
13 former Detective Phillip Little, SBI Agent Henry
14 Poole, Detective Chad Barefoot, and Investigator
15 Scott Pait for their hard work on this case, and I
16 hope they will continue to do so.

17 Thank you.

18 JUDGE LOCK: Thank you very much. Ms. Brown, thank
19 you very much for your presence here today and for
20 your thoughtful comments.

21 Anyone else, Mr. David?

22 MR. DAVID: No, Your Honor. That would be the showing
23 for the State.

24 JUDGE LOCK: Ms. Mumma, does your client desire to
25 address the Court? We realize he has testified

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1 before. We have read his testimony, but does he
2 desire to address the tribunal this morning?

3 Mr. David, is there any requirement that he
4 be sworn?

5 MR. DAVID: No, sir.

6 MS. MUMMA: He is also very soft spoken, so maybe we
7 could use the mic, if that's okay.

8 JUDGE LOCK: That will be perfectly okay.

9 MR. SLEDGE: Davis family members, I want to say this:

10 I'm very sorry for your loss, and I hope you do
11 get closure in this matter, prove and find the
12 person who committed this horrible crime.

13 That's all I have to say.

14 JUDGE LOCK: Thank you, sir. Thank you very much.

15 We have conferred and have decided that the
16 defendant will have the right to open and close.

17 Do you desire to open?

18 MS. MUMMA: No, Your Honor.

19 JUDGE LOCK: Mr. David, we're with you.

20 MR. DAVID: Thank you.

21 Chief Judge Lock, Judge Bridges, Judge
22 Wagoner, may it please the Court. We're assembled
23 here today for a solemn purpose, and that is to
24 right a wrong, to correct an injustice. Today's
25 hearing comes on the heels of an Innocence Inquiry

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1 Commission proceeding which has been very
2 extensive, and that hearing and the investigation
3 which preceded it has produced new and compelling
4 evidence that suggests not only that Mr. Sledge is
5 not guilty of these crimes, but there's
6 substantial evidence that he's actually innocent
7 of it.

8 As district attorney, I occupied an important
9 role in this process, and my obligation has
10 perhaps best been articulated by the United States
11 Supreme Court in the case of *U.S. v. Berger* in
12 1935, and I want to start by reading a little bit
13 of that opinion and then talk about the process
14 that I employed.

15 The prosecutor is a representative not of an
16 ordinary party to a controversy but of a
17 sovereignty whose interests, therefore, in a
18 criminal prosecution is not just to win a case,
19 but that justice shall be done. As such, he is,
20 in a peculiar and very definite sense, a servant
21 of the law, the twofold aim of which is that guilt
22 shall not escape or innocence suffer. It is very
23 much the role of the district attorney not only to
24 secure convictions and fight crime, but to review
25 and analyze old cases to make sure that competent

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1 and substantial evidence is what has been used to
2 secure people's incarceration sometimes for
3 decades.

4 When I was first alerted of this case, I want
5 the Court to know and I want the community to know
6 that I took these claims very seriously and
7 embarked upon a process to make sure that we could
8 get towards the truth of what occurred in this
9 case. When I was first notified by Ms. Mumma in
10 September of 2012 about the discovery of these
11 hairs, I did not know the name of Joseph Sledge.
12 I'd become the elected district attorney following
13 Mr. Gore in January of 2001 (sic). I was only
14 about a year and a half into office at that point.
15 I was dealing with the new cases and the pending
16 cases and didn't know much about the history of
17 this litigation. When she called and told me that
18 some hairs had been discovered and that orders had
19 been previously entered for the testing of these
20 hairs, I immediately appreciated the importance of
21 what was at stake and stipulated that that testing
22 could occur immediately.

23 In fact, it was through that conversation
24 that Meghan Clement first received these hairs,
25 and they were sent off to Mitotyping. The results

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1 of that DNA testing, the significance is now known
2 to this Court by not only what transpired here
3 today but the transcript that you received from
4 the Innocence Commission hearing. There was a
5 revelation, initially, that the two hairs did not
6 match Mr. Sledge.

7 I'm going to talk a little bit about some of
8 the evidence, including the physical evidence, in
9 a moment, but before I do, I want to talk about
10 process. Because as district attorney, when
11 you're receiving a call about an old conviction,
12 it is very important that you move with extreme
13 caution. When a jury speaks, that verdict is
14 supposed to speak throughout time, and the
15 conviction in this case was the product of a
16 jury's verdict.

17 And so I committed to doing two things at
18 that point: I wanted to put a process in place,
19 and I'm rigidly devoted to following the process,
20 and I'm committed to going wherever the truth
21 leads. And very early on in this process, I met
22 with the victims' family, I met with many
23 stakeholders, and said, "We're all going to
24 embrace the truth in whatever its form. We're
25 going to go where the truth leads. We're going to

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1 follow a tightly structured process which consists
2 of two very important things: a comprehensive
3 investigation followed by a public hearing." I
4 believe that the community's interest in the
5 criminal justice system is best preserved by
6 oversight and by the opportunity to see what it is
7 as public officials we are doing about these
8 claims of actual innocence. And so I was
9 initially insistent on a comprehensive
10 investigation.

