

MAP MATCH (91)





6 MS. MATOIAN: It's always tough. Were there any  
7 Crime Stoppers tips in this case?  
8 MR. HARRISON: There was.  
9 MS. MATOIAN: Okay. And what was that?  
10 MR. HARRISON: Okay. Well, Crime Stoppers tip  
11 had stated that -- that the two of them were seen walking down  
12 to the trailer and went in.  
13 MS. MATOIAN: And was anyone given a reward for  
14 that Crime Stoppers tip after the trial?  
15 MR. HARRISON: There is a good possibility  
16 that -- see, I was the police coordinator --  
17 MS. MATOIAN: Okay.  
18 MR. HARRISON: -- of Crime stoppers and all.  
19 I'm thinking that it was done -- that there was a reward given,  
20 yeah.  
21 MS. MATOIAN: Okay. And do you remember who  
22 that person was who called in that tip?  
23 MR. HARRISON: Yeah, I know exactly, but -- I  
24 almost went to jail for refusing to divulge a Crime Stopper  
25 informant. I had a judge that just about locked me up for it.

1 Yeah, I know who it is. I mean if you all absolutely have to  
2 know, I --

3 MS. MATOIAN: It would be very helpful for us if  
4 you feel comfortable telling us.

5 MR. HARRISON: Well, it was Jeffrey and his  
6 mother.

7 MS. MATOIAN: Okay.

8 MR. HARRISON: Yeah. But like I say, you know,  
9 we ran it through later. It wasn't that they were doing  
10 anything to get a reward. You know, they tried to make a big  
11 deal, the defense tried to, but, I mean, you know...

12 MS. MATOIAN: So if -- if someone calls in a  
13 Crime Stoppers tip, how would that be documented in the file?

14 MR. HARRISON: Okay. Okay. If someone calls  
15 in, the way it's normally done, there would -- there would be a  
16 report made. It may not say much. It might say that the  
17 caller said such and such. And it would be assigned a caller  
18 code number.

19 Say, for instance, you called in a crime today and --  
20 and I took the call. And you might say, well, there's a guy  
21 out here carrying a gun and he's threatening people. You --  
22 you don't want to get involved; you don't want to have to be a  
23 witness in court or anything, but your motive for calling could  
24 be one of three things: Money could be a motive. It could be  
25 a family member or it -- it could be a concerned citizen, you



1 know, that just wants to report a crime and not be involved as  
2 a witness.

3 MS. MATOIAN: Do you remember documenting the  
4 call from Jeffrey and his mother?

5 MR. HARRISON: Right offhand, I don't.

6 MS. MATOIAN: Okay.

7 MR. HARRISON: Yeah. Yeah. I mean I'm not -- I  
8 don't know -- I'm thinking that -- I'm thinking we did one,  
9 but -- now, that's where I'm not 100 percent.

10 MS. MATOIAN: Sure.

11 MR. HARRISON: Or we -- we discussed doing it,  
12 but -- but I'm not totally sure of that, you know.

13 MS. MATOIAN: And if someone -- and both Jeffrey  
14 and his mother ended up testifying at trial, so they didn't end  
15 up being anonymous by the end of it, correct?

16 MR. HARRISON: No. No.

17 MS. MATOIAN: Okay. And so if someone is given  
18 a reward after the trial through Crime Stoppers, is that going  
19 to be documented in the file?

20 MR. HARRISON: It may be. You know, I don't  
21 know.

22 MS. MATOIAN: Okay.

23 MR. HARRISON: I can't remember. I know we  
24 discussed it with the DA.

25 MS. MATOIAN: Okay.

1 MR. HARRISON: And we -- we elected probably not  
2 to do that is what I'm thinking.

3 MS. MATOIAN: And elected not to give the  
4 reward?

5 MR. HARRISON: Not then, you know.

6 MS. MATOIAN: Okay.

7 MR. HARRISON: I -- I think if anything was  
8 done, what it was was down the road, based upon their  
9 cooperation, we may have gave some reward money. I'm thinking.

10 MS. MATOIAN: So after the trial?

11 MR. HARRISON: Yeah. I'm thinking, you know.

12 MS. MATOIAN: Okay.

13 MR. HARRISON: Yeah. We discussed it, but I'm  
14 not sure as to how far we went through it, you know. And, of  
15 course, there was no incentive. You know, they -- they  
16 probably didn't even know about Crime Stoppers.

17 MS. MATOIAN: Okay.

18 MR. HARRISON: Yeah.

19 MS. MATOIAN: And so the -- and I know you said  
20 you were the police coordinator for the Crime Stoppers Program.

21 MR. HARRISON: Uh-huh.

22 MS. MATOIAN: So were there -- for that program,  
23 if a reward was given out, would -- not necessarily in the  
24 file, but would the program keep a record of that at any time?

25 MR. HARRISON: Well, probably at one time, yes.



1                   MS. MATOIAN: So if that existed, it would -- I  
2    mean it's been 20 years, so maybe it's been destroyed by now,  
3    but if that existed, it would be at the Boone Police  
4    Department?

5                   MR. HARRISON: If it existed. I know -- I'm --  
6    I'm not sure how long we talked about, if it's three years we  
7    would purge stuff.

8                   MS. MATOIAN: Okay.

9                   MR. HARRISON: Yeah.

STATE OF NORTH CAROLINA  
COUNTY OF WATAUGA

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
94 CRS 4929

STATE OF NORTH CAROLINA )  
 )  
 v. )  
 )  
 ROBERT CHARLES BRAGG )  
 )  
 )

**AFFIDAVIT OF  
JEFF HEDRICK**

Jeff Hedrick, having appeared before the undersigned notary and first been duly sworn, deposes and says:

1. I am an attorney duly admitted to the practice of law in North Carolina.
2. I practice law in Boone, NC.
3. I represented Robert Charles Bragg, along with Vincent Gable, and was Bragg's attorney during his trial in Watauga County, NC on February 5 through February 26, 1996.
4. Approximately four (4) years ago, I was contacted by someone, apparently not the North Carolina Innocence Inquiry Commission, regarding my file for this case. I conducted a search at that time. This search included the following locations: my office and my off-site storage location on property I own. I was unable to locate my file.
5. I have a few files going back to 1986.
6. On May 5, 2016, I was deposed by Catherine Matoian of the North Carolina Innocence Inquiry.
7. During the deposition, I was asked about my file. After the deposition, at the request of the Commission, I agreed to conduct an additional search for my file in this case.
8. On or about 26 May and twice thereafter, I searched the above locations for my file in this case. I was unable to locate my file which had been in bankers' boxes, labeled with Mr. Bragg's name, except I did locate in my office a draft of my Court of Appeals brief for Bragg with my note that it should be put in Bragg's file in my off-site storage location.
9. I have retained files, sometimes indefinitely, but due to lack of storage, I began over five (5) years ago to destroy older files using a shredding service, on-site, for my older, especially larger files, to make space. Within the past six (6) years, I began




scanning my new files in order to preserve them and allow more space for retained paper files.

10. There are no additional locations where my file for this case may be located.

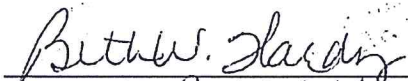
11. I have also contacted Private Investigator Jerry Vaughn, who worked on this case, about my file. He did not provide any information that was helpful in locating my file.

12. Mr. Bragg always maintained that he was innocent of this crime during my representation.

This the 9<sup>th</sup> day of June, 2016.

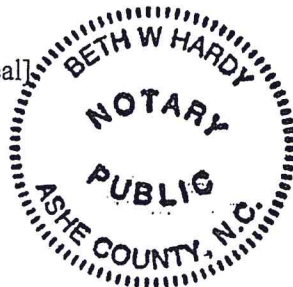
  
\_\_\_\_\_  
Jeff Hedrick  
Bar Number 10359

Sworn to and subscribed before me, this 9<sup>th</sup> day of June, 2016.

  
\_\_\_\_\_  
Notary Public Beth W. Hardy

My Commission Expires: 3.8.18

[Seal]



STATE OF NORTH CAROLINA  
COUNTY OF WATAUGA

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
94 CRS 4929

STATE OF NORTH CAROLINA )  
 )  
 v. )  
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 ROBERT CHARLES BRAGG )  
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**AFFIDAVIT OF  
VINCENT GABLE**

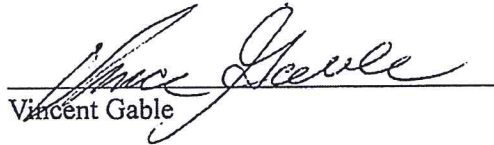
Vincent Gable, having appeared before the undersigned notary and first been duly sworn, deposes and says:

1. I am an inactive attorney who was previously admitted to the practice of law in North Carolina.
2. I practiced law in Boone, NC from (YEARS). *1989-2007*
3. I represented Robert Charles Bragg, along with Jeff Hedrick, in the above captioned case and was his attorney during his trial in Watauga County, NC on February 5 through February 26, 1996.
4. On June 20, 2016, I was contacted by Catherine Matoian, Grant Staff Attorney for the North Carolina Innocence Inquiry Commission regarding my representation of Mr. Bragg. Ms. Matoian provided me with a copy of Mr. Bragg's rights waiver.
5. My recollection is that approximately *12 TWELVE* (NUMBER) years ago, I was contacted by an agency regarding my file for this case. Because my representation of Mr. Bragg was completed at that time, I sent my file to those individuals. (IF YOU CAN REMEMBER ANY ADDITIONAL DETAILS REGARDING WHO REQUESTED THE FILE/WHO YOU SENT THE FILE TO, PLEASE ENTER THEM HERE).
6. I no longer have any files related to my law practice.
7. There are no additional locations where my file for this case may be located.
8. Mr. Bragg always maintained that he was innocent of this crime during my representation.

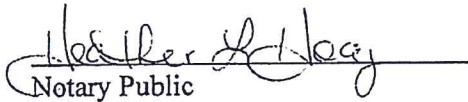


9. Prior to the above captioned case, I represented Mr. Bragg on other misdemeanor offenses. Mr. Bragg would admit guilt in some of those offenses.

This the 28 day of July, 2016.

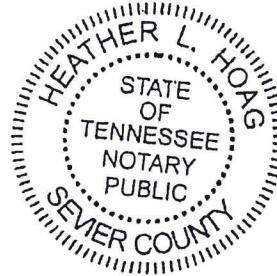
  
Vincent Gable

Sworn to and subscribed before me, this 28 day of July, 2016.

  
Notary Public

[Seal]

My Commission Expires: 3/31/2020.



STATE OF NORTH CAROLINA  
COUNTY OF WATAUGA

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
94 CRS 4929

STATE OF NORTH CAROLINA

v.

ROBERT CHARLES BRAGG

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**AFFIDAVIT OF  
KRISTIN PARKS**

Kristin Parks, having appeared before the undersigned notary and first been duly sworn, deposes and says:

1. I am an attorney duly admitted to the practice of law in North Carolina.
2. I practice law in Chapel Hill, NC.
3. I was an attorney with North Carolina Prisoner Legal Services (PLS) from 1995 until 2003. During that time, I was assigned the case of Robert Charles Bragg. I was assigned this case, along with other attorneys, as I was on two extended maternity leaves during my employment at PLS.
4. When I left PLS I started my own law practice doing capital defense litigation.
5. After I left PLS, in the fall of 2003, I continued to work on Mr. Bragg's case.
6. I was contacted by the North Carolina Innocence Inquiry Commission (Commission), regarding my file for this case. I believe that I previously provided materials from the file to the North Carolina Center on Actual Innocence (Center) when I referred the case to them in 2006.
7. I do not recall the exact details of my referral of the case to the Center, but I remember that I was looking for someone who could handle an innocence claim, since I was unable to work on the case in private practice. I asked Richard Rosen for advice, and that is how I found out about the Center.
8. I do not remember taking the original PLS file with me when I left PLS in the fall of 2003.
9. My recollection is that I was contacted by the Commission in 2011 and asked to provide any documents that I had in my possession related to the case. This

was limited to some letters with Mr. Bragg, appellate briefs, notes and documents I obtained from Mr. Bragg's attorney.

