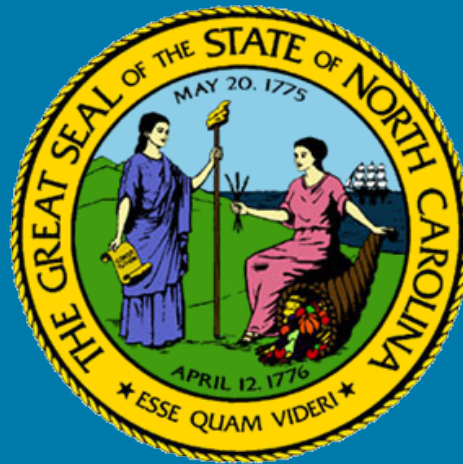


The North Carolina Innocence Inquiry Commission Hearing

April 28th and 29th, 2011



Welcome Commissioners!

State of North Carolina

v.

Kenneth Kagonyera

00 CRS 65086

and

Robert Wilcoxson

00 CRS 65088

Convictions for Second Degree Murder

Buncombe County, North Carolina

Standard of Review

N.C. G.S. 15A-1468(c)

“In cases where the person entered and was convicted on a plea of guilty, if **all eight voting members** of the Commission conclude there is **sufficient evidence of factual innocence to merit judicial review**, the case shall be referred...”

Brief provided to the Commission

- Covers all that was available before Commission received case
 - Corrections
 - Claimant release dates
 - Page 13 timeline
 - Page 89 blank
 - Questions / Discussion
-

NCIIC Investigation

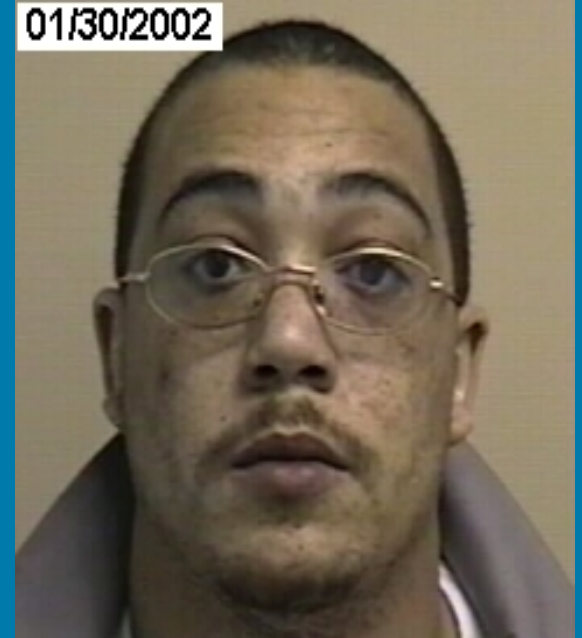
- File reviews (DA, Sheriff, SBI, Defense Attorneys, Clerk's Office, PLS)
- Interviews of defense attorneys
- DNA testing
- Other forensic analysis
- Witness Interviews / Depositions
- Law Enforcement Interviews / Depositions
- Mapping areas of interest
- Consults with experts

Eyewitness / Victim Interviews

- Shaun Bowman (Walter Bowman's Son)
- Wanda Holloway (Shaun Bowman's Girlfriend)
- Tony Gibson (Family Member)

Shaun Bowman

01/30/2002



- Walter Bowman's son
- Present during murder
- Fled and could not be located for over a month
- Identified Aaron Brewton, Kenneth Kagonyera, Robert Wilcoxson, and Larry Williams

Wanda Holloway

- Shaun Bowman's girlfriend
- Present during murder
- Only person present at home with Walter Bowman when deputies and ambulance arrived
- Originally did not inform deputies that Shaun Bowman and Tony Gibson has also been present

James “Tony” Gibson

- Bowman family friend / relative
- Present during murder
- Fled after the murder
- Originally told police he had not been present during the murder
- Admitted to his presence in a second interview

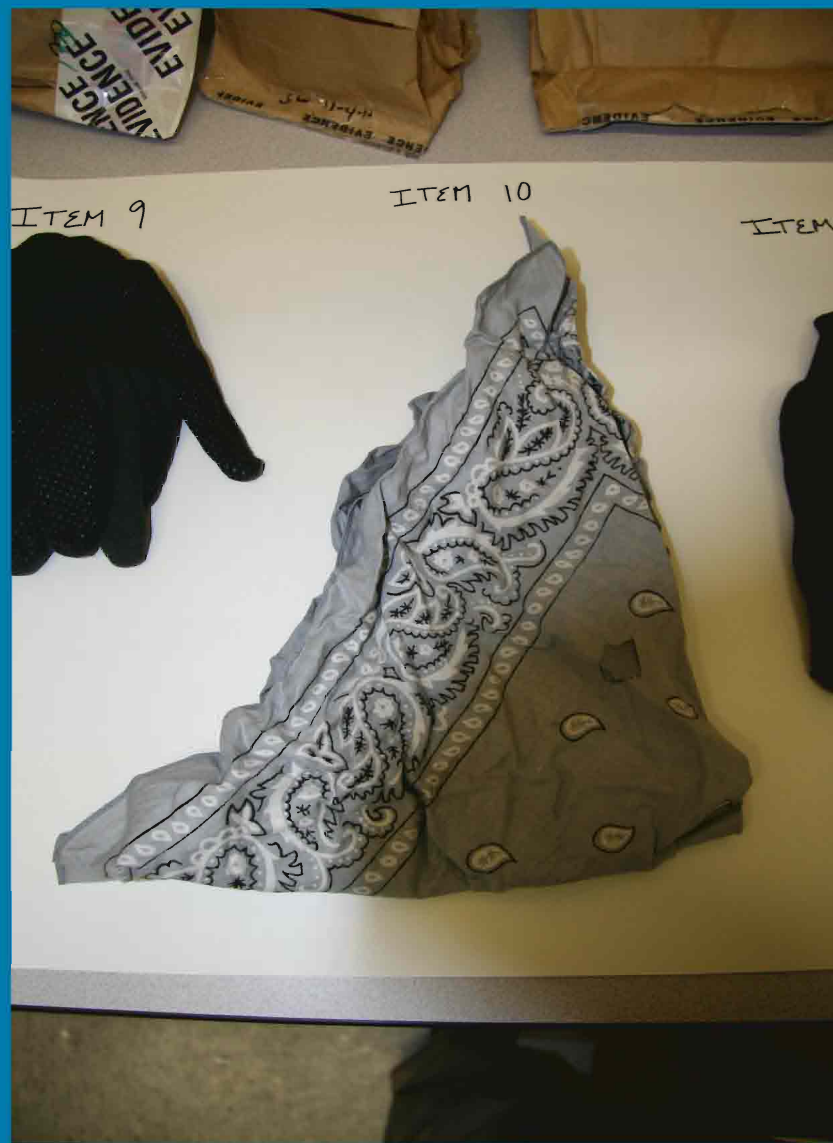
Tony Gibson's Criminal Record

Conviction	Jurisdiction	DOO	Date of Conviction
POSSESSION BEER WHILE UNDERAGE	BUNCOMBE	07/14/1988	08/18/1988
CARRY CONCEALED WEAPON	BUNCOMBE	07/23/1988	08/23/1988
MISDEMEANOR POSSESSION OF MARIJUANA	BUNCOMBE	07/23/1988	08/23/1988
POSSESSION BEER WHILE UNDERAGE	BUNCOMBE	11/01/1988	08/09/1989
FICT. INFO TO OFFICER	BUNCOMBE	07/06/1989	08/09/1989
LARCENY BY TRICK	BUNCOMBE	11/14/1988	11/15/1989
SIMPLE ASSAULT	BUNCOMBE	07/10/1990	01/12/1990
RECKLESS DRIVING TO ENDANGER	MCDOWELL	07/01/2006	10/18/2006