11 I'll be forever grateful that at a very early
12 stage, I met with leaders of the State Bureau of
13 Investigation. Like me, they appreciated the
14 seriousness of these claims and its potential
15 implications, and they committed a wonderful agent
16 to this case, Mr. Chad Barefoot, who is present in
17 court today and sitting at the end of the row.
18 Special Agent Barefoot did yeoman's work to get up
19 to speed in a very short order on a complex case
20 that, at that point, was over three decades old,
21 and he endeavored to read the transcripts from the
22 trial, get his hands on what he could involving
23 the investigative reports, and try to understand
24 and appreciate the significance of this DNA
25 testing in the context of the whole investigation,

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1 which had unfolded, again, decades earlier.

2 He also went out and immediately located the
3 two lead investigating agencies, SBI and the
4 Bladen County Sheriff's Office and the officers
5 that handled the original investigation, both of
6 whom are still alive and both of whom were very
7 cooperative, not only at the time they were first
8 contacted but throughout this entire process. I'm
9 referring, of course, to Henry Poole of the State
10 Bureau of Investigation as well as Phillip Little
11 of the Bladen County Sheriff's Office. Both of
12 the men have been committed to assisting my
13 office, the State Bureau of Investigation, the
14 Innocence Inquiry Commission, ultimately, and
15 others in making sure they did their part to make
16 sure justice never sleeps. And if there were
17 questions which existed in their cases and
18 convictions they helped obtain, they were going to
19 do the right thing, and I'm very proud to work
20 with such committed public servants. While I
21 didn't have the opportunity to work with them very
22 much during their careers, in retirement, it is
23 evident to me that they share a commitment to do
24 the right thing, and I appreciate that.

25 Again, today's proceeding has been relatively

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1 brief, but there were a lot of things that came up
2 at the Commission hearing which I want to canvass
3 for you. Again, when this incident happened, I
4 was six years old and living in the state of
5 Florida, so I didn't know too much about this
6 case. I knew at the time that I received the call
7 from Ms. Mumma that it was a significant
8 prosecution at the time and that it was a
9 sensational double murder that had occurred and
10 gone to a jury trial.

11 And so the first thing that I did is went
12 back and looked at what evidence existed
13 initially. And the same evidence is really what
14 was paraded around at the Innocence Inquiry
15 Commission hearing, and it's what I want to talk
16 about today.

17 It's important to understand how the case
18 actually got before the Innocence Inquiry
19 Commission. Chris Mumma, not long after her and I
20 talked, decided to file a motion for appropriate
21 relief. That was then held in abeyance, and the
22 case was removed to this parallel track called the
23 Innocence Inquiry Commission.

24 It was also during that time that the State
25 Bureau of Investigation had begun the early stages

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1 of their investigation. Again, Chad Barefoot and
2 other agents working in his department worked very
3 quickly as a team, worked very hard in this case,
4 but at the time that it was removed to the
5 Innocence Inquiry Commission, we asked that their
6 investigation cease at that point to allow
7 investigators with the Commission to do their work
8 unfettered by anything that we might do. We
9 simply took a step back and allowed them to do
10 their work. We embraced that process because it
11 achieved my overarching goal of getting a
12 comprehensive investigation by a neutral and
13 independent fact-finding agency which would
14 ultimately lead to a public hearing, which I feel
15 is so vital for the community's trust and for what
16 this ultimate result would be.

17 And so Agent Barefoot and others with the SBI
18 took a step back, and the investigators for the
19 Innocence Commission took over. The Court might
20 not be aware of this, but those investigators are
21 present in the courtroom today as well. I refer
22 to Sharon Stellato and Lindsey Guice, who are
23 sitting next to Kendra Montgomery-Blinn, the head
24 of the Innocence Inquiry Commission. I never met
25 any of them prior to this litigation, but I will

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1 tell you that I'm grateful for their hard work and
2 dedication throughout the entire process. They're
3 true professionals who have done a lot to, I
4 believe, unearth an injustice in this case, and
5 their findings have been significant to me, and
6 their findings are what we're going to build upon
7 as we move forward in reinvestigating this matter,
8 quite frankly.

9 But the evidence initially, and the evidence
10 which was produced at the Innocence Inquiry
11 Commission, can really be divided into three
12 categories. They're really the three-legged
13 stool, so to speak, the State's case rested on at
14 the time of the trial. And I want to talk about
15 how all of it, to some extent, has been undermined
16 in light of what I now know through the Innocence
17 Inquiry Commission review. The three things that
18 were really at the crux of the State's case is
19 circumstantial evidence related to Mr. Sledge's
20 escape from prison on the night of the incident,
21 the testimony of jailhouse informants, and, three,
22 the hair evidence. So the informants, the hair,
23 the circumstantial evidence; it was those three
24 legs of the stool, so to speak, that comprised the
25 evidence which was ultimately propounded against

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1 Mr. Sledge and which can cause the jury to
2 conclude that he was guilty of these heinous
3 crimes.