10. As far as my specific recollections from the case, I recall:

- a. Contacting the Watauga Clerk of Court to determine if any evidence was still retained in the case. I was told that the evidence had been destroyed.
- b. Attempting on several occasions to contact Jeffrey Nelson. I recall that Mr. Nelson was a young boy who testified to seeing Mr. Bragg and Kenneth Coffey following the victim. I can recall going to a residence that I believed Mr. Nelson resided at and a family member trying to discourage contact and keep me away from Mr. Nelson. I recall similar attempts such as this when I tried to contact Mr. Nelson on previous occasions.
- c. Speaking with one of the lawyers who told me the trial judge that presided over Mr. Bragg's trial worried that the jury convicted Mr. Bragg because Mr. Bragg was homeless and prison would give him a place to sleep and 3 meals a day.
- d. Hiring a private investigator in the case who attempted to locate physical evidence with the Clerk but was told the same information as I was about the evidence having been destroyed. The investigator's name was Jerry Vaughn. Mr. Vaughn also attempted to locate Jeffrey Nelson. I believe Mr. Vaughn was upset because PLS had not paid him for some of his services in the case.
- e. I recall knowing about a Crimestoppers reward that was received by Jeffrey Nelson or his mother, Rene Nelson but I do not recall how I know this information. Prior to the Crimestoppers reward, Rene Nelson had an entirely different story about what happened.

11. I often bring up this case when speaking with colleagues. I have practiced criminal law for over twenty years and there are very few cases where I believe in a client's innocence, but from all that I have learned about this case and about Mr. Bragg, I believe in Mr. Bragg's innocence.

12. Over the years, I have continued to stay in touch with Mr. Bragg by writing letters and sending Christmas cards. I do this with several former clients. I know Mr. Bragg does not have family to help him.

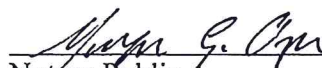
13. Mr. Bragg always and consistently maintained he was innocent of this crime during my representation and in the years since.

This the 23<sup>rd</sup> day of August, 2016.

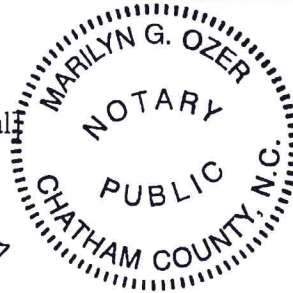


Kristin Parks  
Bar Number 22243

Sworn to and subscribed before me, this 23 day of August, 2016.

  
Notary Public

[Seal]



My Commission Expires: 02-05-2017



STATE OF NORTH CAROLINA  
COUNTY OF WATAUGA

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
94 CRS 4929

STATE OF NORTH CAROLINA )

v. )


ROBERT CHARLES BRAGG )

**AFFIDAVIT OF  
J. PHILLIP GRIFFIN JR.**

J. Phillip Griffin Jr., having appeared before the undersigned notary and first been duly sworn, deposes and says:

1. I am a retired attorney who was admitted to the practice of law in Kentucky in 1975 and in North Carolina in 1985. I was employed by North Carolina Prisoner Legal Services from 1989 to 2012.
2. In the course of my work with NCPLS, I was consulted by Robert Bragg and I investigated his conviction. In the course of that investigation I interviewed Mr. Bragg and at least one of his trial counsel.
3. Throughout my investigation, Mr. Bragg strenuously maintained his innocence.
4. On August 14, 2016, I was contacted by Catherine Matoian, Grant Staff Attorney for the North Carolina Innocence Inquiry Commission regarding my representation of Mr. Bragg. This Affidavit is submitted pursuant to her request.
5. This Affidavit is based solely upon my present memory, because I do not have any documents or files relating to Robert Bragg.
6. To my knowledge, the file may be with my former employer North Carolina Prisoner Legal Services or Kris Parks.

This the 15<sup>th</sup> day of August, 2016.

  
James Phillip Griffin, Jr.

Sworn to and subscribed before me, this 19 day of August, 2016.

Andrew T Beck  
Notary Public

[Seal]

My Commission Expires:



STATE OF NORTH CAROLINA  
COUNTY OF WATAUGA

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
94 CRS 4929

STATE OF NORTH CAROLINA

v.

ROBERT CHARLES BRAGG

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**AFFIDAVIT OF  
GERALD WILSON**

Gerald Wilson, having appeared before the undersigned notary and first been duly sworn, deposes and says:

1. I am an inactive attorney who was previously admitted to the practice of law in North Carolina.

2. In 1994 through 1996, I was an Assistant District Attorney in the 24<sup>th</sup> Judicial District.

3. I was the lead prosecutor in State v. Robert Charles Bragg tried in Watauga County, NC on February 5 through February 26, 1996.

4. On May 31, 2016, Catherine Matoian of the North Carolina Innocence Inquiry contacted me regarding my recollection of Crimestoppers tips in this case.

5. My recollection is that a confidential informant in the Robert Charles Bragg case called in an anonymous tip to Crimestoppers stating that she had seen Robert Charles Bragg at the home of the victim, Marvin Coy Hartley, on the day of the murder and that her young son had seen Robert Charles Bragg leaving the home of the victim, Marvin Coy Hartley, on the day of the murder.

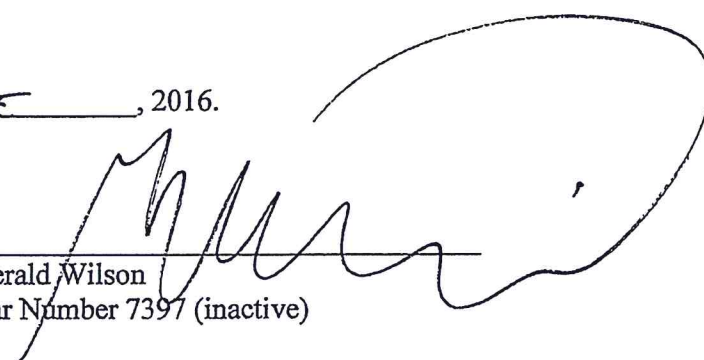
6. This witness agreed to testify and at that point was no longer anonymous.

7. Ms. Matoian told me that the witness's name is Rene Nelson and her son's name is Jeffrey Nelson, but it has been a long time and I do not remember their names.

8. Jim Harrison, the lead investigator in this case for the Boone Police Department, told me after the trial that this witness would receive a reward through Crimestoppers.

9. The district attorney file for this case would not contain any information regarding or record of Crimestoppers rewards given out.

This the 3 day of JUNE, 2016.

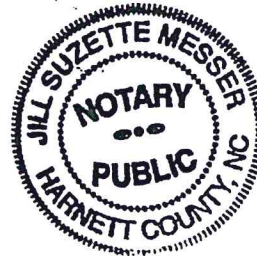
  
\_\_\_\_\_  
Gerald Wilson  
Bar Number 7397 (inactive)

Sworn to and subscribed before me, this 10<sup>th</sup> day of June, 2016.

Jill Suzette Messer  
Notary Public

[Seal]

My Commission Expires: April 10, 2021



**NANCY HORTON (AKA HARMON)**

**CRIMINAL RECORD**

<b>Conviction</b>	<b>Jurisdiction</b>	<b>DOO</b>	<b>Date of Conviction</b>
SIMPLE WORTHLESS CHECK (M)	WATAUGA	4/9/1993	1/26/1994
SIMPLE WORTHLESS CHECK (M)	WATAUGA	4/17/1993	10/19/1993
SIMPLE WORTHLESS CHECK (M)	WATAUGA	5/11/1993	11/15/1994
SIMPLE WORTHLESS CHECK (M)	WATAUGA	8/14/2003	8/31/2004



**LINDA RENE NELSON**

**CRIMINAL RECORD**

<b>Conviction</b>	<b>Jurisdiction</b>	<b>DOO</b>	<b>Date of Conviction</b>
ASSAULT AND BATTERY (M)	WATAUGA	8/23/2004	12/15/2004

## **SHAWN VALDEZ**

### **CRIMINAL RECORD**

<b>Conviction</b>	<b>Jurisdiction</b>	<b>DOO</b>	<b>Date of Conviction</b>
B & E (M)	WATAUGA	9/22/1990	4/1/1991
LARCENY (OVER \$200) (M)	WATAUGA	9/22/1990	4/1/1991
ASSAULT ON A GOVT. OFFICIAL (M)	WATAUGA	11/20/1992	2/22/1993
RESIST/OBSTRUCT PUBLIC OFFICER (M)	WATAUGA	11/20/1992	2/22/1993
INTOXICATED AND DISRUPTIVE (M)	WATAUGA	11/20/1992	2/22/1993
DISORDERLY CONDUCT (M)	WATAUGA	7/6/1993	7/30/1993
DWI-LEVEL 5	WATAUGA	5/15/1995	7/27/1995
DWLR	WATAUGA	1/14/1996	6/24/1996
AWDW SERIOUS INJURY	WATAUGA	9/3/1996	2/19/1997
AWDW INTENT TO KILL	WATAUGA	9/3/1996	2/19/1997
OBSTRUCTION OF JUSTICE (M)	WATAUGA	9/13/1996	2/19/1997
POSSESS-NOT MARIJUANA (M)	MONTGOMERY (MD)	NONE PROVIDED	1/24/2013
POSSESS-NOT MARIJUANA (M)	MONTGOMERY (MD)	NONE PROVIDED	1/24/2013
ASSAULT ON A FEMALE (M)	WATAUGA	5/29/2016	6/7/2016

INTERVIEW SHEET

Name: Cherie Lynn Gray  
Interviewed by: Det. Jim Harrison and Det. Mark Shook  
Location of Interview: K-Mart  
Date: 12/09/94 Time: 0850 hours

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Address: 184 Winter Drive, Boone, NC 28607	Sex: Female
Employer: K-Mart, Hwy. 321, Boone, NC 28607	Race: White
Home Phone: 264-6293 Work Phone: 264-1901	Age: 36
SS #: 265-59-3103	DOB: 05/22/58

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December 8th, Gray stated that she had left work at K-Mart and drove home and the time was around 5:10 PM and when she got out of her car, she saw Coy Hartley going up the steps to his trailer and she said he had on his green jacket and jeans and he was carrying his walking stick or maybe something with a brown handle. Cherie went home for lunch at 12:00 and she said she saw Coy walking up Winter Street toward his trailer and she waved at him and he waved back at her. Cherie states that she didn't see anything by apparently David Doss and Nancy Horton may have seen something. Cherie said that there is alot of foot traffic in and out of the trailer park and about three weeks ago, she had her car speakers stolen out of her car.

Cherie mentioned that Nancy Horton had seen a tall guy with dark bushy hair and cap walking up towards Coy's trailer and that was when Nancy was leaving to go pick up a neighbors child from day care and the time was around 4:45 PM.

Cherie said that she left home between 6:20 and 6:30 PM to take her daughter to the skating rink and she recalls seeing lights in Coy's trailer and the lights looked pretty bright and she saw a couple of guys walking in and out of the trailer park and one of them had dirty blond hair with a leather jacket with things hanging off of it and she recalls seeing this guy walking by himself.

Cherie mentioned that a Mr. Hughes came over to Coy's trailer and they were good friends and Mr. Hughes would check in on Coy and he drives a white Berretta. Cherie hasn't noticed as much traffic in and out of Coy's lately. I asked Cherie if she had ever noticed Coy carrying a billfold and she thinks she had noticed maybe one like a biker carries with a chain, but not sure. She mentioned that Coy was having water problems sometime back and Coy came over and got some water from her. She further advised that she thinks that coy carried his billfold on his left side.

December 19, 1994 at 11:10 Am, Det. Shook and myself rode back over to Winter Street and we spoke with Cherie Gray again. I asked her again about the time that she came home and she states that she's pretty

Interview con't (Gray)

sure that she left K-Mart at 5:05 PM and Coy was on his steps with his stick as she pulled up.