Mr. Sean Devereux,
Attorney

Forensic Testing

- Pre-Conviction Testing
- Post-Conviction CODIS hit
- Commission Testing at SBI and LabCorp



ITEM 11

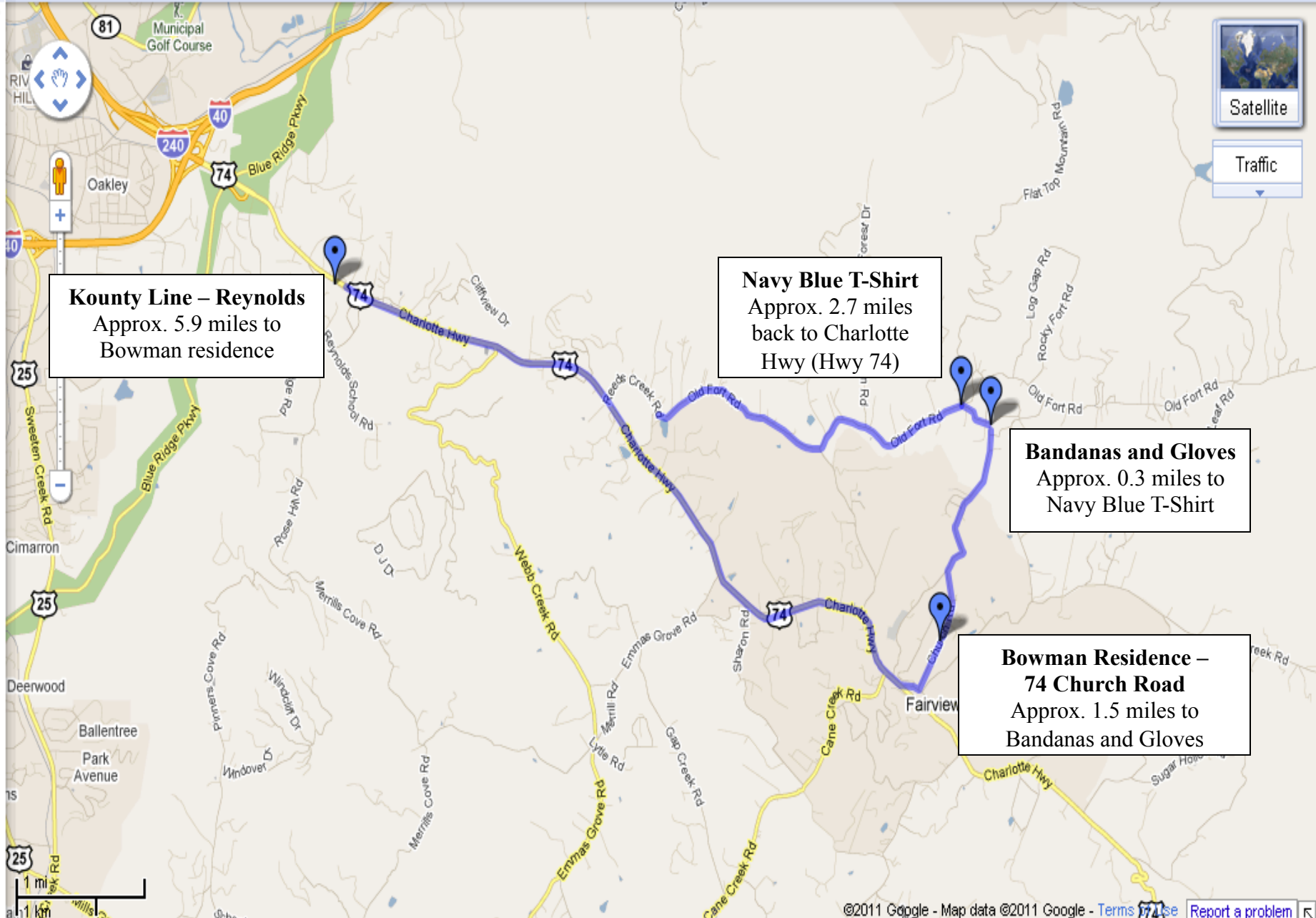


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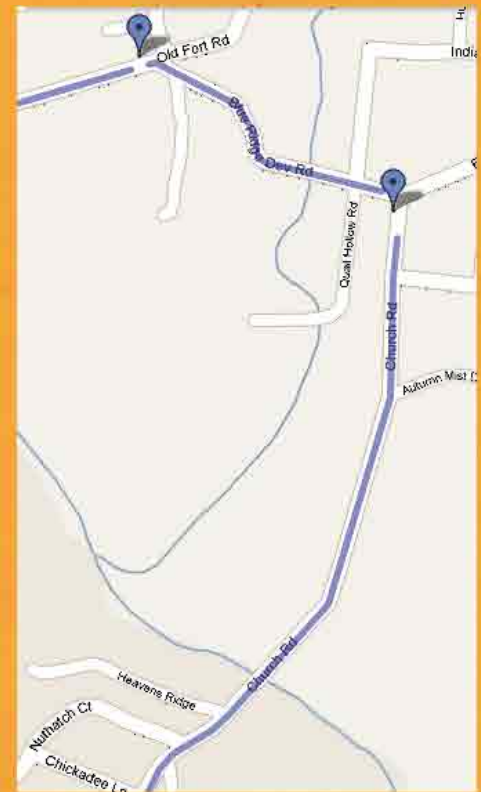
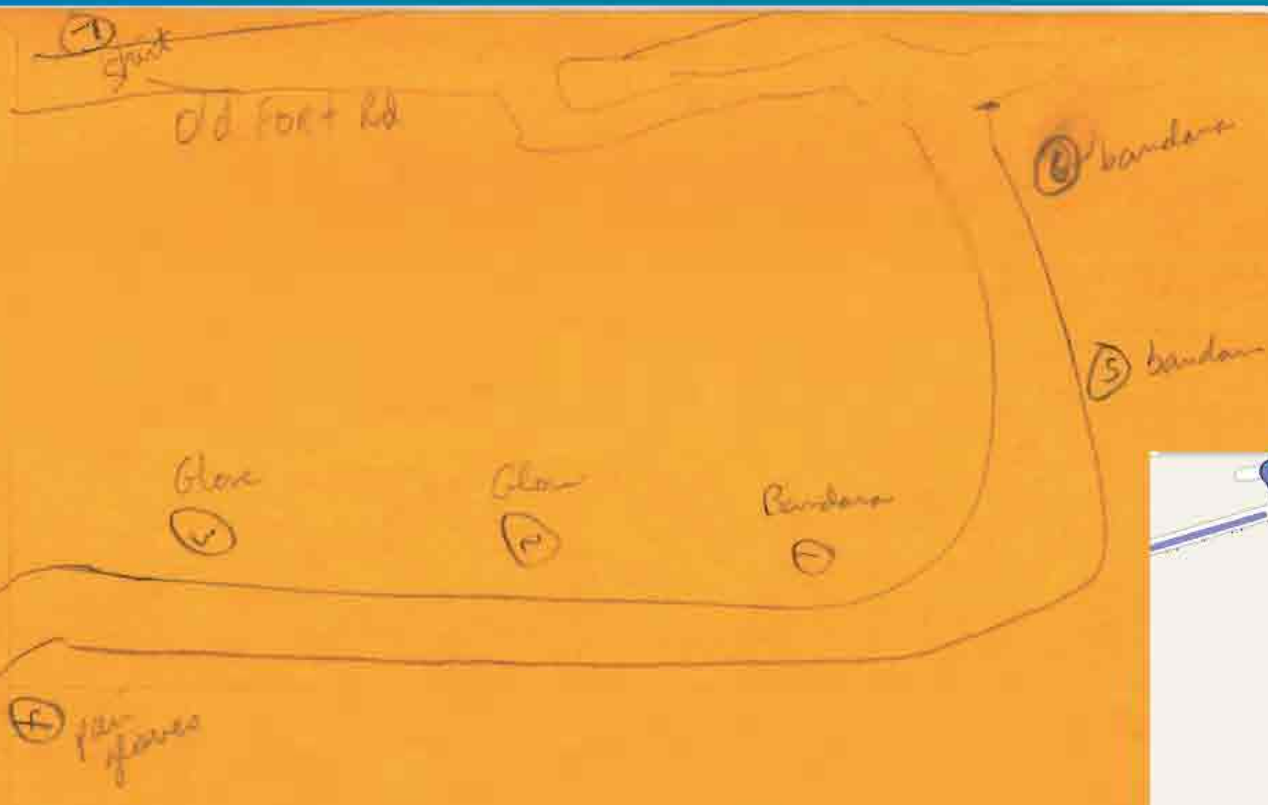
ITEM 12