4 I'll start first with the circumstantial
5 evidence. It is a circumstance of this case that
6 Mr. Sledge escaped from prison the very night that
7 these women were murdered, horrifically murdered,
8 in their own home. His path of travel from White
9 Lake Prison to Elizabethtown would have taken him
10 in fairly close proximity to the victims' homes.
11 And it was later discovered that he would steal a
12 car in Elizabethtown that night and clothing off a
13 clothesline, and he would be in Fayetteville the
14 day after this incident. And because of the
15 circumstance of his escape from prison, he was
16 immediately made a suspect in this case.

17 As a cautionary tale, I will tell you that
18 all of us in the justice system learn of the
19 dangers of speaking about cases in the press prior
20 to comprehensive investigations being done, and
21 it's clear to me, based on articles that I saw as
22 part of this Commission review, that the sheriff
23 and others made a number of public statements
24 about the circumstances of the killing, the number
25 of victims, the manner of death, and things that

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1 might later be adopted by cooperating jailhouse
2 informants. But suffice it to say that from a
3 very early stage, because of the circumstance of
4 when he escaped from prison, that became something
5 that immediately made Mr. Sledge a suspect. Yet
6 it was revealed during this three days of hearings
7 in Raleigh in December of this past year that the
8 fact of an escape standing alone is hardly a
9 remarkable event. In fact, White Lake Prison Camp
10 at that time was such a minimum security facility
11 that they had in excess of ten escapes that very
12 year alone. Mr. Sledge, for his part, had escaped
13 from an institution on a number of previous
14 occasions. He had never been accused of any
15 heinous crimes in the past.

16 So it's important to understand the context
17 of what an escape meant at that time and that
18 place. It's significant that, in the context of
19 the greater whole, it is severely minimized when
20 we consider the number of escapes, the frequency
21 which was occurring even in the very year for
22 which Mr. Sledge escaped. So the fact that two
23 women were murdered the night that he escaped from
24 prison gains less significance, in my mind, but
25 it's still something that cannot be discounted and

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1 something which caused all of us as part of this
2 investigation to say, "We want to know more. What
3 was that original evidence against him, and what
4 does it say now?"

5 So we turn next to this hair evidence, and
6 that's what this court has spent the bulk of its
7 time on today, is talking about this hair in light
8 of new science. At the time of Mr. Sledge's
9 trial, DNA did not exist. Mr. Frier, who worked
10 for the FBI, not SBI, testified that a known hair
11 sample from Mr. Sledge was microscopically
12 consistent with that of the defendant. I think we
13 read his testimony verbatim just now. He
14 intimated that he was in a position to make a
15 determination, and it was his determination, for
16 lack of a better word, it was a match. And quite
17 frankly, that was the only scientific evidence --
18 or, I'm sorry, physical evidence which linked
19 Mr. Sledge to the scene at that time. It's hard
20 for me to speculate as to what weight the jury
21 would have attached to that piece of evidence,
22 but, again, it was the only piece of physical
23 evidence that links him to the scene, and it
24 appears to be strong testimony, the way that I
25 read the transcript.

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1 We know now in light of new science that
2 evidence is completely undermined, not only, we
3 say, conclusively that it's not his hair, but it's
4 certainly somebody else's. And the two hairs that
5 were testified to, all of the hairs -- all nine
6 hairs recovered from the victim, Aileen Davis's
7 abdomen, were from the same contributor, not
8 Mr. Sledge, and somebody else of African-American
9 origin.

10 At the time that the motion for appropriate
11 relief was filed and at the time that this
12 original testing was done, only two hairs had been
13 tested. And that was extremely important for the
14 State's purposes as well as the SBI, because
15 initially, we could not eliminate the prospect
16 that there was a low-key transfer or secondary
17 transfer. In my mind, not all types of DNA
18 evidence are created equal. We can certainly have
19 blood evidence or semen. Hair evidence is not
20 something that would, in my experience, being a
21 prosecutor for 19 years, be significant, because a
22 lot of people lose hair innocently in all kinds of
23 places. It ends up in a crime scene, and that
24 doesn't necessarily establish a link to a
25 particular crime.

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1 So the fact we now have nine hairs as opposed
2 to two hairs which all match each other and which
3 exclude Mr. Sledge, which were found on the
4 abdomen of the victim, I find to be extremely
5 significant. That does not, in my opinion, appear
6 to be something that's the product of low-key or
7 secondary transfer; it is likely left by the
8 perpetrator of the crime, and it's something that,
9 quite frankly, is very different than the way the
10 evidence was portrayed to this jury using
11 then-existing science.

12 We then get to the testimony of the jailhouse
13 witnesses. And it's important to note what the
14 jailhouse witnesses that -- there were two people
15 who testified, one being Donny Sutton and the
16 second being Herman Baker. Now, Mr. Sutton died
17 in 1991, so we can't approach him now and ask him
18 the question, "Is what you said in court
19 accurate?" But I do want to point out to you that
20 Mr. Sutton, it was revealed, gave numerous
21 statements to the State Bureau of Investigation
22 and the sheriff's office. A review of the
23 transcript discloses that he was only
24 cross-examined about his ultimate statement that
25 implicated Mr. Sledge as having confessed to him

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1 or telling him that he was responsible for these
2 crimes, but in the Innocence Commission Inquiry's
3 review of the Bladen County Sheriff's Office, they
4 discovered a file containing numerous reports from
5 the State Bureau of Investigation which document a
6 progression of interviews which strengthened over
7 time, and it appears that Mr. Sutton had a story
8 which was evolving and changing and strengthening.
9 And in light of that, his testimony certainly
10 could have been more discredited at trial had the
11 jury known about these prior statements.