Cherie said that she had seen the Watauga Democrat and the guy, Bragg, she had seen him going to Coy's trailer every few days. I asked Cherie if she knew Kenneth Coffey and she said that she did and she has seen him going to Coy's also.



INTERVIEW SHEET

Re-Interview

Name: Cherie Lynn Gray  
Interviewed by: Sgt. Jim Harrison  
Location of Interview: via Telephone  
Date: 10/11/95 Time: 0930 hours

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Address: 184 Winter Drive	Sex: F
Boone, NC 28607	Race: W
Employer: Shadowline	Age: 37
Shadowline Dr., Boone, NC 28607	DOB: 5/22/58
Phone: (H) 264-6293 (W) 264-8828	
SS Number: 265-59-3103	

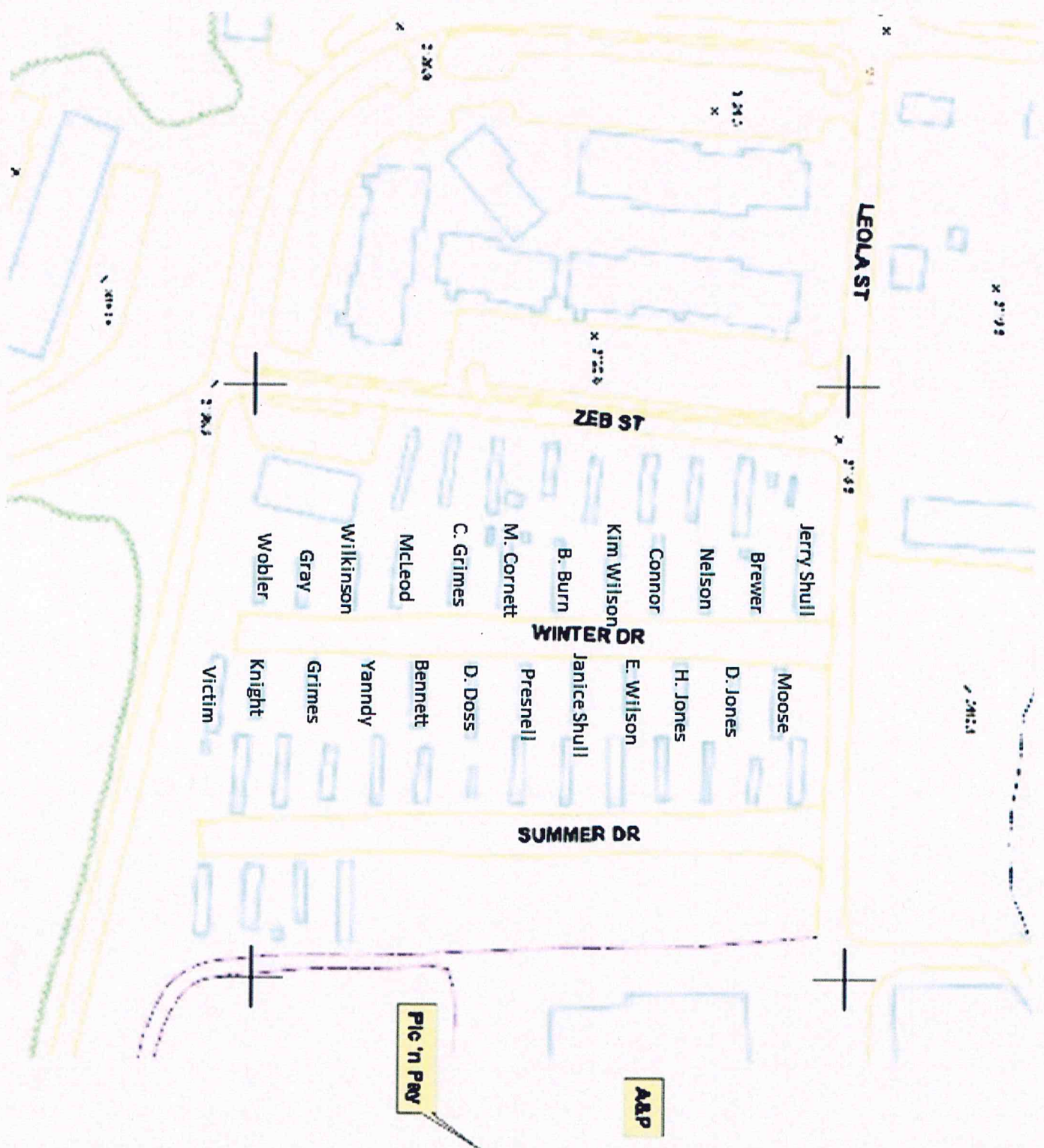
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Upon contacting Cherie Gray, I advised her that at the District Attorney's request, that I needed to clarify part of the statement that she gave concerning seeing two people in the trailer park between 6:20 and 6:30 PM.

Cherie stated that she was getting ready to take her daughter to the skating rink and she had looked out of her kitchen window and saw a white male with collar-length blonde hair, maybe 5'10", not heavy, walking down the street toward the highway. She said that he had on a black leather jacket with chains and "do-dads" hanging off of it and that was the only thing that really caught her attention and he may have had blue jeans on. Cherie states that she can't really remember anything about the other person, but both guys were walking down the street, but they were not walking together. Cherie states that she was gone maybe five minutes and she returned home.



# MAP MATCH (91)



## **JEFFREY EVERET NELSON**

### **CRIMINAL RECORD**

<b>Conviction</b>	<b>Jurisdiction</b>	<b>DOO</b>	<b>Date of Conviction</b>
SIMPLE ASSAULT (M)	WATAUGA	10/14/2002	5/14/2003
DISORDERLY CONDUCT (M)	WATAUGA	9/22/2004	11/10/2004
SIMPLE ASSAULT (M)	WATAUGA	8/1/2005	8/22/2005
DISORDERLY CONDUCT (M)	WATAUGA	6/9/2006	9/20/2006
SIMPLE ASSAULT (M)	WATAUGA	1/2/2007	9/5/2007
COMMUNICATING THREATS (M)	WATAUGA	1/2/2007	9/5/2007
ASSAULT ON A FEMALE (M)	WATAUGA	6/13/2007	9/5/2007
ASSAULT WITH A DEADLY WEAPON (M)	WATAUGA	6/13/2007	9/5/2007
DWLR	WATAUGA	7/5/2007	9/5/2007
DWI-LEVEL 5	WATAUGA	7/5/2007	9/5/2007
RESISTING PUBLIC OFFICER (M)	WATAUGA	8/7/2007	9/5/2007
ASSAULT ON A FEMALE (M)	WATAUGA	8/7/2007	9/5/2007
COMMUNICATING THREATS (M)	WATAUGA	8/7/2007	9/5/2007
INTOXICATED AND DISRUPTIVE (M)	WATAUGA	8/7/2007	9/5/2007
SECOND DEGREE TRESPASS (M)	WATAUGA	9/1/2008	11/25/2008
RESISTING PUBLIC OFFICER (M)	WATAUGA	2/9/2009	4/20/2009

INJURY TO PERSONAL PROPERTY (M)	WATAUGA	2/9/2009	4/20/2009
DWLR	WATAUGA	5/26/2010	3/29/2011
RESISTING PUBLIC OFFICER (M)	WATAUGA	4/29/2011	7/2/2012
POSS. OF DRUG PARAPHERNALIA (M)	WATAUGA	4/29/2011	7/2/2012
POSS. OF MARIJUANA (M)	WATAUGA	4/29/2011	7/2/2012
RESISTING ARREST (M)	JOHNSON (TN)	4/13/2014	6/17/2014
LARCENY (M)	WATAUGA	8/26/2015	4/29/2016
SIMPLE POSS. SCHEDULE VI CONTROLLED SUBSTANCE (M)	WATAUGA	2/17/2016	7/25/2016



## **The North Carolina Center on Actual Innocence**

**PO Box 52446, Shannon Plaza Station, Durham, NC 27717-2446**

**Innocence\_center@law.duke.edu**

**(919) 613-7241 (center office); (919)489-1184 (home office)**

**The Innocence Projects® at the Law Schools of  
Campbell, UNC-Chapel Hill, Charlotte, Duke, Elon, NCCU, and Wake Forest Universities**

January 21, 2008

Mr. Jeffrey Nelson  
Box 169  
Hoffman, NC 28347

Dear Jeffrey,

I'm sorry to have caught you off guard during our recent visit to Morrison to talk to you about the Robert Bragg case. I can understand that it is not a topic that you prefer to talk about.

Jeffrey, the employees and volunteers of The NC Center on Actual Innocence spend our lives working on cases where we believe someone has been wrongfully incarcerated in North Carolina's prisons. Having been in prison, you can understand how awful it must be for someone who has not committed the crime they were convicted of. I believe that Robert Bragg is serving a LIFE sentence for a murder that he did not commit. I also believe that you, and your mother, may have information that can help me to prove Mr. Bragg's case.

I know there can be all kinds of pressures that may lead a person to say things about someone's involvement in a crime that may not be true. I also understand that as a young child those pressures are even more intense. People, and the justice system, forgive the mistakes of children and of others that are put under pressure.

If you have information that might help me to help Mr. Bragg, Jeffrey, please contact me. I give you my word that life will be better for you if you choose the truth.

Sincerely,

Chris Mumma  
Executive Director

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Campbell, UNC-Chapel Hill, Charlotte, Duke, Elon, NCCU, and Wake Forest Universities**

June 10, 2008

Mr. Jeffrey Nelson  
Box 169  
Hoffman, NC 28347

Dear Jeffrey,

I was disappointed not to hear from you after our visit and my follow-up letter, although I guess I'm not surprised. I know you are in a difficult position. The words you spoke as you got up to leave the visitors room were "I was very young." It is difficult to correct what we did or said when we were young and did not fully understand the consequences. It is difficult, but not impossible to correct.

Over the years, I've interviewed many young people who have said things that may not be true. Children are often afraid their parents will get in trouble if they come forward. I think that you and your mother may be afraid of what will happen if you come forward with the truth. I'm only interested in proving Mr. Bragg is innocent of the murder he was wrongly convicted of. I ask you to remember that he is serving a life sentence for a murder he did not commit.

Again, I'm begging you. If you have any information that might help me to help Mr. Bragg, please contact me. The address and phone numbers are listed above. I do wish you the best, Jeffrey, and know in my heart that if you will tell the truth, it will help you too.

Sincerely,

Chris Mumma  
Executive Director



## **NICHOLAS DAVID GRAY**

### **CRIMINAL RECORD**

<b>Conviction</b>	<b>Jurisdiction</b>	<b>DOO</b>	<b>Date of Conviction</b>
INJURY TO PERSONAL PROPERTY (M)	WATAUGA	10/18/2002	1/8/2003
LARCENY (M)	WATAUGA	2/1/2005	4/11/2006
POSS. OF DRUG PARAPHERNALIA (M)	WATAUGA	11/25/2005	4/11/2006
POSS. OF SCHEDULE II CONTROLLED SUBSTANCE (F)	WATAUGA	1/25/2008	1/30/2009
POSS. OF SCHEDULE II CONTROLLED SUBSTANCE (F)	WATAUGA	1/29/2008	1/30/2009
POSS. OF SCHEDULE II CONTROLLED SUBSTANCE (F)	WATAUGA	4/11/2008	1/30/2009

## SHAWN DANIEL DELP

### CRIMINAL RECORD

Conviction	Jurisdiction	DOO	Date of Conviction
POSS. OF MARIJUANA (M)	WATAUGA	9/25/1995	10/17/1995
CARRYING CONCEALED WEAPON (M)	WATAUGA	9/25/1995	10/17/1995
RESISTING PUBLIC OFFICER (M)	WATAUGA	4/20/1996	7/16/1996
POSSESSION OF ALCOHOL < 21 YEARS OLD (M)	WATAUGA	6/8/1996	8/1/1996
SECOND DEGREE TRESPASS (M)	WATAUGA	1/28/2007	3/1/2007
B & E (F)	WATAUGA	5/9/1996	5/27/1997
B & E (F)	WATAUGA	5/9/1996	5/27/1997
LARCENY AFTER B & E (F)	WATAUGA	8/2/1996	5/27/1997
B & E (F)	WATAUGA	8/2/1996	5/27/1997
POSS. STOLEN GOODS/PROPERTY (F)	WATAUGA	5/9/1996	5/28/1997
LARCENY (F)	WATAUGA	8/2/1996	5/28/1997

STATE OF NORTH CAROLINA  
COUNTY OF WATAUGA

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
FILE NO. 94 CRS 4929

STATE OF NORTH CAROLINA, ]  
Petitioner, ]  
vs. ]  
ROBERT CHARLES BRAGG, ]  
Defendant. ]

T R A N S C R I P T

Jeffrey Nelson  
Deposition

Transcript of deposition conducted of Jeffrey Nelson by Sharon Stellato, Associate Director and Catherine Matoian, Grant Staff Attorney on July 13, 2015 as part of an investigation by the North Carolina Innocence Inquiry Commission.