75 Glasp (7 1/2 x 10 1/2)



Forensic Testing

- Pre-Conviction Testing
- Post-Conviction CODIS hit
- Commission Testing at SBI and LabCorp

Meghan Clement,
Technical Director –
Forensic Identity
Testing,
Laboratory Corporation
of America

Tim Baize,
Special Agent,
North Carolina
State Bureau of
Investigation

Shawn Weiss,
Associate Director –
Forensic Identity
Testing,
Laboratory Corporation
of America

Group B

- Kenneth Kagonyera
- Robert Wilcoxson
- Teddy Isbell
- Damian Mills
- Aaron Brewton
- Larry Williams

Kenneth Kagonyera

- Commission Claimant
- Confessed to District Attorney and his Attorneys
- Pled Guilty to Second Degree Murder
 - Consolidated with other unrelated charges



Kenneth Kagonyera's Record

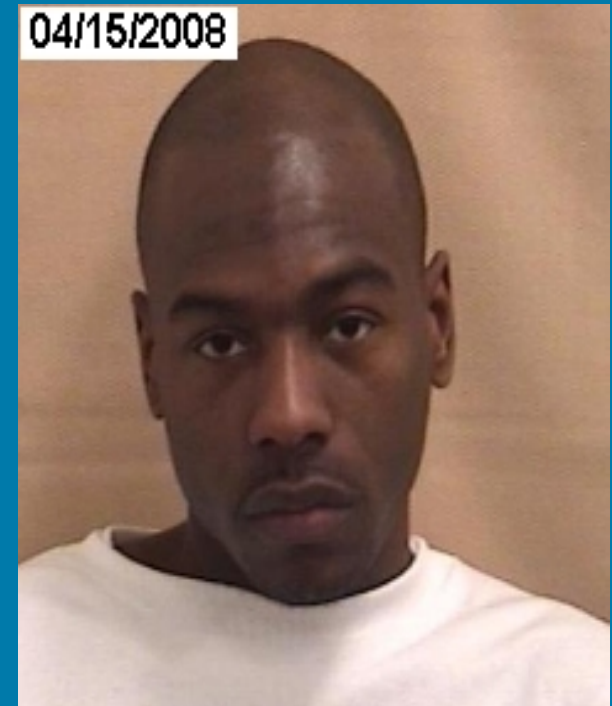
Conviction	Jurisdiction	DOO	Date of Conviction
FAIL TO HEED LIGHTS AND/OR SIREN	BUNCOMBE	09/15/1997	01/07/1998
INSTIGATE CRUELTY TO ANIMALS	BUNCOMBE	02/21/1998	09/10/2002
MISDEMEANOR POSSESSION OF A MALT BEV WHILE 19 OR 20	BUNCOMBE	03/30/1998	04/06/1998
MISDEMEANOR POSSESSION OF UP TO ½ OZ MARIJUANA	BUNCOMBE	06/11/1998	01/11/1999
MISDEMEANOR POSSESSION OF UP TO ½ OZ MARIJUANA	BUNCOMBE	10/26/1998	01/11/1999
MISDEMEANOR POSSESSION OF DRUG PARAPHERNALIA	BUNCOMBE	10/26/1998	01/11/1999
FICT. TAG	BUNCOMBE	11/30/1998	VL
ASSAULT W/DEADLY WEAPON INTENT TO KILL INFLICTING SERIOUS INJURY	BUNCOMBE	12/14/1999	09/10/2002
FELONY B & E	BUNCOMBE	09/18/2000	09/10/2002
SECOND DEGREE MURDER	BUNCOMBE	09/18/2000	09/10/2002
FELONY POSSESSION SCHD. II	BUNCOMBE	09/23/200	09/10/2002

Kagonyera Deposition

- [Video clip](#)

Robert Wilcoxson

- Commission Claimant
- Never confessed
- Pled guilty to second degree murder
 - Other unrelated charges dismissed



Conviction	Jurisdiction	DOO	Date of Conviction
SECOND DEGREE MURDER	BUNCOMBE	09/18/2000	09/10/2002
NO OPERATORS LICENSE	BUNCOMBE	10/25/1999	01/27/2000

Wilcoxson Deposition

- [Video clip](#)

Teddy Isbell

- Made inconsistent statements to law enforcement and DA implicating himself and others
- Ultimately pled to Conspiracy to Commit Armed Robbery



Teddy Isbell's Record – Part I

Conviction	Jurisdiction	DOO	Date of Conviction
COMMON LAW ROBBERY	BUNCOMBE	07/12/1994	12/21/1995
MISDEMEANOR LARCENY	BUNCOMBE	05/31/1983	07/18/1983
FELONY B & E	BUNCOMBE	08/09/1983	10/18/1983
FFICTITIOUS INFO TO OFFICER	BUNCOMBE	03/12/1986	04/23/86
ASSAULT WITH A DEADLY WEAPON	BUNCOMBE	05/30/1986	07/23/1987 (PJC)
MISDEMEANOR ASSAULT ON A FEMALE	BUNCOMBE	06/08/1986	07/23/1986
TRESPASS W/O LICENSE	BUNCOMBE	08/24/1986	12/08/1986
MISDEMEANOR INJURY TO PERSONAL PROPERTY	BUNCOMBE	08/24/1986	12/08/1986
MISDEMEANOR ASSAULT ON A FEMALE	BUNCOMBE	08/26/1986	11/05/1986
NO OPERATORS LICENSE	BUNCOMBE	10/11/1987	10/28/1987
INTOXICATED AND DISRUPTIVE	BUNCOMBE	01/01/1988	05/18/1988
RESIST DELAY AND OBSTRUCT PUBLIC OFFICER	BUNCOMBE	03/06/1988	05/18/1988
POSSESSION OF A FIREARM BY A FELON	BUNCOMBE	06/10/1988	08/18/1988