12 As for Mr. Baker, when the SBI attempted to
13 interview him -- and he canceled an interview with
14 us. I did not have the benefit, nor the SBI have
15 the benefit, of speaking to him prior to the
16 Innocence Inquiry Commission's hearing in
17 December. During the almost two years that this
18 case was pending, we were as interested as anyone
19 to find out what this man's version of events was
20 and what he would say regarding his prior trial
21 testimony about Mr. Sledge. He's given multiple
22 statements at this point, some of which are
23 inconsistent, but he remains steadfast in saying
24 that he testified falsely when he said that
25 Mr. Sledge said that he was involved in these

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1 crimes. He now acknowledges that that testimony
2 was fabricated.

3 And so when we think about the two of the
4 three legs of the stool being the strongest, the
5 hair evidence and the jailhouse informants, we
6 realize that one testimony by Donny Sutton was not
7 as strong as originally portrayed, and the other
8 has completely repudiated what he said earlier,
9 and testified without benefit of any immunity
10 agreement that he committed perjury and lied.

11 That puts the State in a position where we
12 can never call Mr. Baker in any future
13 prosecution. And while I'm still unclear about
14 what exactly it is he's lying about, it seems very
15 clear to me that he's someone that cannot be
16 trusted, yet he's someone the jury must have
17 relied upon substantially. And, again, that
18 evidence has been completely discredited.

19 In that same folder in which was located
20 Donny Sutton's interviews in the Bladen County
21 Sheriff's Office, they located something else
22 which I find to be extremely significant, and that
23 is fingerprint cards from the original crime
24 scene. This too was not something that the jury
25 heard anything about, but there were numerous

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1 prints of value found at the crime scene, some of
2 which appeared to have been in blood, which were
3 arguably left by the perpetrator himself.
4 Mr. Sledge's fingerprints have been compared to
5 those prints as part of the Innocence Inquiry
6 Commission review, and they have determined
7 conclusively that he is not the one that left
8 those fingerprints. I find that to be something
9 that is new evidence. It's physical evidence that
10 that doesn't link him to the scene. In fact, it
11 excludes him as being a person that was likely at
12 the scene at all, and so that is something that --
13 again, it's something the jury never heard about
14 and which was evidence of who the potential
15 perpetrator is.

16 This new DNA profile which we have generated
17 in connection with these hairs as well as these
18 fingerprints are something that the State intends
19 to use as part of its future investigation into
20 determining who the actual perpetrator of these
21 incidents were.

22 One of the things I'll be announcing today at
23 a press conference immediately following the
24 hearing -- and Ms. Brown forecast that for the
25 Court already -- is that we are reopening the

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1 case. I'm asking the SBI to resume its
2 investigation, and we are going to be using the
3 fingerprint evidence and this DNA evidence as
4 potential clues towards figuring out who might be
5 responsible for these heinous incidents. But
6 suffice it to say that, again, here's something
7 else that the jury never heard about back in 1978
8 and which might have been significant.

9 I want to pause for a moment to talk a little
10 bit about the investigation in 1978, because in
11 the mind's eye, we can frequently think that
12 things were less sophisticated back then and maybe
13 the commitment was less. I will tell you that
14 I've had the benefit as district attorney of
15 reviewing the investigative file from 1978, and I
16 found it to be thorough, competent, and
17 professional. What you might not be aware of is
18 that at that time in our state's history, we had a
19 cold case unit which was operated out of the
20 attorney general's office, and that is why Lester
21 Chalmers, who works at the attorney general's
22 office, was one of the special prosecutors in this
23 case.

24 Although Mr. Sledge was originally identified
25 as a suspect from an early stage given his escape

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1 from prison, he would not be arrested for another
2 year, and it was during that interval that the
3 Bladen County Sheriff's Office enlisted the help
4 of the State Bureau of Investigation through this
5 cold case unit, and that's why Henry Poole was
6 assigned to this case.

7 So Henry Poole and Lester Chalmers, who
8 worked for the attorney general's office at that
9 time, were going all over the state in working on
10 sensational cold case murders together, and they
11 had a real specialty for figuring -- for solving
12 and prosecuting sophisticated cases in all hundred
13 counties. And so I will tell you that, at least
14 with respect to the investigation, again, it was
15 thorough, competent, and professional, and the
16 commitment of these officers remains to this day.

17 I will tell you that I have shared with them
18 the results of the Innocence Inquiry Commission's
19 findings. They both testified during those
20 proceedings. They understand the problems with
21 the evidence that we have in light of new science,
22 and they agree with our decision today to conclude
23 that these charges should be appropriately
24 dismissed, because that is their continuing
25 obligation, to see that justice is done, not that

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1 merely convictions stand.