**APPEARANCES:**

Sharon Stellato  
Associate Director  
North Carolina Innocence Inquiry Commission  
Raleigh, North Carolina

Catherine Matoian  
Grant Staff Attorney  
North Carolina Innocence Inquiry Commission  
Raleigh, North Carolina

Jeffery Nelson  
Watauga County Law Library  
Boone, NC

Terri Tizzard Ryan  
PO Box 223 Camden, North Carolina 27921  
(757) 438-7272  
cerksmom@aol.com

1 [The interview commenced on July 13, 2015.]

2 MS. STELLATO: Hi, I'm Sharon, nice to meet  
3 you.

4 MR. NELSON: [Indecipherable].

5 MS. MATOIAN: I'm Catherine.

6 MR. NELSON: I'm sick.

7 MS. STELLATO: Need some help?

8 MS. MATOIAN: [Indecipherable]. This is how  
9 it works.

10 MS. STELLATO: There you go. [Indecipherable].

11 MS. MATOIAN: Here pull it up.

12 MS. STELLATO: Oh.

13 MS. MATOIAN: [Indecipherable].

14 MS. STELLATO: There.

15 MS. MATOIAN: Does that have a tape in it?

16 MS. STELLATO: Yep.

17 [Pause]

18 MS. MATOIAN: Put it on this.

19 MS. STELLATO: That's too high.

20 MS. MATOIAN: Still too high?

21 MS. STELLATO: Can you point it down?

22 [Indecipherable].

23 MS. MATOIAN: There we go.

24 MS. STELLATO: You might be able to put it back  
25 on there now. Do you know what I mean?

1 MS. MATOIAN: Yeah.

2 MS. STELLATO: It just gets too  
3 [indecipherable]. Okay. Sorry about that.

4 Did you push record all ready?

5 MS. MATOIAN: Not yet, no.

6 [Pause]

7 MS. MATOIAN: Okay. Thank you for coming, Mr.  
8 Nelson. My name is Catherine Matoian, and this is Sharon  
9 Stellato. We're from the North Carolina Innocence Inquiry  
10 Commission. It's a State Agency that investigates claims of  
11 innocence by people who've been convicted of crimes in North  
12 Carolina.

13 We're a neutral State Agency. We do not represent the  
14 prosecution we do not represent any claimants who apply to the  
15 Commission. Our job is simply to investigate and find out the  
16 truth, okay?

17 MR. NELSON: [No audible response heard].

18 MS. MATOIAN: All right.

19 MS. STELLATO: Let me just swear him in real  
20 quick.

21 MS. MATOIAN: Yep.

22 MS. STELLATO: If you'll place your left hand  
23 on the Bible, raise your right hand. Do you swear to tell the  
24 truth, the whole truth and nothing but the truth so help you  
25 God?



1 MR. NELSON: Yes.

2 MS. MATOIAN: Okay. You have been subpoenaed  
3 here today in the matter of State vs. Robert Charles Bragg.  
4 This case involves the 1994 murder of Marvin Coy Hartley in  
5 Watauga County, North Carolina. Mr. Bragg has been convicted  
6 of this crime and is now claiming innocence.

7 As I said, the Commission is a neutral fact finding --  
8 investigative agency and we do not represent Mr. Bragg and we  
9 do not represent the prosecution in this case. You're here  
10 for a deposition because you were a witness during the  
11 original investigation and the Commission was unable to  
12 interview you voluntarily.

13 I just have a few things to go over with before we begin  
14 so, please know that a deposition is similar to testimony in  
15 Court, you're under oath and are expected to answer completely  
16 and truthfully. Do you understand that?

17 MR. NELSON: Yes.

18 MS. MATOIAN: Okay. Now, I understand that  
19 you may want to answer questions before I've completed them,  
20 but please wait until you hear the entire question before you  
21 answer; do you understand this?

22 MR. NELSON: Uh-huh (yes).

23 MS. MATOIAN: Okay. Because inaudible  
24 responses are sometimes difficult to record on the camera can  
25 you please provide audible responses to my questions?

1 MR. NELSON: Yes.

2 MS. MATOIAN: All right. If you don't  
3 understand a question please just let me know and ask me to  
4 clarify. Do you agree to do that if you need to do so?

5 MR. NELSON: Yes.

6 MS. MATOIAN: All right. If you do not ask me  
7 to clarify a question I will assume that you understood it and  
8 that you gave a complete response, okay?

9 MR. NELSON: Yes. Yes.

10 MS. MATOIAN: All right. After you've given  
11 an answer you may remember more information later on in the  
12 deposition that responds to an earlier question. If that's  
13 the case please stop, tell me that you remember more  
14 information that is responsive to the earlier question and  
15 provide the information. Will you do that?

16 MR. NELSON: Yes.

17 MS. MATOIAN: All right. If I believe that I  
18 have a document that will help you respond to a question, I'll  
19 label it as an exhibit and ask you to review it. If you  
20 believe that I have a document that will refresh your memory  
21 and help you respond to a question please ask to see it and I  
22 will provide it to you if I have it. Do you understand that I  
23 want you to review records that may help refresh your memory  
24 and ask me for any records you believe may help?

25 MR. NELSON: Yes. I mean, I was a child when

1 this happened, you know?

2 MS. MATOIAN: I understand. Finally, if you  
3 find yourself getting tired at any time during this deposition  
4 please let me know and we'll talk about taking a break, okay?

5 MR. NELSON: Yes.

6 MS. MATOIAN: All right, Mr. Nelson will you  
7 please state your full name for the record?

8 MR. NELSON: Jeffrey Everette [phonetic]  
9 Nelson.

10 MS. MATOIAN: And what's your date of birth?

11 MR. NELSON: 7/22/85.

12 MS. MATOIAN: And what's your current address?

13 MR. NELSON: Streets of Boone.

14 MS. MATOIAN: Do you have an attorney in this  
15 matter?

16 MR. NELSON: No.

17 MS. MATOIAN: Are you currently under the  
18 influence of alcohol or any drugs whether illegal or  
19 prescription?

20 MR. NELSON: Yeah.

21 MS. MATOIAN: Can you list any medications  
22 you're taking?

23 MR. NELSON: Methadone, yeah.

24 MS. MATOIAN: Have you drank any alcohol  
25 today?

1 MR. NELSON: No.

2 MS. MATOIAN: All right. Do any of those --  
3 medications impair your ability to remember or testify  
4 completely, truthfully, and accurately?

5 MR. NELSON: No, I've been taking them for  
6 two and a half years, so.

7 MS. MATOIAN: Okay. Do you currently have a  
8 medical condition that requires ongoing treatment by a  
9 physician?

10 MR. NELSON: Yeah. It was for my tongue,  
11 yeah.

12 MS. MATOIAN: Your tongue?

13 MR. NELSON: Yeah.

14 MS. MATOIAN: Does it prevent you from giving  
15 truthful, accurate and complete testimony today?

16 MR. NELSON: No.

17 MS. MATOIAN: Are there ----

18 MR. NELSON: I got my tongue pierced when I  
19 was 16. They hit a nerve in my tongue and I had to have a  
20 tongue operation, and so it's.

21 MS. MATOIAN: Okay. Are there any other  
22 circumstances or issues preventing you in any way from giving  
23 truthful, accurate and complete testimony today?

24 MR. NELSON: No.

25 MS. MATOIAN: All right. Did you speak with



1 anyone about this deposition before today?

2 MR. NELSON: No. Well, yeah, I mean, I think  
3 you, maybe. Y'all -- somebody went up to New Jersey or  
4 something. You know I was just freaked out because, I mean,  
5 you know, here, I was a child and I was always told not to  
6 talk about it. So, any time anything was ever brought up I  
7 was just, you know.

8 MS. MATOIAN: And who had asked you not to  
9 talk about it?

10 MR. NELSON: I mean, Mark Shook, the Sheriff  
11 at the time -- or he was the lawyer at the time. Just the  
12 people that -- when it went -- when all that happened, you  
13 know, and then a few years later someone showed up at my  
14 doorstep and just kept going on, and so, I just was told not  
15 to speak to anyone about anything.

16 MS. MATOIAN: The person who came to your  
17 doorstep, do you remember who they were?

18 MR. NELSON: Hell, I don't know, I mean it  
19 happened more than once, I mean I was in prison and they  
20 showed up and, you know?

21 MS. MATOIAN: Have you been asked by anyone to  
22 withhold information or -- misrepresent any facts during the  
23 deposition today?

24 MR. NELSON: No, no.

25 MS. MATOIAN: All right. How did you know Coy

1 Hartley?

2 MR. NELSON: He lived up the street from me,  
3 at the end of the road. I don't know how many years I knew  
4 the man. He was just old man that lived in our neighborhood.

5 MS. MATOIAN: Did you talk to him a lot?

6 MR. NELSON: Yeah, all of us did; all of us  
7 kids, yeah. I mean, we used to -- you know, he had one eye or  
8 whatever, we used call him One Eye Willy. I mean he was a  
9 nice man [indecipherable].

10 MS. MATOIAN: Can you please state, in your  
11 own words, what you remember about the day he was murdered?

12 MR. NELSON: I don't remember anything.

13 MS. MATOIAN: Do you remember what you  
14 testified to when you were at trial?

15 MR. NELSON: No -- that's what I'm saying. I  
16 -- I -- I don't know -- remember anything.

17 MS. MATOIAN: Okay.

18 MR. NELSON: If you want to keep asking me  
19 questions, I don't -- I don't remember anything. I started  
20 smoking pot at 12 years old [indecipherable].

21 MS. MATOIAN: I understand. If I gave you a  
22 copy of your interview with police, do you think that would  
23 help refresh your memory as to what happened that day?

24 MR. NELSON: I mean, I just think it's fucked  
25 up, I have to go back as a child and like do this. I just

1 think it's just messed up, man.

2 MS. MATOIAN: I understand.

3 MR. NELSON: I mean, here I am trying --  
4 trying to -- not to deal with this. I was told when I was a  
5 kid I would never have to -- have to deal with this again and  
6 then here I am having to do it again as an adult. I don't  
7 think it's right.

8 MS. MATOIAN: I understand. This is a copy of  
9 an interview that took place between you and Detective  
10 Harrison and Detective Shook on December 15<sup>th</sup>, 1994. Can you  
11 see if that refreshes your memory? And that's been marked  
12 Exhibit number 1.

13 [Pause]

14 MR. NELSON: I don't remember any of that.

15 MS. MATOIAN: You don't remember that?

16 MR. NELSON: No. [Indecipherable]. I don't  
17 remember any of it. We moved out of the park when I was 11,  
18 you know, 13, 14 I don't remember and I really never talked to  
19 any of those kids again or anything, I mean, I don't ----

20 MS. MATOIAN: Does it sound accurate to you?

21 MR. NELSON: ---- I don't. I -- I mean, I  
22 don't know. I don't remember any of this that's what I'm  
23 saying, you know.