Teddy Isbell's Record – Part 2

Conviction	Jurisdiction	DOO	Date of Conviction
NO OPERATORS LICENSE	BUNCOMBE	01/17/1989	02/02/1989
NO OPERATORS LICENSE	BUNCOMBE	05/31/1989	05/05/1993
DISORDERLY CONDUCT	BUNCOMBE	07/14/1989	12/15/1989
DRIVING WHILE LICENSE REVOKED	BUNCOMBE	03/20/1993	05/11/1993 (PJC)
MISDEMEANOR DAMAGE PERSONAL PROPERTY	BUNCOMBE	05/09/1993	01/25/1994
FAIL TO RETURN RENTAL PROPERTY	BUNCOMBE	08/15/1993	01/25/1994
FAIL TO RETURN RENAL PROPERTY	BUNCOMBE	08/21/1993	01/25/1995
MISDEMEANOR POSSESSION OF STOLEN GOODS	BUNCOMBE	11/03/1993	01/25/1994
NO VEHICLE INSURANCE	BUNCOMBE	11/03/1994	01/25/1994
SIMPLE WORTHLESS CHECK	BUNCOMBE	02/07/1994	08/21/1995
FELONY SELL AND/OR DELIVER COCAINE	BUNCOMBE	03/23/1995	08/21/1995
FELONY CONSPIRACY TO SELL AND/OR DELIVER COCAINE	BUNCOMBE	03/23/1995	08/21/1995

Teddy Isbell' s Record – Part 3

Conviction	Jurisdiction	DOO	Date of Conviction
FAIL TO RETURN RENTAL PROPERTY	BUNCOMBE	02/22/1995	VL
MISDEMEANOR SECOND DEGREE TRESPASS	BUNCOMBE	08/12/1996	11/08/1996
FELONY CONSPIRACY TO COMMIT ROBBERY WITH A DANGEROUS WEAPON	BUNCOMBE	09/18/2000	12/11/2003
DRIVING WHILE LICENSE REVOKED	HENDERSON	11/05/2008	VL
NO VEHICLE INSURANCE	HENDERSON	11/05/2008	VL
FICT. TAGS	HENDERSON	11/05/2008	VL
MISDEMEANOR HIT AND RUN FAIL TO STOP PROPERTY DAMAGE ONLY	BUNCOMBE	11/22/2008	03/04/2010

Damian Mills

- Confessed and implicated himself and others
- Pled to Second Degree Murder

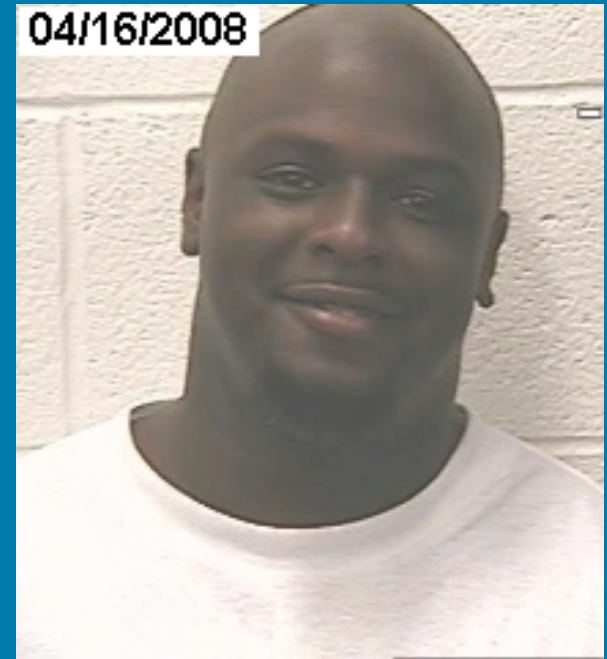


Damian Mills' Record

Conviction	Jurisdiction	DOO	Date of Conviction
DISORDERLY CONDUCT	BUNCOMBE	10/14/1996	11/04/1996
NO OPERATORS LICENSE	BUNCOMBE	03/31/1997	07/31/1997
DISORDERLY CONDUCT	BUNCOMBE	02/13/1998	04/03/1998
MISDEMEANOR COMMUNICATING THREATS	BUNCOMBE	07/03/1998	09/02/1998
MISDEMEANOR AASSAULT WITH A DEADLY WEAPON	BUNCOMBE	12/16/1998	01/6/2000
MISDEMEANOR SECOND DEGREE TRESPASS	BUNCOMBE	09/24/1999	11/16/1999
NO OPERATORS LICENSE	BUNCOMBE	12/29/1999	03/10/2000
FAIL TO HEED LIGHTS AND/OR SIREN	BUNCOMBE	12/29/1999	03/10/2000
MISDEMEANOR ASSAULT ON A FEMALE	BUNCOMBE	06/19/2000	09/01/2000
SECOND DEGREE MURDER	BUNCOMBE	09/18/2000	09/10/2002
FELONY ATTEMPTED ROBBERY W/ DANGEROUS WEAPON	BUNCOMBE	09/18/2000	09/10/2002
CONSPIRACY TO COMMIT RWDW	BUNCOMBE	09/18/2000	09/10/2002

Aaron Brewton

- Never confessed
- Charges were ultimately dismissed

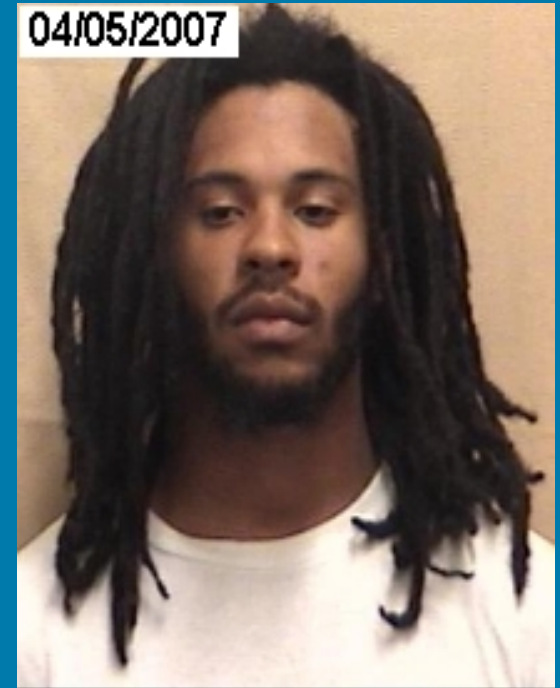


Aaron Brewton's Record

Conviction	Jurisdiction	DOO	Date of Conviction
MISDEMEANOR RESIST DELAY OBSTRUCT PUBLIC OFFICER	BUNCOMBE	05/31/1998	02/25/2000
ASSAULT BY POINTING A GUN	BUNCOMBE	06/07/1999	02/29/2000
COMMON LAW ROBBERY	BUNCOMBE	06/11/1999	06/08/2000
FICT. INFORMATION TO OFFICER	BUNCOMBE	07/19/1999	02/25/2000
MISDEMEANOR RESIST DELAY OBSTRUCT PUBLIC OFFICER	BUNCOMBE	08/01/2000	10/31/2000
POSSESSION OF STOLEN GOODS	BUNCOMBE	08/01/2000	10/31/2000
MISDEMEANOR FELONY HIT AND RUN PERSONAL INJURY	BUNCOMBE	08/01/2000	10/31/2000
FELONY B & E	BUNCOMBE	09/18/2000	11/03/2003
MURDER IN THE FIRST	BUNCOMBE	05/24/2003	04/20/2006
CONSPRIACY TO COMMIT MURDER IN THE FIRST	BUNCOMBE	05/24/2003	12/25/2005

Larry Williams

- Made inconsistent statements to law enforcement implicating himself and others
- Pled to Second Degree Murder



Conviction	Jurisdiction	DOO	Date of Conviction
SECOND DEGREE MURDER	BUNCOMBE	09/18/2000	09/10/2002

Larry Williams Deposition

- [Video clip](#)

The North Carolina Innocence Inquiry Commission Hearing

April 28th and 29th, 2011



Welcome Commissioners!