2 And, again, I don't think any of this would
3 have been possible but for the hard work of the
4 Commission. They've done a wonderful job, and
5 they've given all of us in the law enforcement
6 community, the prosecutors and the investigators,
7 the confidence in knowing that their obligation is
8 much like ours, and that is to seek justice, to go
9 where the truth leads, to be neutral, to be
10 unbiased, to not have a friend to reward or enemy
11 to punish. I believe, as I stand before you
12 today, that they've honored their oath, done their
13 job, and given us new evidence to consider and
14 perhaps new evidence to find out whoever did this.

15 I realize as district attorney that there are
16 many stakeholders in our decisions today, and
17 first and foremost is that of the defendant
18 himself. You know, a wrongful conviction can ruin
19 the life and reputation of an innocent person, it
20 can cheat the victims of their chance of justice,
21 and it can endanger the public. All three of
22 those things happen when someone is wrongfully
23 convicted.

24 You know, a prosecutor's worst nightmare is
25 not just losing a case or watching a dangerous

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1 criminal go free; it's convicting an innocent
2 person. I can tell you that I think I speak for
3 district attorneys all over the state to say there
4 is nothing more repugnant to our core values as
5 prosecutors than to believe than an innocent
6 person is guilty, and it's very much the role of
7 the district attorney to be the first in line to
8 stand up and say, "We're going to address this
9 injustice."

10 And so, again, there are many stakeholders in
11 what has occurred today, not the least of which is
12 this defendant, who, according to my best
13 estimate, has suffered 35 -- 38 years in prison
14 for a crime he didn't commit. We believe that now
15 to be the case.

16 And so let me just be first on behalf of the
17 State of North Carolina to apologize to Mr. Sledge
18 for that. You know, I don't think the word
19 "sorry" -- or the word "sorry" is imperfect to
20 convey the magnitude of what happened with respect
21 to this man's life over the last many years. The
22 system, I believe, has made a mistake. But the
23 system is a human system, and because it is a
24 human system, the best we can do is to acknowledge
25 the mistake, work quickly to correct it, and then

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1 apologize for it, and let me be the first to do
2 that.

3 But as I say sorry, I also want to say sorry
4 to the victim's family too, because, again, there
5 are many stakeholders in this case. And I've
6 always envisioned my role as district attorney as
7 giving victims a voice in the courtroom and being
8 their surrogate, and I can only imagine the shock,
9 confusion, bewilderment, and disappointment they
10 feel now. They've labored under the assumption
11 that the person who brutalized their loved ones
12 has been in prison, and essentially, they've been
13 revictimized to some extent by this revelation of
14 the scientific evidence and the change in
15 testimony from the jailhouse informants that the
16 wrong man is in prison, so the State of North
17 Carolina has let them down too. Convicting an
18 innocent person means that the guilty is left
19 unpunished and that any closure that they might
20 have felt is a sham, and so they deserve the
21 apology of the State of North Carolina as well.

22 And finally, as district attorney, I want to
23 take this opportunity to apologize to the entire
24 community, because the conviction of an innocent
25 person leaves the entire community exposed to the

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1 future crimes of a guilty person. We may never
2 know whoever did this, what they might have gone
3 on to do. We're certainly going to be looking at
4 crimes in and around the Bladen County area in the
5 years following this incident and look for
6 fingerprints and DNA to see if perhaps this person
7 went on to live the life of crime that is so
8 frequent in these situations.

9 But not only was a guilty person in a
10 position to commit future crimes, but now the
11 public confidence is eroded in our justice system
12 when we acknowledge that an innocent person has
13 been convicted. Again, I think the best we can do
14 in a situation like that is to acknowledge the
15 mistake, to correct it, and to move forward.

16 And as district attorney, I am a
17 forward-looking person. I want to make sure that
18 justice never sleeps in this case. My commitment
19 to this family and to this community is to do what
20 I can to make sure that a thorough investigation
21 is completed moving forward. I want you to know,
22 immediately following this Innocence Inquiry
23 Commission hearing in December, I've met with
24 leaders at the highest level of the State Bureau
25 of Investigation. I've enlisted their support in

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1 a renewed effort to seek justice in this case.
2 And while I don't presume to speak for them, I am
3 confident that they share, you know, the view that
4 something needs to be done here, and they're going
5 to work hard to make sure that it is. As district
6 attorney, I look forward to working with them in
7 the road ahead.

8 You know, I think it's important as district
9 attorney not only that we embrace the process,
10 which, again, involves a comprehensive
11 investigation followed by a public hearing, but
12 that we respect the process that's laid out.
13 North Carolina is unique in being the only state,
14 in fact, of 50 states to have such a process in
15 place, and that process is designated by statute.
16 And I know the Court has read 15A-1469 and its
17 related parts. It specifies that the judges are
18 the ones that must determine by clear and
19 convincing evidence whether or not sufficient
20 evidence exists -- or, I'm sorry, whether clear
21 and convincing evidence exists to participate in a
22 declaration of innocence.

23 I will tell you as district attorney that our
24 system is designed to prove whether someone is
25 guilty or not guilty. Our system does a very good

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1 job of establishing whether someone is guilty or
2 not guilty. "Not guilty" is not synonymous with
3 "innocence." In a majority of cases, there is a
4 large gulf between those two things. So your job
5 is to determine not only whether or not he didn't
6 do this, whether he's not guilty -- and I think
7 that had the jury heard about the fingerprint
8 evidence, had they understood that the hairs
9 didn't match Mr. Sledge but excluded him, and
10 known a little bit more about these jailhouse
11 informants, they would have appropriately
12 concluded he was not guilty. Innocence is a
13 different matter, and it's something that is in
14 your purview. Our system of checks and balances
15 demands we have a separation of powers, and I
16 think our system works best when we have advocates
17 present evidence to the courts and you make
18 thoughtful decisions.