24 MS. MATOIAN: What kids were you playing with  
25 that day?

1                   MR. NELSON:               Well, I mean it says Eddie and  
2 Steven, but I don't -- or Nick or somebody, I don't remember.  
3 I mean, I don't go back and try to -- you know, my whole life,  
4 I try to think good things that happened to me not bad things  
5 that's happened in my life. So, I try to just, you know, blow  
6 that off and shit and that's why I don't -- you guys or  
7 whoever went to New Jersey were trying to contact my  
8 children's mother. Supposedly, my mother told you guys that I  
9 lived up there, you know, that's why I acted the way I did on  
10 the phone is because, you know, I was told not to speak with  
11 anyone all these years and here I am, I have a little record  
12 myself so I'm not trying to, you know, whatever. I try to,  
13 you know, try to do what they say and then you know, so, I  
14 mean.

15                   MS. MATOIAN:           How did you know -- or did you  
16 know Robert Bragg and Kenneth Coffey?

17                   MR. NELSON:           I don't know. I don't remember  
18 them or anything.

19                   MS. MATOIAN:           You don't remember having -- any  
20 interaction with them?

21                   MR. NELSON:           No.

22                   MS. MATOIAN:           Do you remember ----

23                   MR. NELSON:           Yeah I -- I remember Kenneth one  
24 time. I remember [indecipherable] where the Walmart's at.

25                   MS. MATOIAN:           Uh-huh (yes).



1                   MR. NELSON:               Just like, vague shit really  
2                   though -- I just remember one time he had like some kid on his  
3                   shoulders. I remember him coming around by the trailer there  
4                   and he scared me the way he looked at me. I don't know what  
5                   he looks like, I don't know what ----

6                   MS. MATOIAN:               It scared you the way he had the  
7                   kid on his shoulder?

8                   MR. NELSON:               Just the way he looked at me was  
9                   sort of scary, you know. He just looked kind of scary dude,  
10                  but I don't -- I don't even know what that man looks like. I  
11                  don't know anything, you know. This was 20 years ago and, I  
12                  mean.

13                  MS. MATOIAN:               Do you remember going to court  
14                  and testifying?

15                  MR. NELSON:               Yes, I remember a little bit  
16                  going to court, yeah. I don't remember.

17                  MS. MATOIAN:               Has your mom said anything to  
18                  you about this murder?

19                  MR. NELSON:               Said anything to me about it?

20                  MS. MATOIAN:               Uh-huh (yes).

21                  MR. NELSON:               No. She said that someone came  
22                  and questioned her about it awhile back, and that's when I got  
23                  into it with her because my children's mother contacted me and  
24                  said, you know, that someone was up there. And, you know, I  
25                  was with her for six years; never said anything to her about

1 it, you know. I just vaguely remember, you know, it happened  
2 and whatever, but I don't -- I don't remember anything that  
3 happened, you know. I mean, I had never said anything to her  
4 about it, I don't know, you know and like the whole thing was  
5 like -- I was a child. How am I gonna pick the phone and call  
6 detectives and do all this and so.

7 MS. MATOIAN: Have you heard anything about  
8 the murder over the years?

9 MR. NELSON: No, no. Never -- one time, when  
10 I told you all those people came by as I got older and said,  
11 and it was bullshit, 'cause I don't go to parties, but the man  
12 said that I was at a party talking about it or something,  
13 which, I mean, it was bullshit like I said 'cause I don't go  
14 to parties. So, I guess he was trying to -- and then it come  
15 to find out like the dude -- I think it might have been one of  
16 those guys' daughter or something -- I ran into her and -- and  
17 she was like, "Oh, do you remember me" or whatever. I guess,  
18 like, we're about the same age or whatever. I don't know if  
19 maybe she was saying something -- I don't know -- I don't.

20 MS. MATOIAN: You don't remember what agency -  
21 - I mean did that guy say he was from an agency?

22 MR. NELSON: It was -- yeah, it was -- I mean  
23 I -- it was someone to help -- one of those guys. I don't  
24 know who it was. It wasn't like the police department or  
25 anything, I don't know, you know. I mean, the first time -- I

1 remember the first time it happened though, my mother called  
2 Mark and he said don't worry about it don't talk to him just,  
3 you know, tell him you don't have anything to say. And so,  
4 following the Sheriff, "I don't have anything to say," you  
5 know. So, I moved on with my life and I -- I was a child when  
6 this happened, and so I -- I don't remember anything, you  
7 know. I mean, some things that when I was a child that --  
8 just weird shit, man. The law is weird.

9 MS. MATOIAN: Weird having to do with this,  
10 or?

11 MR. NELSON: With the law? Yeah, in a way.

12 MS. MATOIAN: Having to deal with this murder?

13 MR. NELSON: No, I'm just talking about like  
14 -- like the police wanting to do things like trying to be nice  
15 to you and shit I don't know. I don't know. But I don't want  
16 to deal with it -- I mean, I've -- I have a record. I don't  
17 like the cops, I don't talk to them [indecipherable] all this  
18 time has happened. They kept coming by and shit. I don't' --  
19 -- I just -- I don't want to have to deal with them or -- or  
20 the people that were coming by or anything. I just -- I left  
21 it alone, you know.

22 I mean, I've got three children of my own. I don't -- I  
23 haven't been in trouble in five, six, seven years. I'm just  
24 trying to move on with my life and then, this shit -- every so  
25 many years I have this come and happen to me. You know, like,

1 like leave me the fuck alone, you know. I mean, I was a  
2 child, I don't -- I don't remember any of this. I don't  
3 remember -- hell, I don't even remember what I did yesterday  
4 really, you know. I slept all day, I'm sick, but I mean I'm  
5 just saying that you know, I mean, I don't -- I don't know. I  
6 don't know anything. I mean, I don't know those men really  
7 like that. I don't know anything.

8 MS. MATOIAN: You don't know who killed the  
9 victim?

10 MR. NELSON: Do I know who killed him? How  
11 do I know -- I didn't see anybody kill the man. I mean, I  
12 don't know who killed the man. I mean, it was -- the day it  
13 happened though, is the day my cousin was born. So, you know,  
14 every year that sort of, you know.

15 MS. MATOIAN: Do you remember someone named  
16 Shawn Delp [phonetic]?

17 MR. NELSON: Yeah, I remember -- I know Shawn  
18 Delp, yeah.

19 MS. MATOIAN: Do you remember him testifying  
20 at the trial?

21 MR. NELSON: No. I -- I don't -- I don't  
22 remember myself testifying, you know. I mean, I mean, I now  
23 the guy; I know Shawn. I know these people in the thing. I  
24 haven't seen any of them except for one guy in a long time,  
25 Nick. I don't know. Hell, I didn't even think I played



1 soccer -- I mean I never liked it. When I got older I don't -  
2 - so I don't know. But I played, you know, football and  
3 basketball so I was reading it like why would I play soccer?

4 MS. MATOIAN: Do you remember receiving  
5 anything or your mother receiving anything for speaking to the  
6 police or testifying?

7 MR. NELSON: I don't know if my mother  
8 received anything. I don't know. I mean, I don't really get  
9 along with my mother. I don't really, you know. I didn't  
10 even know she came and talked to you guys until -- 'cause she's  
11 -- she's like a habitual, pathological liar and so, I don't --  
12 I don't really get along with her too well.

13 MS. MATOIAN: Are you afraid that she would  
14 get in trouble if you changed your story about what would  
15 happen that day?

16 MR. NELSON: Who my mother?

17 MS. MATOIAN: Uh-huh (yes).

18 MR. NELSON: I don't -- I don't know. I  
19 don't -- there's nothing to change, you know, that's the thing  
20 I don't know anything.

21 MS. MATOIAN: Are you afraid that you would  
22 get in trouble if you changed your story of that day?

23 MR. NELSON: I was a child, I didn't do  
24 anything wrong. I don't have nothing to change, you know.  
25 There -- they -- I mean, I remember like, some things that,

1 you know -- I don't know.

2 MS. MATOIAN: What things?

3 MR. NELSON: I'm just trying to think really  
4 hard because I remember like right around when this happened  
5 or after, you know, [indecipherable] or whatever. I remember  
6 [indecipherable] they took me to a basketball game,  
7 professional basketball game, Carowinds, it's like a water  
8 park thing, but I mean, I don't ----

9 MS. MATOIAN: Who did that?

10 MR. NELSON: I don't know who it was.

11 MS. MATOIAN: Was it law enforcement?

12 MR. NELSON: It wasn't like a -- I mean, it  
13 wasn't any uniformed officer or anything, it wasn't anyone  
14 that I knew there that I talked to before or [indecipherable]  
15 I don't ----

16 MS. MATOIAN: But he worked for law  
17 enforcement?

18 MR. NELSON: I don't know if he did or not.  
19 I don't know. He's -- 'cause I was so little, so I don't know  
20 like if it was someone who that was 25 or 19, I don't  
21 remember, you know. But, yeah, I mean like front row seats, I  
22 remember that shit, 'cause I have pictures and stuff, you  
23 know.

24 MS. MATOIAN: Did you know why they were  
25 taking you to these events?

1 MR. NELSON: No. I had no idea but it -- it  
2 was fun, so I didn't care.

3 MS. MATOIAN: Do you remember getting a new  
4 bike around that time?

5 MR. NELSON: I have no idea. I remember the  
6 game though.

7 MS. MATOIAN: Do you remember getting a  
8 basketball hoop around that time?

9 MR. NELSON: Hell, I don't know, did I? I  
10 don't know. I mean, I -- I -- when I was a child that age,  
11 you know, I'd worked for my uncle at this meat market. He's  
12 dead now. He passed away of cancer year before last, but I  
13 would go there after school and work and I'd buy my own things  
14 I worked for at that young age, you know. I bought a little  
15 scooter when I was like 12, saved my money but -- no, I just --  
16 -- I do remember them taking me to the basketball game and  
17 Carowinds and like some water park thing ----

18 MS. MATOIAN: But you don't remember ----

19 MR. NELSON: ---- on different days.

20 MS. MATOIAN: You don't remember who these  
21 people were?

22 MR. NELSON: No. I just remember they used  
23 to tell me it was one of their friends [indecipherable].

24 MS. MATOIAN: Who told you it was one of their  
25 friends?

1 MR. NELSON: One of the people that work with  
2 him or something -- Mark.

3 MS. MATOIAN: Okay.

4 MR. NELSON: How I remember is -- I have  
5 pictures of the game and stuff still this day, you know, and  
6 so it's like -- you look at shit like that, you can't forget  
7 something like that if you look at it, you know. But it  
8 brings back memories like that. Wow, it was like around that  
9 time and shit. It's just weird.

10 MS. MATOIAN: Do you remember them talking to  
11 you about Mr. Hartley's murder?

12 MR. NELSON: Who?

13 MS. MATOIAN: When you were going to these  
14 events and going to the basketball game?

15 MR. NELSON: No, they didn't talk about  
16 anything.

17 MS. MATOIAN: No?

18 MR. NELSON: No, they were like this -- I  
19 remember they were saying that it was friend or something --  
20 that it was their friends I remember, but it was like -- say  
21 maybe like now that I'm an adult I can say like a -- to like  
22 an intern type deal, somebody like that.

23 MS. MATOIAN: I just want to be clear, you're  
24 saying that Detective Shook told you that the person taking  
25 you to the basketball game and Carowinds and the water park;



1 that was his friend?

2 MR. NELSON: Or like you know, something like  
3 that. I mean, I don't know his exact words, but I mean it was  
4 -- and it wasn't anyone that worked for the law enforcement.  
5 I didn't -- like, it wasn't a cop or -- I don't know, man, it  
6 was like one time it was this younger lady and it was like a  
7 gentleman like two -- two of the times I think it was a guy  
8 took me and then there was a lady that took me one time.

9 MS. MATOIAN: Okay.

10 MR. NELSON: I mean, all that shit, I -- I  
11 just wanted to be straight up, you know, 'cause you know, so.  
12 Do you have some water or something? I have some nasty shit  
13 built up in my throat, I'm sick [indecipherable].