Matt Bacoate

- Director of Life on Life's Terms, now New Life Options
- Brought Teddy Isbell to authorities



Matt Bacoate's Record – Part 1

Conviction	Jurisdiction	DOO	Date of Conviction
MISDEMEANOR SHOPLIFTING	BUNCOMBE	08/30/1986	09/09/1986
MISDEMEANOR WORTHLESS CHECK	BUNCOMBE	11/20/1987	08/27/1990
FELONY FORGERY	BUNCOMBE	6/14/1989	08/27/1990
FELONY UTTERING	BUNCOMBE	06/14/1989	08/27/1990
FELONY FORGERY	BUNCOMBE	06/19/1989	08/27/1990
FELONY UTTERING	BUNCOMBE	06/19/1989	08/27/1990
FELONY FORGERY	BUNCOMBE	06/15/1989	08/27/1990
FELONY UTTERING	BUNCOMBE	06/15/1989	08/27/1990
FELONY FORGERY	BUNCOMBE	06/21/1989	08/27/1990
FELONY UTTERING	BUNCOMBE	06/21.1989	08/27/1990
FELONY FORGERY	BUNCOMBE	09/05/1989	08/27/1990
FELONY UTTERING	BUNCOMBE	09/05/1989	08/27/1990

Matt Bacoate's Record – Part 2

Conviction	Jurisdiction	DOO	Date of Conviction
FELONY FORGERY	BUNCOMBE	09/07/1989	08/27/1990
FELONY UTTERING	BUNCOMBE	09/07/1989	08/27/1990
FELONY POSSESSION OF COCAINE	BUNCOMBE	11/01/1989	08/27/1990
MISDEMEANOR POSSESSION MARIJUANA	BUNCOMBE	11/01/1989	08/27/1990
FELONY FORGERY	BUNCOMBE	10/04/1989	08/27/1990
FELONY UTTERING	BUNCOMBE	10/04/1989	08/27/1990
MISDEMEANOR WORTHLESS CHECK	BUNCOMBE	08/12/1989	08/27/1990
MISDEMEANOR WORTHLESS CHECK	BUNCOMBE	08/14/1989	08/27/1990
MISDEMEANOR WORTHLESS CHECK	BUNCOMBE	08/16/1989	08/27/1990
MISDEMEANOR WORTHLESS CHECK	BUNCOMBE	07/08/1989	08/27/1990

Matt Bacoate's Record – Part 3

Conviction	Jurisdiction	DOO	Date of Conviction
MISDEMEANOR FAIL TO RETURN RENAL PROPERTY	BUNCOMBE	07/13/1990	12/14/1990
MISDEMEANOR WORTHLESS CHECK	BUNCOMBE	11/12/1991	11/03/1993
MISDEMEANOR WORTHLESS CHECK	BUNCOMBE	11/25/1994	03/10/1995
MISDEMEANOR WORTHLESS CHECK	BUNCOMBE	02/15/1996	06/27/1996
MISDEMEANOR WORTHLESS CHECK	BUNCOMBE	02/10/1996	6/27/1996
MISDEMEANOR WORTHLESS CHECK	BUNCOMBE	02/11/1996	6/27/1996
MISDEMEANOR WORTHLESS CHECK	BUNCOMBE	02/13/1996	01/22/1997
MISDEMEANOR WORTHLESS CHECK	BUNCOMBE	12/14/1996	04/09/1997
MISDEMEANOR WORTHLESS CHECK	BUNCOMBE	12/24/1996	04/09/1997
MISDEMEANOR WORTHLESS CHECK	BUNCOMBE	03/13/1997	10/03/1997

Matt Bacoate Deposition

- [video clip](#)

Group A

- Robert Rutherford
- Lacy (J.J.) Pickens
- Bradford Summey

Lacy “J.J.” Pickens, III

- Now deceased
- DNA cannot be excluded from a pair of gloves
- Detectives mistakenly believed he was in custody at the time of the murder



Lacy Pickens Record – Part 1

Conviction	Jurisdiction	DOO	Date of Conviction
MISDEMEANOR DISORDERLY CONDUCT	BUNCOMBE	09/28/94	10/17/1994
MISDEMEANOR RESIST DELAY OBSTRUCT	BUNCOMBE	08/20/1995	10/04/1995
MISDEMEANOR POSSESSION OF MARIJUANA	HENDERSON	08/20/1995	09/15/995
MISDEMEANOR POSSESSION DRUG PARAPHERNALIA	HENDERSON	08/20/1995	09/15/995
MISDEMEANOR ASSAULT INFLECTING SERIOUS INJURY	BUNCOMBE	12/07/1995	04/15/1996
SIMPLE ASSAULT	BUNCOMBE	12/07/1995	04/15/1996
MISDEMEANOR ASSAULT WITH A DEADLY WEAPON	BUNCOMBE	12/02/1995	06/27/1996
CONSPIRACY TO COMMIT ASSAULT W/ DEADLY WEAPON	BUNCOMBE	12/02/1995	06/27/1996
FICT TAG	BUNCOMBE	07/08/1996	10/23/1996
FICT TAG	BUNCOMBE	07/10/1996	10/23/1996
NO OPERATORS LICENSE	BUNCOMBE	08/14/1996	10/23/1996
NO OPERATORS LICENSE	BUNCOMBE	09/10/1996	10/21/1996
DRIVING WHILE LICENSE REVOKED	BUNCOMBE	10/2/1996	12/20/1996
DRIVING WHILE LICENSE REVOKED	BUNCOMBE	12/16/1996	01/31/1997

Lacy Pickens Record – Part 2

Conviction	Jurisdiction	DOO	Date of Conviction
MISDEMEANOR RESIST DELAY OBSTRUCT	BUNCOMBE	04/18/1996	06/26/1996
MISDEMEANOR ASSAULT ON GOVERNMENT OFF.	BUNCOMBE	04/18/1996	06/26/1996
MISDEMEANOR RESIST PUBLIC OFFICER	BUNCOMBE	04/18/1996	06/26/1996
INTOXICATED AND DISRUPTIVE	BUNCOMBE	04/18/1996	06/26/1996
MISDEMEANOR RESIST PUBLIC OFFICER	BUNCOMBE	12/11/1996	01/31/1997
DISORDERLY CONDUCT	BUNCOMBE	12/11/1996	01/31/1997
FELONY POSSESSION SCH II	BUNCOMBE	02/07/1997	09/29/1997
MISDEMEANOR POSSESSION OF MARIJUANA	BUNCOMBE	02/07/1997	09/29/1997
DRIVING WHILE LICENSE REVOKED	BUNCOMBE	03/11/1997	10/03/1997
FELONY PWIMSD SCH II	BUNCOMBE	05/15/1997	09/29/1997
MISDEMEANOR POSSESSION OF MARIJUANA	BUNCOMBE	05/15/1997	09/29/1997
NO OPERATORS LICENSE	BUNCOMBE	07/02/1997	08/04/1997
DRIVING WHILE LICESNSE REVOKED	BUNCOMBE	09/26/1997	10/03//1997
DRIVING WITH LICENSE REVOKED	BUNCOMBE	02/15/1998	05/11/1998