19 I will tell you that this case was more
20 difficult than some other Innocence Inquiry
21 Commission cases that have been heard in that in
22 the last two cases, we had evidence that not only
23 pointed away from the defendant but pointed
24 towards an identifiable person. This case is
25 somewhat different than that in that although

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1 things are certainly pointing away from
2 Mr. Sledge, at this point, we don't know who's
3 responsible for these heinous crimes. And, again,
4 that's something I'm going to be directing my
5 efforts and that of the SBI toward finding an
6 answer to.

7 Before we leave here today, you're going to
8 have to determine, based on the available evidence
9 that was produced in Raleigh and the limited
10 evidence heard today, whether there is clear and
11 convincing evidence to determine whether or not
12 he's actually innocent. I believe, based on what
13 I know now, there is compelling evidence of
14 innocence, and I trust the Court will make the
15 right decision.

16 In closing, let me point out that many states
17 in addition to North Carolina are now embracing
18 the fact that prosecutors should be leading the
19 charge in innocence inquiry cases. The State of
20 New York particularly has been very progressive in
21 their thinking of how to handle these types of
22 cases, and they've adopted a statement of
23 principle that I want to read to you today:

24 "The fundamental core of a prosecutor's
25 responsibility is to do justice. It is an

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1 obligation that does not end with a conviction,
2 regardless of whether the conviction's by verdict
3 or plea. Whenever a credible claim of innocence
4 is put forward, we remain committed to pursue the
5 path that justice demands. Every case must be
6 determined on its facts and its own merits, for if
7 the facts and merits demonstrate that DNA testing
8 can conclusively establish innocence was otherwise
9 the appropriate course of action, we will pursue
10 it."

11 That's been done in this case. And the
12 science has changed, the testimony of the
13 witnesses has changed, but our commitment to
14 seeking the truth has not. Those of us who take
15 our oath seriously are tethered to doing the right
16 thing, and we urge the Court today to join us in
17 this very fight.

18 I thank you for your being here today and for
19 presiding over these hearings, and I thank you in
20 advance for your determination.

21 Thank you.

22 JUDGE LOCK: Thank you very much.

23 Ms. Mumma.

24 MS. MUMMA: Yes, Your Honors. I want to start by
25 first -- and the center staff, very talented,

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1 hardworking center staff, would like to join in
2 thanking the esteemed panel of judges for being
3 appointed to this hearing and for listening to the
4 evidence and considering all the evidence that has
5 been presented to you.

6 And we're also thankful for the Innocence
7 Inquiry Commission process, and although I say
8 Chief Justice Lake is the one to be thanked that
9 we have that process in the state, it certainly
10 would just be a process without the hard work of
11 the staff that is currently working for the
12 Commission.

13 I am first -- there are many things that the
14 district attorney and I will disagree on, and I
15 will just leave it at that for this forum, but one
16 of the things that we disagree on is process and
17 how the process works for the innocent. There
18 have been 325 DNA exonerations in the country so
19 far, there's been over a thousand non-DNA
20 exonerations, and in each of those cases, the
21 jury, the district attorney, the law enforcement
22 thought the person was guilty. And in all of
23 those, people tried to follow the process, whether
24 it was through the trial process or the
25 post-conviction process, and what has been proven

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1 is that the process doesn't work.

2 In Mr. Sledge's case, it did not work from
3 the time his appeal was denied in '79 through
4 2003. He filed 27 pro se motions for relief. He
5 asked for DNA testing. A court order was issued
6 for DNA testing in 2003. Requests were made for
7 evidence to be transferred over and over again,
8 and the process did not work.

9 We receive 600 letters a year from inmates
10 claiming innocence. We reject 95 percent of those
11 claims outright. There are maybe two cases a year
12 I would approach a prosecutor with to say, "This
13 one looks like it might be credible. Will you
14 work with us to help to find -- to ensure that
15 justice was served?"

16 I do disagree that this was a cooperative
17 effort in seeking justice for Mr. Sledge.
18 Mr. Sledge is 70 years old. He's been
19 incarcerated for over half of his life for murders
20 he did not commit. When he was convicted, he said
21 he would rely on God to make it through. He says,
22 "The person that committed this crime, he's got to
23 suffer. He's out there in civilization, and it's
24 on his conscience. I'll suffer in prison, but
25 he's going to read the paper tomorrow and say to

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1 himself, 'They got that old boy for something I
2 did.' I don't know what he's going to do, but
3 whatever he does, he ought to straighten this out,
4 because he knows that I am an innocent man."