14 MS. STELLATO: There's a Coke machine if you  
15 want to get some money [indecipherable].

16 MS. MATOIAN: There's a machine, I don't know  
17 if it's on this floor or the first floor?

18 MS. STELLATO: It's on this floor.

19 MR. NELSON: I'm sorry, I just -- I've got  
20 like strep or something. I'm gonna have to go the doctor  
21 today.

22 MS. STELLATO: [Indecipherable]. It's fine.

23 MR. NELSON: I'm gonna have to go to the  
24 doctor today. But no I ----

25 MS. MATOIAN: Do you have more cash



1 [Indecipherable]?

2 MS. STELLATO: Do I not have enough cash?

3 MS. MATOIAN: I don't know where it is.

4 MR. NELSON: [Indecipherable].

5 MS. MATOIAN: Is it in this thing or in your  
6 wallet?

7 MS. STELLATO: It should be in my wallet.  
8 [Indecipherable].

9 MR. NELSON: See, and when I got, like a  
10 little older, he used to like harass me and shit. Mark did.  
11 He used to harass me.

12 MS. MATOIAN: Harass you about what?

13 MR. NELSON: Like he would just like stalk  
14 and like harass me about shit, man. Like -- like, one time he  
15 stopped, came over there to my mother's -- I was probably  
16 maybe in my early 20's and said that -- tried to say that I  
17 was supposed to have like some big drug deal going on, like I  
18 was supposed to have a bunch of cocaine. You know they came  
19 in there and tore my car apart and I'm like, what; are you  
20 crazy? And then like -- he would just harass me, man. I just  
21 thought it was weird, you know, I'm older and then -- then he  
22 gets fired for sexual harassment and then things started like  
23 coming out like damn this dude might be crooked or something,  
24 you know. Then, thank God he got fired or whatever happened,  
25 but I don't, you know.

1 MS. MATOIAN: He got fired from the Sheriff's  
2 office?

3 MR. NELSON: Yeah -- or I don't know if he  
4 got fired or whatever but he got in trouble for sexual  
5 harassment; I mean something happened. I don't know if he got  
6 fired or what happened but he's gone.

7 MS. MATOIAN: When he would come harass you,  
8 when you were in your 20's, would he say anything about Mr.  
9 Hartley's murder?

10 MR. NELSON: No. No, no he just -- just  
11 weird shit, man. That's when, you know, little things then  
12 when I got older I started looking back on things but man, you  
13 know. Like I look at it as, I mean, why would anyone want a  
14 child to be involved in something like this? Why -- why even  
15 -- why would you want him through something like this, you  
16 know?

17 MS. MATOIAN: And when you say why would  
18 someone -- involve a child in this, are you talking about your  
19 mother, are you talking about police?

20 MR. NELSON: I'm -- I'm talking about who  
21 like -- like why -- like, I feel like you tell someone  
22 something, you're like why would she like [indecipherable].

23 MS. MATOIAN: Can you explain that a little  
24 more?

25 MR. NELSON: I was a child, you know.

1 MS. MATOIAN: Who involved you in this case?

2 MR. NELSON: I mean, you tell someone  
3 something and you, I ain't thinking, you know like bam, there  
4 it is, is like -- everybody's in my face and shit. Come get  
5 me out of school and shit and I'm like what the hell, you  
6 know. Principal ----

7 MS. MATOIAN: Who did you --?

8 MR. NELSON: ---- talk to your volunteer  
9 relatives or talking to whoever and the next thing you know  
10 it's like bam, you know. And here I am fucking getting  
11 questioned and -- and -- I mean it, you know, kid or not I  
12 don't think you're supposed to do shit like that, you know,  
13 take kids to professional -- I mean, it's you know, sort of  
14 like bribery type shit, you know.

15 But, I mean, like reading that, I don't remember  
16 anything. I don't remember any of that. I don't know. Like  
17 my grandmother and my mom are about the same and my Aunt Bev,  
18 too. She's dead, my grandmother's dead, and it's like my  
19 little sister's just like 'em too, man, lie. Like I don't  
20 know how it got so twisted, you know from -- 'cause I don't  
21 remember anything, you know. I -- I don't -- I don't remember  
22 anything, so.

23 I mean, I know those people -- I remember those people.  
24 Basketball goal, hell I don't know. I had a basketball goal,  
25 but it wasn't something [indecipherable], I mean, I gotta

1 basketball goal. I don't know if it was around that time  
2 though. I really don't know. I don't know. But, like I  
3 said, I -- it's crazy.

4 I'm gonna take a sip of this before you ask me some more  
5 questions. Go ahead.

6 That's what I'm saying to you, really. It's like all  
7 these times -- you know, every -- I mean, I know probably at  
8 least a half dozen times that people have came to me. I was  
9 in prison one time, they come and try to talk to me, you know.  
10 They said it my lawyer. I'm saying my lawyer hell, I'm --  
11 when I get out of here I'm free. They take me out there and -  
12 - and -- and like I said the whole time I was told by the  
13 police -- 'cause I remember, I even remember one time when my  
14 mother called Mark told him I came -- those people came down,  
15 started asking me all these questions and shit. And he said  
16 tell them that you don't have nothing to say to them -- I  
17 remember that shit, you know. And then like -- and then when  
18 I got older it was like -- you feel like they're still trying  
19 to start to harassing you 'cause I was older, you know. Just  
20 weird.

21 And I -- and I'd bring that shit up to my mother too,  
22 like why would you want to have your child involved with  
23 [indecipherable]. I mean, I've said that to her like just a  
24 couple months ago I said that to her. You know about what  
25 happened then -- was it you or someone that went to New



1 Jersey?

2 MS. MATOIAN: It was me.

3 MR. NELSON: Okay; and, then -- and then I  
4 talked to you on the phone?

5 MS. MATOIAN: Yes, you did.

6 MR. NELSON: And I was like -- did she tell  
7 you that? She's like no I didn't say that -- and she's a  
8 liar. Like she sitting there right in front of you and said  
9 she did not tell you that when you're sitting there telling me  
10 yes, Jeffrey, she told me that and right there when I'm  
11 sitting there right beside her, she said that she didn't say  
12 that. And the -- the shit like this went on my whole life,  
13 like the older I've got like -- I see how she's really bad.

14 But anyway, like -- hell, I've got a 52 year old lady,  
15 you know, and she -- I try to tell her my mother's like a  
16 really bad liar and she on the phone with my mom for like,  
17 within the first two minutes of ever talking to mother she  
18 knew she was a liar. You know, 'cause I'm sitting there, mom  
19 -- I'm sitting there talking to her on the phone and my  
20 mother's texting this woman saying all kinds of crazy shit.  
21 She's like you're a fucking liar I'm talking to her right now,  
22 you know. Just little things 'cause I never lived in New  
23 Jersey, you know what I'm saying. I went up there -- me and  
24 Jessica split up, she went up there and about six weeks later  
25 I went there to see my kids and I stayed for maybe a week if

1 that, and came back. It wasn't even that long, you know, I  
2 never moved to New Jersey, you know.

3 And that's just like, you know, my -- my little girl --  
4 'cause they got high chairs now and the legs come off and can  
5 you put a seat up in the chair and I was taking her to  
6 mother's house sometimes, and I forgot the highchairs. And so  
7 she got on the chair like she knew -- she'd take like one of  
8 those little belt things and put it around, that snap in --  
9 'cause I forgot the highchair. And we're living in Tennessee  
10 so it was like a good drive to bring back and shit and I  
11 brought them back the next day 'cause I was working over here,  
12 but. So, the next -- the next morning they get up and they  
13 both are trying to climb up in this chair at the same time and  
14 the chair falls over -- I've got twins. And little Kayley's  
15 [phonetic] arm or something had got fractured but at the time  
16 you couldn't see a bruise or nothing like that when I went and  
17 got her and that -- you know, and then that day Jessica said  
18 that she was acting like it was sore or whatever. So, I said,  
19 damn, we [indecipherable] take her to the doctor today. So,  
20 we took her straight to the emergency room, 'cause there was  
21 no bruise or anything, but every time we try to like take her  
22 clothes off to change her she was like ah. So, we took her  
23 over there in the -- and they put a little cast on, nothing,  
24 no big deal. And then six months go by, right, and Jessica  
25 moves up there -- first day she was up there and my mother

1 calls social services and told her that -- Jessica broke  
2 Kayley's arm, and so the law enforcement and social services  
3 went in to see me -- you know we're here to investigate a  
4 child's broke arm and no one there has a broke arm, you know.

5 And here -- and -- and -- and -- and I -- and she did it,  
6 she's the one that did the shit, okay. And then she tried to  
7 tell me that Jessica's mom said this and Jessica's mom did  
8 that. Well, she was texting my friend that I worked with at  
9 the candy factory at the time and was telling him, Jessica  
10 broke poor ole' Kayley's arm. Now, why the hell -- no one no  
11 one said -- not even the doctor's or anything -- like,  
12 Jessica's a really good mother too, man. Imagine having three  
13 babies like that and trying to take care them all at the same  
14 time, she's good. And so, she was just mad because Jessica  
15 left the babies and so, she wanted to try to fuck her over --  
16 I don't know, man. I just -- I don't get her. So, as I got  
17 older -- I just don't -- I just don't understand her.

18 I don't -- I don't get along with the police so I don't  
19 like -- I wish I know shit now that -- that I didn't when I  
20 was a kid or -- I don't, you know. It's crazy.

21 MS. MATOIAN: Okay. Were you completely  
22 truthful when answering my questions today?

23 MR. NELSON: Yeah.

24 MS. MATOIAN: Do you remember any more  
25 information to any questions I've asked you?

1 MR. NELSON: Hell, I don't remember  
2 [indecipherable] so many questions you asked.

3 MS. MATOIAN: Do you have any additional  
4 information to provide to us related to this case?

5 MR. NELSON: All I know is I don't know  
6 nothing. I didn't see anyone get killed. I remember the old  
7 man. I kind of remember that -- that night when the cops went  
8 up the road because we lived at the very bottom of the road  
9 and it was dark that night when they went up there I remember  
10 -- or when I saw the cops there it was dark. And that's -- I  
11 don't know.

12 MS. MATOIAN: Do you remember it being kind of  
13 a big deal around the trailer park?

14 MR. NELSON: I don't know that. I just  
15 remember, you know -- and then, like the man, Harold or  
16 whatever, the man that lived across the street, you know. I  
17 remember Eddie and them but I don't -- I don't know.

18 MS. MATOIAN: Pursuant to Statute, you have a  
19 right to receive a copy of the sound and visual recording for  
20 examination and review or a transcript. Do you wish to waive  
21 this right or would you like a copy of the transcript?

22 MR. NELSON: Yeah, I want a copy  
23 [indecipherable].

24 MS. MATOIAN: You want a copy?

25 MS. STELLATO: I need an address to send it to



1 him.

2 MS. MATOIAN: We need an address to send it to  
3 you when we get it transcribed.

4 MR. NELSON: Let's see. I'm trying to think  
5 of somewhere we can send it to.

6 MS. STELLATO: Or we can call.

7 MS. MATOIAN: Or we could -- I mean, we could  
8 call you when we get it ----

9 MR. NELSON: Yeah, yeah.

10 MS. MATOIAN: ---- and find out -- all right;  
11 and, what's the best number for you?

12 MR. NELSON: I'll give you my telephone  
13 number ----

14 MS. MATOIAN: Okay.

15 MR. NELSON: ---- and don't harass me. 828-  
16 434-5993.

17 MS. MATOIAN: Okay. I just -- I want to say  
18 because I know it was a concern to you early on when we spoke  
19 on the phone, like I said, we're a neutral State Agency ----

20 MR. NELSON: No, it's just, I was ----

21 MS. MATOIAN: ---- and we do not represent Mr.  
22 Bragg and we would not provide any information about you or  
23 your family.