Lacy Pickens Record – Part 3

Conviction	Jurisdiction	DOO	Date of Conviction
MISDEMEANOR POSSESSION OF MARIJUANA	BUNCOMBE	03/23/1998	05/11/1998
DRIVING WHILE LICENSE REVOKED	BUNCOMBE	03/23/1998	05/11/1998
DRIVING WHILE LICENSE REVOKED	BUNCOMBE	05/30/1999	12/14/2004
DRIVING WHILE LICENSE REVOKED	BUNCOMBE	08/19/1999	12/14/2004
DRIVING WHILE LICENSE REVOKED	BUNCOMBE	10/04/1999	12/14/2004
DRIVING WHILE LICENSE REVOKED	BUNCOMBE	10/22/1999	08/28/2000
FELONY MAINTAIN PLACE FOR CS	BUNCOMBE	07/14/2000	09/21/2000
DRIVING WHILE LICENSE REVOKED	BUNCOMBE	06/25/2000	08/28/2000
DRIVING WHILE LICENSE REVOKED	BUNCOMBE	07/10/2000	08/28/2000
FELONY POSSESSION OF COCAINE	BUNCOMBE	02/10/2000	09/21/2000
NO OPERATORS LICENSE	BUNCOMBE	02/10/2000	09/21/2000
RECKLESS DRIVING TO ENDANGER	BUNCOMBE	02/10/2000	09/21/2000
DRIVING WHILE LICENSE REVOKED	BUNCOMBE	05/18/2000	08/28/2000

Lacy Pickens Record – Part 4

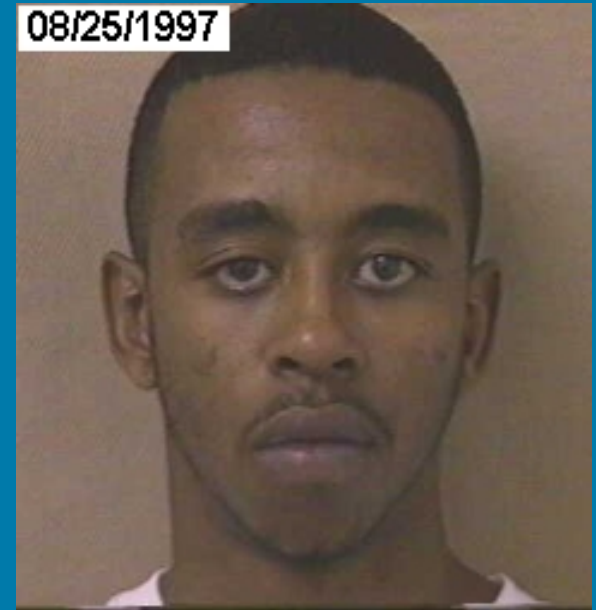
Conviction	Jurisdiction	DOO	Date of Conviction
DRIVING WHILE LICENSE REVOKED	BUNCOMBE	01/18/2001	12/14/2004
NO OPERATORS LICENSE	BUNCOMBE	02/16/2001	04/22/2002
MISDEMEANOR RESIST DELAY OBSTRUCT	BUNCOMBE	02/16/2001	04/22/2002
FELONY POSSESSION STOLEN GOODS	BUNCOMBE	02/28/2001	03/28/2001
DRIVING WHILE LICENSE REVOKED	BUNCOMBE	12/23/2002	12/14/2004
DRIVING WHILE LICENSE REVOKED	BUNCOMBE	02/12/2003	12/14/2004
DRIVING WHILE LICENSE REVOKED	BUNCOMBE	04/21/2004	12/14/2004
DRIVING WHILE LICENSE REVOKED	BURKE	04/21/2005	06/08/2005
DRIVING WHILE LICENSE REVOKED	BUNCOMBE	07/02/2004	12/14/2004
DRIVING WHILE LICENSE REVOKED	BUNCOMBE	06/06/2005	11/29/2005
DRIVING WHILE LICENSE REVOKED	BUNCOMBE	06/05/2005	11/29/2005
MISDEMEANOR POSSESSION OF MARIJUANA	BURKE	07/12/2005	11/16/2005
DRIVING WHILE LICENSE REVOKED	GASTON	08/31/2004	07/19/2005

Lacy Pickens was not in Custody

- Was serving on weekends
- Murder was on a Monday
- Affidavit from Major Matayabas
- Incorrect information on Crime Stoppers Report and in DA's Response to MAR
- Unable to determine exact source of error

Robert Rutherford

- Confessed to Federal Agent
- DNA cannot be excluded from bandana
- Currently in Federal Prison for Conspiracy to Traffic Drugs



Robert Rutherford Record – Part 1

Conviction	Jurisdiction	DOO	Date of Conviction
NO OPERATORS LICENSE	BUNCOMBE	05/06/1994	07/18/1994
FELONY LARCENY OF A MOTOR VEHICLE	BUNCOMBE	10/27/1994	07/10/1995
FELONY PWIMSD COCAINE	BUNCOMBE	10/27/1994	07/10/1995
FELONY FAILURE TO APPEAR ON A FELONY	BUNCOMBE	10/27/1994	07/10/1995
NO VEHICLE INSURANCE	BUNCOMBE	11/28/1995	01/19/1996
FICT. TAG	BUNCOMBE	11/28/1995	01/19/1996
MISDEMEANOR POSSESSION OF MARIJUANA	BUNCOMBE	11/28/1995	01/19/1996
NO OPERATORS LICENSE	BUNCOMBE	11/28/1995	01/19/1996
FICT. INFO TO OFFICER	BUNCOMBE	11/28/1995	01/19/1996
FELONY POSSESSION OF SCH II CS	BUNCOMBE	04/30/1995	07/10/1995
FELONY POSSESSION WEAPON MASS DESTRUCTION	BUNCOMBE	04/30/1995	07/10/1995
FELONY FAILURE TO APPEAR ON A FELONY	BUNCOMBE	04/30/1995	07/10/1995
MISDEMEANOR INJURY TO REAL PROPERTY	BUNCOMBE	04/30/1995	07/10/1995
MISDEMEANOR CARRY CONCEALED WEAPON	BUNCOMBE	04/30/1995	07/10/1995