5 Joseph Sledge is and always has said he was
6 innocent of the murders of Josephine and Aileen
7 Davis. He said he was an innocent man when they
8 arrested him. He said he was innocent when he was
9 tried, he said he was innocent when he was
10 convicted. He said it literally in hundreds of
11 letters where he wrote the judges, clerks, DAs,
12 FBI, SBI, law enforcement, and defense attorneys.
13 He said it in those 25 pro se motions. He said it
14 when he asked for DNA testing that was granted in
15 2003. Each time he wrote a letter or filed a
16 motion, there was one theme in all of his
17 communications: truth. Find the truth, because
18 there can only be justice if there is truth.

19 The truth is that none of the head or pubic
20 hairs collected from Aileen Davis's body came from
21 Joseph Sledge. The truth is that none of the
22 fingerprints left in the home of Josephine and
23 Aileen Davis when they were brutally and
24 tragically murdered came from Joseph Sledge. The
25 truth is the fact those fingerprints did not match

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1 Joseph Sledge was known at the time of trial. The
2 truth is that the bloody palm prints left on the
3 floor on either side of Aileen's head as she was
4 sexually assaulted do not belong to Joseph Sledge.
5 The truth is that the fact those palm prints did
6 not match Mr. Sledge was known at the time of
7 trial. The truth is that the bloody footprints
8 left in the Davis home did not belong to Joseph
9 Sledge. The truth is that the male DNA left
10 behind on the dresses and slips of the victims did
11 not come from Joseph Sledge. And the truth is
12 that the statements given by jailhouse informants
13 against Joseph Sledge were lies.

14 Joseph Sledge is an innocent man. He's
15 innocent of the murders of Josephine and Aileen
16 Davis and always has been. It is true that he
17 should have been a suspect. It is true that he
18 escaped from prison, where he was serving time for
19 stealing some clothing. It is true that he
20 escaped because he was in fear for his life after
21 he had been -- previously had suffered a fractured
22 skull at the hands of another inmate. The truth
23 is also that after he was a suspect, the
24 investigation stopped, the true investigation
25 stopped. There was a conclusion that there were

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1 two murders and an escaped inmate, and the case
2 was solved, and all of the evidence at that point
3 went down one tunnel that went towards Mr. Sledge.

4 The primary purpose of justice is to deliver
5 justice to the victims of crime. This case is a
6 tragedy for justice even today. It's a tragedy
7 for the Davis family and for Mr. Sledge. The
8 defense and Mr. Sledge truly regret, truly regret,
9 that the family of Josephine and Aileen Davis were
10 not given the justice they deserved. But when an
11 innocent man or innocent person is convicted for a
12 crime they did not commit, the number of victims
13 grows exponentially to include the wrongfully
14 convicted, their family, their community, and the
15 justice system as a whole. And in the words of
16 Dr. Martin Luther King, Jr., who we celebrate this
17 week, injustice anywhere is a threat to justice
18 everywhere.

19 And now it is the time to correct this
20 terrible injustice. It is true that things worked
21 differently in 1976, and investigation,
22 prosecution, defense processes and procedures have
23 been greatly improved. But we would be in denial
24 if we thought that the criminal justice system
25 always gets it right. It's a human system. A lot

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1 of humans are involved in every case, and there
2 will always be the possibility of error. We have
3 to continue to provide for and improve processes
4 that allow the truth to see the light.

5 The defendant, Mr. Joseph Sledge, has proven
6 by exceedingly clear and convincing evidence that
7 he is innocent of the 1976 murders of Josephine
8 and Aileen Davis. Justice has been delayed too
9 long, and we ask the Court to allow it to prevail
10 today for the declaration of Mr. Sledge's
11 innocence.

12 Thank you.

13 JUDGE LOCK: Thank you very much.

14 Counsel, the Court will simply be at ease for
15 a few minutes while my colleagues and I confer.

16 (The court recessed at 1:01 p.m. and
17 reconvened at 1:10 p.m.)

18 JUDGE LOCK: The Court certainly wishes to express its
19 thanks to both sides for their excellent
20 presentations, their hard work in this case. The
21 Court's certainly greatly appreciated and commends
22 you on your tireless efforts in the pursuit of
23 justice for your client, Mr. Sledge. The Court
24 certainly thanks you, Mr. David, and commends you
25 on recognizing and performing well your

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1 professional and ethical duties as a district
2 attorney.

3 Madam Clerk, the Court will be filing this
4 order. I'm going to read it into the record.

5 These matters came on for hearing before the
6 undersigned Judges of Superior Court, sitting as a
7 three-judge panel, appointed by the Chief Justice
8 of the Supreme Court of North Carolina pursuant to
9 North Carolina General Statute 15A-1469,
10 Subsection (a), at a special session of Columbus
11 County Superior Court to hear evidence relevant to
12 the North Carolina Innocence Inquiry Commission's
13 recommendation in the case of the State of North
14 Carolina versus Joseph Sledge Jr., File Numbers
15 78 CRS 2415, 2416. The State of North Carolina
16 was represented by District Attorney Jon David.
17 Joseph Sledge, Jr., the convicted person, was
18 represented at all times and was represented by
19 Attorney Christine Mumma, Executive Director of
20 the North Carolina Center on Actual Innocence.