24 MR. NELSON: Yeah well, it's just -- it  
25 wasn't about like -- it's just what I was told when I was a

1 child to not say anything, so.

2 MS. MATOIAN: I understand.

3 MR. NELSON: And then, when -- I just flipped  
4 out on you because I was like why the hell would you go up  
5 there -- and that's why I said who told you I lived in Jersey,  
6 you know and then I said who -- I haven't lived in New Jersey  
7 and that day I was over there, and I went all the way over  
8 there because Jessica call you is to ask her if she said, and  
9 she said she didn't say any of those things and then bam I  
10 called you and she just still tried to lie while you're on the  
11 phone and you're like she told me that you lived up there and  
12 blah blah blah and she was trying to lie her way out of it  
13 then while like she is the fucking -- you don't even know. I  
14 can't -- it's been like this my whole life. I could just -- I  
15 was -- I broke down and cried to my girl last -- not last  
16 night it was a couple weeks ago about shit like that when --  
17 when I was a kid and -- and I'd save my money -- money be gone  
18 and she'd blame it on the neighbor or I went to the swimming  
19 complex and put your little clothes in some basket. I used to  
20 put my clothes back there and -- and, you know, I'd get my  
21 basket out and -- and my wallet be gone and she said the man  
22 behind the counter must have stole it, you know. And I think  
23 back on all that shit like things that happened today, I think  
24 back like about how a real lying thief my mother is really,  
25 you know. But all I know is -- I don't know. I want to thank

1 you though [indecipherable].

2 MS. MATOIAN: Thank you for coming, Mr.  
3 Nelson, we appreciate it.

4 MR. NELSON: So many things that she's done  
5 to me though, it's pretty -- you know, like lying about that  
6 even. I mean, right there man you caught her like lying, you  
7 know, within seconds of being on the phone with her. So, it's  
8 like why and then as -- when I was a child like why, you know,  
9 I'm your son and I'm a child and -- and if I were to say  
10 anything to you, why would you do something to me like --  
11 okay.

12 MS. STELLATO: I'm sorry it happened to you.

13 MR. NELSON: No. We'll see you guys.

14 MS. STELLATO: Appreciate you coming.

15 MS. MATOIAN: Thank you for coming today.

16 MR. NELSON: No problem.

17 MS. MATOIAN: We'll call you when the  
18 transcripts completed, okay?

19 [The recording stopped on July 13, 2015.]

20 [END OF TRANSCRIPT]

**Mr. Jeffrey Nelson**

I have read the foregoing pages, 1 through 32 inclusive, and find that they contain a correct transcription of the answers made by me to the questions therein recorded, with the exception of \_\_\_\_\_ corrections as listed on a separate sheet of paper and incorporated into this record.

This, the \_\_\_\_ day of \_\_\_\_\_, 2015.

---

**Jeffrey Nelson**



PAGE NO.	LINE NO.	CORRECTIONS
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STATE OF NORTH CAROLINA  
COUNTY OF WATAUGA

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
FILE NO. 94 CRS 4929

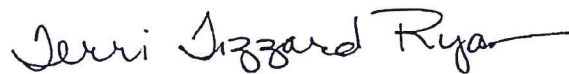
STATE OF NORTH CAROLINA, ]  
Petitioner, ]  
vs. ]  
] ]  
ROBERT CHARLES BRAGG, ]  
Defendant. ]  
]

T R A N S C R I P T

Jeffery Nelson  
Deposition

I, Terri Tizzard Ryan, having been assigned to transcribe the above-captioned deposition from July 13, 2015 do hereby certify that said hearing, pages 1 through 34, inclusive, is a true, correct and verbatim transcript of said proceeding to the best of my ability.

I further certify that I am neither counsel for, related to, nor employed by any of the parties to the action in which this proceeding was heard; and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, and am not financially or otherwise interested in the outcome of the action.



Terri Tizzard Ryan  
Transcriptionist

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

COUNTY OF WATAUGA

SUPERIOR COURT DIVISION

1995 JUL 11 11:10:08

FILE NO. 94 CrS 4929

STATE OF NORTH CAROLINA

BY

v

ROBERT CHARLES BRAGG,  
Defendant.

ORDER FOR PRESERVATION  
OF EVIDENCE

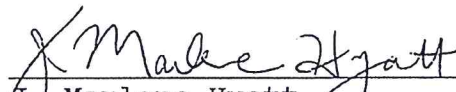
This matter coming on before the undersigned Superior Court Judge presiding over the regular term of Criminal Superior Court for Watauga County on 5 June 1995, for hearing on Defendant's Motion for an Order directing the State to preserve all evidence, with the State of North Carolina represented by Assistant District Attorney Gerald W. Wilson and Defendant represented by Attorneys Vincent L. Gable and Jeffery M. Hedrick;

Upon review of the record proper, and after hearing the contentions of counsel for the State and for Defendant, the Court FINDS AND CONCLUDES that Defendant is entitled to the entry of the following Order, which is in the best interest of justice;

NOW, THEREFORE, IT IS ORDERED, without finding as to whether any evidence in this matter is exculpatory, that the State of North Carolina and all law enforcement agencies involved in the investigation of this case shall preserve and retain intact without destroying or altering (except as may be necessary for such tests as may be deemed by the State to be necessary) all evidence, tangible papers, physical items, notes, laboratory sheets, worksheets, checklists, and other materials obtained by, generated by, or otherwise available to the State and the law enforcement officers involved with the investigation of this matter.

Entered in open court on 5 June 1995.

Executed nunc pro tunc, this the 7th day of July, 1995.

  
J. Marlene Hyatt  
Superior Court Judge

000197



STATE OF NORTH CAROLINA  
COUNTY OF WATAUGA

GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
95 CRS 121, and 94 CRS  
4929

STATE OF NORTH CAROLINA

V

MEMO TO INVESTIGATORS

ROBERT CHARLES BRAGG and  
KENNETH EUGENE COFFEY

Please be advised that by order of the Court on 8 June 1995 we are now required to preserve all evidence in the above case. This means that you as an investigator should keep intact all items of physical evidence and all notes diagrams or documents of any type. You should also notify immediately the SBI lab not to destroy any evidence or items pertaining to this case which may now be in their custody. If the lab does not desire to hold these items you should request they be sent back to you for preservation. In short this order requires that we keep in a secure manner all items seized or generated which pertain in any way to these cases. Nothing in this case should be destroyed or disposed of without consulting this office first.

This 9 June 1995

Gerald W. Wilson, ADA, 24th Dist.

**CERTIFICATE OF SERVICE -**

The undersigned certifies that on the date below this document was served on

JIM HARRISON BPD  
~~attorney for defendant~~

**SERVICE WAS MADE BY**

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This 9 day of JUNE, 1995

James T. Rusher, District Attorney

Ry

**CERTIFICATE OF SERVICE**

The undersigned certifies that on the date below this document was served on

MARK SHOOK BPD  
~~attorney for defendant~~

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James T. Rusher, District Attorney

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WILHE WATSON BPD  
~~attorney for defendant~~

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This 9 day of JUNE, 1995

James T. Rusher, District Attorney

Ry

000168



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The undersigned certifies that on the date below this document was served on

RIANOT WILST + CLAUDIE SMITH  
attorney for defendant - COFFEY

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James T. Rusher, District Attorney

By: [Signature]

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VINCE GABUE + JEFF HEDRICK  
attorney for defendant - BRAGG

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James T. Rusher, District Attorney

By: [Signature]

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The undersigned certifies that on the date below this document was served on

STEVE WILSON SBI  
attorney for defendant

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This 9 day of JUNE, 1995

James T. Rusher, District Attorney

By: [Signature]

## STATE OF NORTH CAROLINA

File No.

94 CR5 4929

Watauga

County

☐ In The General Court Of Justice  
☐ District ☒ Superior Court Division☐ Civil: Plaintiff:  
☒ Criminal

Additional File Numbers

STATE  
VERSUS

Name Of Defendant

Robert Charles Bragg  
disposed: 2-26-96  
Appeal: Affirmed

ORDER FOR DISPOSITION  
OF  
PHYSICAL EVIDENCE(OTHER THAN DEADLY WEAPONS  
AND ALCOHOLIC BEVERAGES)

The Court finds that this case has been concluded.

It is ORDERED that the evidence listed below be:

- ☐ 1. returned to the rightful owner, \_\_\_\_\_
- ☐ 2. returned to the offering party or the attorney.
- ☒ 3. delivered to the sheriff ☐ Other law enforcement agency (specify): \_\_\_\_\_
- ☒ a. to be destroyed.
- ☒ b. to be disposed of according to law.
- ☐ c. to be used by \_\_\_\_\_
- ☐ 4. disposed of according to Rule 14 of General Rules of Practice for the Superior and District Courts.
- ☒ 5. Other: (specify) Shredded by Clerk (paper items)

I hereby certify that this is a true and correct  
copy as on record in the office of the Clerk of  
Superior Court Watauga County.  
Deputy Clerk  
Date 3-1-11

Description (List items or attach exhibits/evidence log)

Photos; Papers; Police reports; knife; matchbooks; trailer hitch ball

Date

3-2-05

Name Of Judge (Type Or Print)

Honorable Zoro Guice

Signature Of Judge

Zoro J. Guice, Jr.

## TO BE COMPLETED WHEN EVIDENCE TURNED OVER TO SOMEONE ELSE

Date

Name Of Recipient (Type Or Print)

Signature Of Recipient

## TO BE COMPLETED IF CLERK DISPOSES OF EVIDENCE

Date Of Disposition

Signature

☐ Deputy CSC ☐ Assistant CSC  
☐ Clerk Of Superior Court

Signature Of Witness

NOTE: For firearms and other deadly weapons, see G.S. 14-269.1 and form AOC-CR-218. For alcoholic beverages, see G.S. 18B-503 and form AOC-CR-920M.

STATE OF NORTH CAROLINA  
COUNTY OF WATAUGA

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
94 CRS 4929

STATE OF NORTH CAROLINA )

vs. )

ROBERT CHARLES BRAGG )

**AFFIDAVIT**

The undersigned, having first been duly sworn, deposes and says the following:

1. I am over the age of eighteen, suffer no legal disabilities, have personal knowledge of the facts set forth below, and am competent to testify.
2. I am employed as an Evidence Technician at the Boone Police Department (BPD).
3. The evidence facility consists of two secured rooms with restricted access. The doors remain locked and are in the interior of the secured police department. There are specific areas for certain types of evidence. Evidence is logged by computer to track the chain of custody and its location within the assigned evidence room.
4. The evidence facility has not relocated since 1994.
5. On or about February 15, 2011, Evidence Technician April Gunter, under the direction of Captain Andy Le Beau, physically searched for evidence related to Robert Charles Bragg, Kenneth Eugene Coffey, and Marvin Coy Hartley at the request of the North Carolina Innocence Inquiry Commission (NCIIC). On 9/28/2011, April Gunter and Andy Le Beau provided all evidence to Sharon Stellato of NCIIC. We were contacted again on 5/6/2014 by Jasman Walson at NCIIC to conduct a second search for additional evidence related to this case. We searched the evidence room and the evidence logs. No additional evidence was located as a result of that search, aside from photographs, and no other evidence remains in the possession of BPD.
6. I also searched for documentation of destruction related to Robert Charles Bragg and Kenneth Coffey and did not find any such documentation.
7. The oldest piece of evidence retained by our facility is from 1987.
8. Once evidence is submitted to the evidence technician at BPD, it is entered into the department's computer system for inventory and chain of custody purposes. The evidence technician then assigns the evidence a location, which is documented within the computer system, and the evidence is then placed in that secured location by the evidence technician. In 1994, prior to common use of computers in this



process, the evidence storage system was accomplished by using evidence log books to document the same information.

9. Evidence is securely packaged upon submission and labeled with numerous descriptors to include pertinent information for tracking purposes to generally include but not limited to: defendant(s) name, officer name, date and time collected, location collected, from who the evidence was collected (if known), and importantly an OCA number. This OCA number is a unique identifying number assigned to each specific case. Some of the descriptors have likely changed over the years as there have been numerous changes in administration and at least three previous evidence technicians since 1994, but the process would be similar and the OCA numbering system would be the same.