Robert Rutherford Record – Part 2

Conviction	Jurisdiction	DOO	Date of Conviction
MISDEMEANOR RESIST PUBLIC OFFICER	BUNCOMBE	04/30/1995	07/10/1995
FAIL TO HEED LIGHT OR SIREN	BUNCOMBE	04/30/1995	07/10/1995
RECKLESS DRIVING TO ENDANGER	BUNCOMBE	04/30/1995	07/10/1995
NO VEHICLE REGISTRATION	BUNCOMBE	04/13/1999	06/01/1999
NO VEHICLE REGISTRATION	BUNCOMBE	05/07/1999	VL
NO VEHICLE INSURANCE	BUNCOMBE	05/07/1999	VL
DWI LEVEL 3	BUNCOMBE	01/27/2000	06/16/2000
DRIVING WHILE LICENSE REVOKED	BUNCOMBE	01/27/2000	06/16/2000
FICT. INFORMATION TO OFFICER	BUNCOMBE	01/27/2000	06/16/2000
CONSPIRACY TO POSSESS W/ INTNET TO DELIVER COCAINE	FEDERAL	03/06/2000	09/19/2001
DRUG CONSPIRACY	FEDERAL	03/06/2000	09/19/2001

Bradford Summery

- Full DNA match to bandana
- Currently incarcerated for multiple counts of Common Law Robbery



Bradford Summery Record – Part 1

Conviction	Jurisdiction	DOO	Date of Conviction
MISDEMEANOR COMMON LAW FORGERY	BUNCOMBE	08/20/1995	12/14/1995
MISDEMEANOR POSSESSION OF MARIJUANA	HENDERSON	08/20/1995	09/15/1995
MISDEMEANOR POSSESSION OF DRUG PARAPHERNALIA	HENDERSON	08/20/1995	09/15/1995
MISDEMEANOR COMMON LAW FORGERY	BUNCOMBE	08/23/1995	12/14/1995
FELONY MAINTAIN PLACE FOR CONTROLLED SUBSTANCES	BUNCOMBE	10/03/1997	03/26/1998
PWIMSD SCH II CS	BUNCOMBE	10/03/1997	03/26/1998
PWIMSD SCH VI CS	BUNCOMBE	10/03/1997	03/26/1998
MISDEMEANOR SECOND DEGREE TRESPASS	BUNCOMBE	05/20/1999	06/21/1999
COMMUNICATING THREATS	BUNCOMBE	10/01/2001	01/25/2002
MISDEMEANOR ASSAULT ON A FEMALE	BUNCOMBE	10/29/2001	01/23/2002
NO OPERATORS LICENSE	LENOIR	07/20/2002	VL
DRIVING WHILE LICENSE REVOKED	BUNCOMBE	11/19/2002	04/29/2003

Bradford Summey Record – Part 2

Conviction	Jurisdiction	DOO	Date of Conviction
DRIVING WHILE LICENSE REVOKED	BUNCOMBE	11/25/2002	04/29/2003
COMMUNICATING THREATS	BUNCOMBE	10/08/2002	10/9/2002
DOMESTIC CRIMINAL TRESPASS	BUNCOMBE	10/08/2002	10/9/2002
MISDEMEANOR INJURY TO PERSONAL PROPERTY	BUNCOMBE	10/08/2002	10/9/2002
FELONY POSSESSION OF COCAINE	BUNCOMBE	10/8/2002	06/25/2003
DRIVING WHILE LICENSE REVOKED	HENDERSON	10/19/2007	VL
NO VEHICLE INSURANCE	HENDERSON	10/19/2007	VL
NO REGISTRATION	HENDERSON	10/19/2007	VL
FICT. TAG	HENDERSON	10/19/2007	VL
FELONY COMMON LAW ROBBERY	BUNCOMBE	01/29/2008	08/28/2008
FELONY COMMON LAW ROBBERY	BUNCOMBE	01/29/2008	08/28/2008
FELONY COMMON LAW ROBBERY	BUNCOMBE	01/29/2008	08/28/2008
FELONY COMMON LAW ROBBERY	BUNCOMBE	01/29/2008	08/28/2008

Gas Station Video

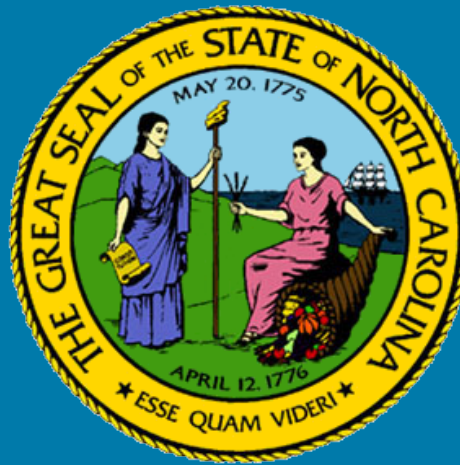
- Gas Station surveillance video
- Det. Sprinkle notes that it showed three black males at 23:19 hours
- Witnesses were shown lineups and photos of Kagonyera's car

Gas Station Video

- All four quadrants of video
 - Car enhanced video segment 1
 - Car enhanced video segment 2
 - Segment from inside store
-

The North Carolina Innocence Inquiry Commission Hearing

April 28th and 29th, 2011



Kevin Polk

- Kagonyera says Mr. Polk told him Rutherford had cried and confessed to him (Polk) at a club.

Conviction	Jurisdiction	DOO	Date of Conviction
MISDEMEANOR ASSAULT ON A FEMALE	BUNCOMBE	04/19/1994	02/01/1995
MISDEMEANOR DRINKING WHILE DRIVING	BUNCOMBE	05/29/1996	06/24/1996
CONSPIRACY TO POSSESS W/ INTENT TO DISTRIBUTE COCIANE	FEDERAL WDNC	02/05/2002	09/30/2002
MISDEMEANOR RESIST PUBLIC OFFICER	BUNCOMBE	06/15/1994	01/13/1995

Kevin Polk Phone call

- [Audio clip](#)

Law Enforcement Officers

- Will Cummings – First Responding Officer
- Tim Goodridge – Detective at the scene
- Mike Wright – ID Tech
- Eddie Davis – Collected gloves and bandanas
- John Elkins – Detective
- Sam Constance – Lt. over Criminal Investigations, participated in interrogations
- Mike Murphy – Lead Detective
- George Sprinkle – Lead Detective

George Sprinkle Deposition

- Segment 1
 - Segment 2
-

Civilian Witnesses

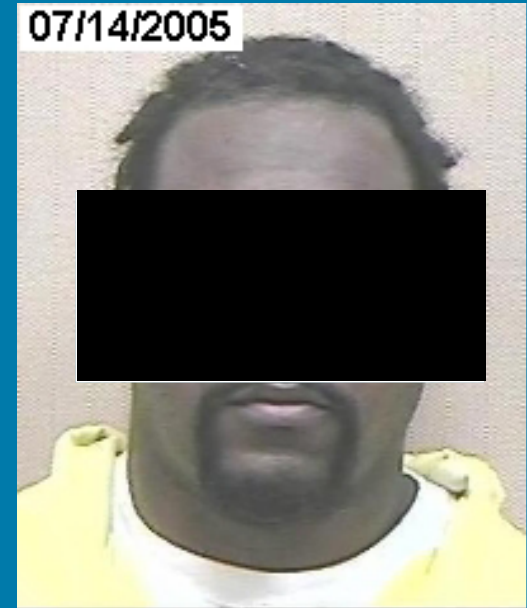
- Antonio Hayes
- Leon Bowman
- Matthew Cox
- Emerson Carver
- Earl Stockton
- Jack Holland
- Zeb Martin
- Latisha Lee
- Dea Johnson
- Jerome Mooney
- Lucinda Inez Fair

Informants

- M [REDACTED] B [REDACTED]
- Glenda Ann Belton
- Derrico Jordan
- Ricky Rizk
- Randy Hodge
- Tyrell Dickey

M [REDACTED] B [REDACTED]