21 Evidence submitted to the undersigned judges
22 for review and consideration prior to hearing
23 included the brief prepared by the Innocence
24 Inquiry Commission staff, which is here in
25 Exhibit 1; the transcript of the Innocence Inquiry

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1 Commission hearing held on December 3, 4, and 5 of
2 2014 -- that was Hearing Exhibit 2; the hearing
3 handouts from the North Carolina Innocence Inquiry
4 Commission, Hearing Exhibit 3; the opinion of the
5 North Carolina Innocence Inquiry Commission --
6 this was Hearing Exhibit 4; and the Plea for
7 Declaration of Innocence filed by Joseph Sledge,
8 Jr., Hearing Exhibit 5.

9 The Court has also considered hearing
10 testimony and related exhibits given by the clerk
11 for Columbus County, Rita Batchelor, and forensic
12 scientist Meghan Clement, which established the
13 chain of custody and analysis of relevant
14 evidence.

15 Upon review of the evidence, District
16 Attorney Jon David joined the defendant's motion
17 to dismiss the murder charges against Joseph
18 Sledge, Jr. with prejudice on the basis of
19 innocence pursuant to NCGS 15A-1469, Subsection
20 (b). North Carolina General Statute 15A-1460,
21 Subsection (1) provides that a claim of factual
22 innocence means a, quote, "claim on behalf of a
23 living person convicted of a felony in the general
24 court of justice for the State of North Carolina
25 asserting the complete innocence of any criminal

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1 responsibility for the felony for which the person
2 was convicted and for any other reduced level of
3 criminal responsibility relating to the crime and
4 for which there is some credible, verifiable
5 evidence of innocence that has not been previously
6 presented at trial or considered at a hearing
7 granted through post-conviction relief."

8 North Carolina General Statute 15A-1469,
9 Subsection (h), provides that the, quote,
10 "three-judge panel shall rule as to whether the
11 convicted person has proven by clear and
12 convincing evidence that the convicted person is
13 innocent of the charges. Such a determination
14 shall require a unanimous vote. If the vote is
15 unanimous, the panel shall enter a dismissal of
16 any and all of the charges. If the vote is not
17 unanimous, the panel shall deny relief."

18 North Carolina General Statute 15A-1470
19 provides that "There is no right to any further
20 review of the decision of the three-judge panel,
21 but the convicted person does retain the right to
22 other post-conviction relief."

23 The panel members have now considered North
24 Carolina General Statute 15A-1460, and following
25 all of the evidence presented and the arguments of

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1 counsel for the State and for Joseph Sledge, Jr.,
2 the convicted person, the matter is now ripe for
3 decision. The unanimous decision of the
4 three-judge panel of the superior court judges is
5 that the defendant, Joseph Sledge, Jr., the
6 convicted person, has proved by clear and
7 convincing evidence that he is innocent of the
8 murders of Josephine and Aileen Davis in Bladen
9 County on September 6, 1976. It is therefore
10 ordered pursuant to the decision of the
11 three-judge panel and North Carolina General
12 Statute 15A-1469 that the relief sought by the
13 convicted person, Joseph Sledge, Jr., is granted
14 and that the charges for the murders of Josephine
15 and Aileen Davis on September 6, 1976, are hereby
16 dismissed. It is further ordered that Joseph
17 Sledge, Jr. be immediately released from custody.

18 The clerk of court shall furnish a certified
19 copy of this decision to the Department of Public
20 Safety and Combined Records Section this 23rd day
21 of January, 2015, signed by Thomas H. Lock, Senior
22 Resident Superior Court Judge, Anna Mills Wagoner,
23 Senior Resident Superior Court Judge, Kevin M.
24 Bridges, Senior Resident Superior Court Judge.

25 Mr. Sledge, it will be necessary for you to

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1 accompany our high sheriff next door to the
2 detention center to be processed and released.
3 You will not be handcuffed. Your attorney may
4 accompany you.

5 As an aside, the sheriff tells me that at the
6 time of your conviction, he was a Bladen County
7 deputy, and he is the one who transported you to
8 DOC. I suppose it is ironic he will now transport
9 you to freedom.

10 THE DEFENDANT: Thank you very much, Your Honor.

11 JUDGE LOCK: Mr. Sheriff, end this session of court
12 sine die, please.

13 **(Court recessed at 1:18 p.m.)**

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CERTIFICATION OF TRANSCRIPT

This is to certify that the foregoing transcript of proceedings taken at the January 23, 2015, Session of Columbus County Superior Court is a true and accurate transcript of the proceedings taken by me and transcribed by me or under my supervision. I further certify that I am not related to any party or attorney, nor do I have any interest whatsoever in the outcome of this action.

This 18th day of February 2015.



KIRSTIN A. O'MALLEY, RPR
Official Court Reporter
Second Trial Division
205 Monterey Drive
Wilmington, NC 28409
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STATE OF NORTH CAROLINA
COUNTY OF COLUMBUS

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
78 CRS 2415-2416

STATE OF NORTH CAROLINA,

CERTIFICATE
OF DELIVERY


Versus

Joseph Sledge, Jr.,
Defendant.

.....

This is to certify that the transcript of proceedings at the January 23, 2015 Session of Columbus County Superior Court, as ordered by the North Carolina Innocence Inquiry Commission on March 4, 2014, consisting of 128 pages, was delivered electronically to the party listed below on the 4th of March, 2015.

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