

STATE OF NORTH CAROLINA

COUNTY OF EDGECOMBE

STATE OF NORTH CAROLINA

v.

KNOLLY BROWN

FILED

2015 DEC 17

IN THE GENERAL COURT OF JUSTICE

SUPERIOR COURT DIVISION

08 CRS 50309

EDGECOMBE COUNTY, C.S.C.

BY _____)

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OPINION

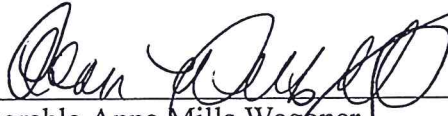
THIS MATTER came on for hearing before the North Carolina Innocence Inquiry Commission (Commission) on December 9 and 10, 2015, pursuant to N.C.G.S. §§ 15A-1460 – 1475. After careful review of the evidence presented, the Commission hereby makes and enters the following findings of fact:

1. On January 25, 2008, Keyona Mercer reported being raped in an abandoned house in Rocky Mount, NC.
2. On January 26, 2008, Knolly Brown was arrested by the Rocky Mount Police Department and charged with First Degree Statutory Rape and First Degree Kidnapping.
3. On October, 14, 2009, Knolly Brown (Brown) pled no contest to Second Degree Forcible Rape. Pursuant to the plea agreement with the State, Brown was sentenced to 60-81 months. He was released at the completion of his sentence on June 27, 2013. He is currently serving five years on post-release supervision.
4. On May 28, 2010 the Commission received Brown's claim of innocence. Brown asserted his complete factual innocence related to the rape of Keyona Mercer and the Commission began an inquiry pursuant to Article 92, Chapter 15A, of the General Statutes.
5. Throughout the Commission's inquiry, Brown has fully cooperated with Commission staff in accordance with N.C.G.S. § 15A-1467(g).

6. On December 9 and 10, 2015, the Commission held a full evidentiary hearing in this matter pursuant to N.C.G.S. § 15A-1468.
7. During the hearing, the Commission considered testimonial and documentary evidence. The evidence included, among other things:
 - a. A 52 page brief provided to the Commission by the staff before the hearing;
 - b. Supplemental documentation provided during the hearing;
 - c. Live testimony by Commission Associate Director Sharon Stellato, Meghan Clement (an expert in DNA testing) and Claimant Knolly Brown; and
 - d. Affidavits from Attorneys Lamont Wiggins and Matthew Sperati, Senior Police Officer Jill Tyson of the Rocky Mount Police Department, and former Rocky Mount Police Department Detective Renee Walcott.
8. After carefully considering this evidence, the Commission has unanimously concluded, that there is sufficient evidence of factual innocence to merit judicial review.

WHEREFORE, pursuant to N.C.G.S. § 15A-1468(c), and as Chairman of the Commission, the undersigned refers this case to the Honorable Milton F. Fitch, Jr., Senior Resident Superior Court Judge for Judicial District 7BC, and respectfully requests that the Chief Justice of the North Carolina Supreme Court appoint a three-judge panel and issue commissions to its members to convene a special session of the Superior Court of Edgecombe County to hear evidence relevant to the Commission's recommendation.

This the 10th day of December, 2015.

A handwritten signature in cursive script, appearing to read "Anna Mills Wagoner", written over a horizontal line.

The Honorable Anna Mills Wagoner
Senior Resident Superior Court Judge, Rowan County, 19-C
Chairman, North Carolina Innocence Inquiry Commission

CERTIFICATE OF SERVICE

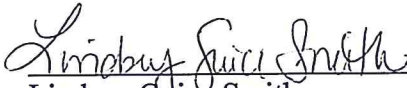
The undersigned hereby certifies that the foregoing *Opinion* was served upon the following persons by depositing a copy of the same, postage pre-paid, in an official depository of the United States Postal Service, addressed as follows:

Mr. Terry Orndorff
Assistant District Attorney
7th Prosecutorial District
P.O. Box 232
Rocky Mount, NC 27802

Ms. Tracy Wilkinson
New Hanover County Public Defender's Office
320 Chestnut Street
Wilmington, NC 28401

This the 11th day of December, 2015.

NORTH CAROLINA INNOCENCE INQUIRY COMMISSION



Lindsey Guice Smith
Executive Director
North Carolina Innocence Inquiry Commission
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