- Was in jail and said Kagonyera implicated Wilcoxson, Williams, and Mills
- Currently in federal custody



M [REDACTED] B [REDACTED] Record – Part 1

Conviction	Jurisdiction	DOO	Date of Conviction
MISDEMEANOR SIMPLE ASSAULT (2 COUNTS)	WAKE	10/18/1993	02/14/1994
MISDEMEANOR INJURY TO PERSONAL PROPERTY	WAKE	11/02/1993	07/20/1994
MISDEMEANOR DISORDERLY CONDUCT	WAKE	11/02/1993	04/22/1994
FELONY B & E MOTOR VEHICLE (3 COUNTS)	WAKE	02/26/1993	03/11/1994
MISDEMEANOR LARCENY (3 COUNTS)	WAKE	02/26/1993	03/11/1994
MISDEMEANOR LARCENY	WAKE	04/19/1994	11/29/1994
FELONY FORGERY	WAKE	12/13/1994	VL
FELONY UTTERING	WAKE	12/13/1994	VL
DRIVE AFTER DRINKING PROVISIONAL LICENSE	BURKE	09/16/1995	11/27/1995
DRIVING WHILE LICENSE REVOKED	BURKE	09/16/1995	11/27/1995
NO OPERATORS LICENSE	WAKE	03/30/1995	06/25/1998

M [REDACTED] B [REDACTED] Record – Part 2

Conviction	Jurisdiction	DOO	Date of Conviction
FELONY PWISD COUNTERFEIT CS	BUNCOMBE	12/12/1995	04/08/1996
MISDEMEANOR RESIST PUBLIC OFFICER	BUNCOMBE	12/12/1995	08/26/1996
MISDEMEANOR ASSAULT ON A GOVERNMENT OFF	BUNCOMBE	12/12/1995	08/26/1996
MISDEMEANOR POSSESSION OF MARIJUANA	BUNCOMBE	12/12/1995	08/26/1996
DRIVING WHILE LICENSE REVOKED	BUNCOMBE	12/12/1995	08/26/1996
MISDEMEANOR CARRY CONCEALED WEAPON	BUNCOMBE	12/12/1995	08/26/1996
FELONY POSSESSION OF STOLEN GOODS	BUNCOMBE	12/12/1995	08/26/1996
POSSESSION OF A FIREARM BY A FELON	BUNCOMBE	12/12/1995	08/26/1996
FELONY UNLAWFUL TRANSPORT OF FIREARMS	FEDERAL WDNC	Filed 02/15/1996	03/17/1997

M [REDACTED] B [REDACTED] Record – Part 3

POSSESSION OF A FIREARM BY A FELON	BUNCOMBE	01/18/99	12/16/2003
POSSESSION OF A FIREARM BY A FELON	BUNCOMBE	01/18/99	12/16/2003
SECOND DEGREE KIDNAPPING	BUNCOMBE	01/18/99	12/16/2003
CONSPIRACY TO COMMIT ROBBERY W/ DANGEROUS WEAPON	BUNCOMBE	01/18/99	12/16/2003
FELONY LARCENY OF A FIREARM	BUNCOMBE	01/18/99	12/16/2003
SECOND DEGREE KIDNAPPING	BUNCOMBE	01/18/99	12/16/2003
MISDEMEANOR RESIST PUBLIC OFFICER	BUNCOMBE	03/05/1999	06/07/1999
MISDEMEANOR DISORDERLY CONDUCT	BUNCOMBE	03/05/1999	06/07/1999
FELONY AWDW INFLECTING SERIOUS INJURY	TRANSYLVANIA	11/15/2005	01/26/2007

Tyrell Dickey

- Came forward one year after the murder
- Said Kagonyera, Wilcoxson, Williams, and Brewton came to his house in Swannanoa after the murder
- Said Kagonyera told him Brewton had shot Walter Bowman



Tyrell Dickey's Record – Part 1

Conviction	Jurisdiction	DOO	Date of Conviction
MISDEMEANOR FAIL TO RETURN RENTAL PROPERTY	RUTHERFORD	07/19/1996	04/07/1999
MISDEMEANOR COMMUNICATING THREATS	BUNCOMBE	01/13/1999	0120/1999
MISDEMEANOR RESISTING PUBLIC OFFICER	BUNCOMBE	01/14/1999	01/20/1999
MISDEMEANOR SOLICIT TO COMMIT FELONY POSSESSION CS	BUNCOMBE	08/06/1999	10/11/1999
MISDEMEANOR POSSESSION DRUG PARAPHERNALIA	BUNCOMBE	08/06/1999	10/11/1999
MISDEMEANOR COMMUNICATING THREATS	BUNCOMBE	01/13/1999	0120/1999

Tyrell Dickey's Record – Part 2

Conviction	Jurisdiction	DOO	Date of Conviction
MISDEMEANOR RESISTING PUBLIC OFFICER	BUNCOMBE	01/14/1999	01/20/1999
MISDEMEANOR SOLICIT TO COMMIT FELONY POSSESSION CS	BUNCOMBE	08/06/1999	10/11/1999
MISDEMEANOR POSSESSION DRUG PARAPHERNALIA	BUNCOMBE	08/06/1999	10/11/1999
FELONY INDECENT LIBERTIES W/ CHILD	RUTHERFORD	10/19/1998	03/20/2000
MISDEMEANOR ASSAULT ON A FEMALE	BUNCOMBE	11/06/1999	01/25/2000
MISDEMEANOR FAIL TO APPEAR FOR MISDEMEANOR (3 COUNTS)	RUTHERFORD	01/20/2002	12/18/2003
NO OPERATORS LICENSE	RUTHERFORD	09/20/2003	11/19/2003

Tyrell Dickey' s Record – Part 3

Conviction	Jurisdiction	DOO	Date of Conviction
FICT. INFORMATION TO OFFICER	RUTHERFORD	09/20/2003	11/19/2003
MISDEMEANOR COMMUNICATING THREATS	BUNCOMBE	12/26/2004	6/01/2005
FELONY FAIL TO REGISTER SEX OFFENDER	BUNCOMBE	10/15/2004	05/31/2005
MISDEMEANOR B & E	RUTHERFORD	02/03/2005	06/29/2005

Tyrell Dickey Telephone Calls

- Call 1

- Call 2

- Call 3

Victim Impact Statement

Standard of Review

N.C. G.S. 15A-1468(c)

“In cases where the person entered and was convicted on a plea of guilty, if **all eight voting members** of the Commission conclude there is **sufficient evidence of factual innocence to merit judicial review**, the case shall be referred...”

Commission Vote

1. There is sufficient evidence of factual innocence to merit judicial review and the case should be referred to a three-judge panel.
2. There is not sufficient evidence of factual innocence to merit judicial review and the investigation should be closed.
3. Continue the hearing and direct the staff to conduct further investigation into this case.

Deliberation

State of North Carolina

v.

Kenneth Kagonyera

00 CRS 65086

and

Robert Wilcoxson

00 CRS 65088

Convictions for Second Degree Murder

Buncombe County, North Carolina

Opinion

State of North Carolina

v.

Kenneth Kagonyera

00 CRS 65086

and

Robert Wilcoxson

00 CRS 65088

Convictions for Second Degree Murder

Buncombe County, North Carolina

The North Carolina Innocence Inquiry Commission Hearing

April 28th and 29th, 2011



Thank you Commissioners!