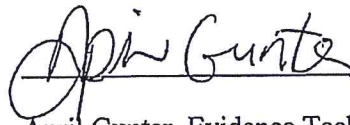
10. BPD has no record of receiving evidence back from the Watauga County Clerk's Office in 2005. The Watauga County Clerk of Court's Office would not have sent evidence back to BPD for destruction in 2005.

11. BPD conducts regular audits and inventories of our evidence facility as directed by the Chief of Police. Our last audit/inventory was conducted in 2014 by Evidence Technician April Gunter. At that time, there were no discrepancies.

12. There are not any unlabeled items of evidence or evidence that is not associated with a BPD case in the evidence facility.

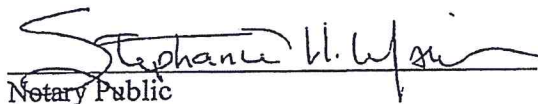
13. All areas where evidence is retained have been searched for evidence related to this case.

This the 17 day of June, 2015.

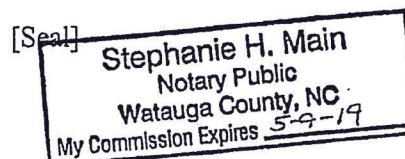


April Gunter, Evidence Technician

Sworn to and subscribed before me this 17<sup>th</sup> day of June, 2015

  
Notary Public

My Commission Expires: 5-9-2019





STATE OF NORTH CAROLINA  
COUNTY OF WATAUGA

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
94 CRS 4929

STATE OF NORTH CAROLINA )

v. )

ROBERT CHARLES BRAGG )

AFFIDAVIT

The undersigned, having first been duly sworn, deposes and says the following:

1. I am over the age of eighteen, suffer no legal disabilities, have personal knowledge of the facts set forth below unless stated upon information and belief, and am competent to testify. As to those facts stated upon information and belief, I believe them to be true.

2. I am employed as a Captain at the Watauga County Sheriff's Office (WCSO). I have been a sworn officer with the Watauga County Sheriff's Office since 2001. I have held the rank of Captain since 2006. Upon my promotion to this position, part of my duties include the supervision of the Watauga County Sheriff's Department evidence room.

3. The Watauga County Sheriff's Department evidence room is located at the Watauga County Law Enforcement Center. The Evidence Room is a large two-room secure area of the Law Enforcement Center, with rooms approximately 24' x 30' and 24' x 10'. The area is secured by double locks and is only accessible by an authorized and trained evidence custodian. All evidence received and removed from the Evidence Room is logged according to property control number and status. This procedure has been used continuously since 2006 when I became Captain of Investigations.

The Watauga County Sheriff's also utilizes a secure area in a building adjoining the Law Enforcement Center. This area is also secured by double locks and is only accessible by an authorized and trained evidence custodian. The process for receiving and removing evidence from this area is the same as described above.

4. The evidence facility has relocated one time since 1994. All evidence in the custody of the Watauga County Sheriff's Department was transferred to this facility at 184 Hodges Gap Road in Boone, North Carolina when the Sheriff's Department relocated from its long-standing location at 330 Queen Street, Boone, North Carolina.

5. Upon information and belief, the Watauga County Sheriff's Department has not held any evidence for the Town of Boone Police Department since approximately 1989. Since my employment with the Watauga County Sheriff's Department in 2001, I am unaware of the Watauga County Sheriff's Department storing evidence relating to any homicides or cases exclusively investigated by the Town of Boone Police Department.

The Watauga County Sheriff's Office does store evidence for the North Carolina Division of Community Corrections, the North Carolina State Bureau of Investigation and occasionally for other state and federal agencies.

6. At the request of Catherine Matoian of the North Carolina Innocence Inquiry Commission, I have searched for whether evidence related to this case is in the possession of the Watauga County Sheriff's Office. Most recently, on or about May 11, 2015, I physically searched for evidence related to Robert Charles Bragg, Kenneth Eugene Coffey, and Marvin Coy Hartley at the request of the North Carolina Innocence Inquiry Commission (NCIIC) and I did not find any evidence related to this case. As part of my search, I searched written and electronic records pertaining to items stored as evidence at the Watauga County Sheriff's Office, including a search of the names of all three individuals.

7. I also searched for documentation of destruction related to Robert Charles Bragg, Kenneth Eugene Coffey, and Marvin Coy Hartley and did not find any such documentation. In searching for documentation of destruction, I searched the names of the above stated individuals. Since I did not have a property control number for any particular piece of evidence, I could not search by property control number. I also reviewed paper documents from prior years records.

8. Upon information and belief, the oldest piece of evidence retained by our facility is from 1972.

9. Upon information and belief, the Watauga County Sheriff's Department has logged evidence by an evidence control number, suspect name, owner, officer presenting evidence for custody, and Sheriff's Office case number since at least the early 1970's. Since 2000, the Watauga County Sheriff's Department has used Sheriff's Pak for its electronic tracking of evidence.

10. For items with multiple co-defendants, each co-defendant's name is entered into the system under that custody control number.

11. For cases where an arrest is made or Court proceedings are pending, completed, or contemplated, the Watauga County Sheriff's Department does not destroy any evidence unless it has approved for destruction by the District Attorney's Office and a District or Superior Court Judge.

12. Upon information and belief, since 2006 I have only received destruction orders from the Watauga County Clerk of Superior Court on two separate occasions. When I receive these Orders, I meet the Assistant Clerk and acknowledge receipt of the Order and evidence to be destroyed. Upon signing the appropriate documentation, the evidence is transported to the Watauga County Sheriff's Office for destruction. The destruction of the evidence is then logged and witnessed by at least two officers. Upon information and belief, when we have received destructions Orders from the Watauga

County Clerk of Superior Court, it has only been for cases where the Watauga County Sheriff's Department has been the charging agency.

13. I am not aware of a bulk amount of evidence being received from the Watauga County Clerk's Office for destruction in 2005.


14. I have not seen the documentation from the Watauga County Clerk's Office related to the evidence in this case.

15. WCSO conducts regular audits and inventories of our evidence facility at least once a year. Our audits are ongoing and conducted by spot check of randomly selected pieces of evidence. Since 2006, these audits have only revealed minor discrepancies.

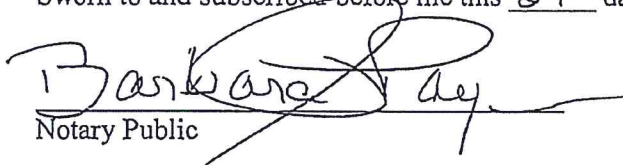
16. There are not unlabeled items of evidence or evidence that is not associated with a case in the evidence facility.

17. All areas where evidence is retained have been searched for evidence related to this case.

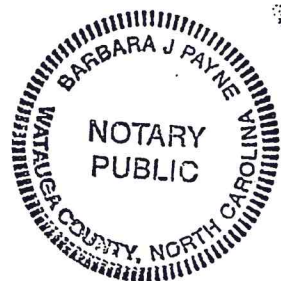
This the 27<sup>th</sup> day of July, 2015.

  
Jaska H. Rominger  
Captain of Investigations  
Watauga County Sheriff's Office

Sworn to and subscribed before me this 27<sup>th</sup> day of July, 2015

  
Notary Public

[Seal]



My Commission Expires: 02-05-2018



## Curriculum Vitae

Meghan E. Clement, MS, F-ABC

### Education

- 1985      **Master of Science, Forensic Science**  
University of New Haven, West Haven, Connecticut  
Honors: Graduate Fellow, 1984
- 1983      **Bachelor of Science, Biology**  
Westfield State College, Westfield, Massachusetts  
Graduated Cum Laude

### Professional Experience

**DIRECTOR OF OPERATIONS** July 2015- Present

Bode Cellmark Forensics, LabCorp Specialty Testing Group  
Lorton, VA

Responsibilities: Oversee all forensic operations, quality assurance aspects and work closely with the General Manager on other aspects of the business, perform technical reviews, provide case consultation and expert testimony.

**SENIOR DIRECTOR** July 2012- December 2015

Cellmark Forensics, LabCorp Specialty Testing Group  
Dallas, TX

Responsibilities: Manage the daily responsibilities of laboratory personnel and flow of both contract and independent casework, manage implementation of new tests, participate in analysis of casework and interpretation of results of STR, Y-STR and mtDNA analysis, perform technical reviews and administrative reviews, provide expert testimony, participate in marketing and sales functions.

**TECHNICAL DIRECTOR, FORENSIC IDENTITY** May 2000- July 2012

Laboratory Corporation of America  
Research Triangle Park, North Carolina

Responsibilities: Manage the daily responsibilities of laboratory personnel and flow of casework, as well as implementation of new tests, participate in analysis of casework and interpret results of DNA analysis, prepare reports,



provide expert testimony, direct and coordinate marketing and sales functions.

**ASSOCIATE DIRECTOR, FORENSIC IDENTITY** Aug. 1998- May 2000

Laboratory Corporation of America  
Research Triangle Park, North Carolina

Responsibilities: Direct and participate in the DNA analysis of samples submitted to the laboratory, prepare reports of results and provide expert testimony, supervise and direct laboratory technologists and lab clerk positions, direct and coordinate marketing and sales functions.

**ASSISTANT DIRECTOR, FORENSIC IDENTITY** Nov. 1994- Aug. 1998

Laboratory Corporation of America (formerly Roche Biomedical Laboratories)  
Research Triangle Park, North Carolina

Responsibilities: Conduct forensic DNA analysis on biological samples using both RFLP and PCR techniques, oversee and direct the laboratory technologists in the production of forensic DNA casework, prepare reports of results and provide expert testimony, assist in laboratory operations to ensure timely handling of cases and QA/QC measures, assist in the marketing and sales aspects of the Forensic Identity department.

**FORENSIC BIOLOGIST** March 1991 - Nov. 1994

Tarrant County Medical Examiner's Office  
Fort Worth, Texas

Responsibilities: Forensic analysis of biological samples using traditional serological techniques as well as RFLP DNA profiling, conduct research and validation of new techniques in the forensic biology field, provide expert testimony, provide training to officer's in various law enforcement agencies concerning the collection and preservation of evidence, crime scene investigation.

**SENIOR CRIMINALIST** March 1985 - March 1991

City of Albuquerque, Police Department, Criminalistics  
Albuquerque, New Mexico

Responsibilities: Assisted in implementing a DNA section including setting up quality control measures and population data bases, as well as performing validation studies, traditional serological analysis, blood/breath alcohol concentration analysis, provide expert testimony, crime scene investigation, train new personnel, officers and detectives.

**TEACHING ASSISTANT, FORENSIC SCIENCE** Sept. 1984- Mar. 1985

University of New Haven, West Haven, Connecticut

Responsibilities: Assist in teaching serological techniques to graduate students in the Criminalistics laboratories, assist in research projects being conducted.

**TEACHING ASSISTANT, BIOLOGY** Sept. 1983 - Sept. 1984

University of New Haven, West Haven, Connecticut

Responsibilities: Set up and assist in teaching various biology laboratories to undergraduate students.

**FORENSIC SCIENCE INTERNSHIP** August 1984

New Mexico State Police Crime Laboratory,  
Santa Fe, New Mexico

Observed and participated in case analysis under the supervision of New Mexico State Police forensic analysts in the serology, trace, drugs and firearms sections.

<b>Affiliations</b>
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American Academy of Forensic Sciences, Member

Southwestern Association of Forensic Scientists, Member

ASCLD/LAB-Biology Proficiency Review Committee Member (2013-Present)

ASCLD/LAB- Technical Advisory Committee Member (2014-Present)

<b>Expert Testimony and Depositions</b>
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Testified 350+ times in 33 states

Testified in local, state, military and federal courts

Forensic Laboratory Experience	Qualified
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- |                                   |      |
|-----------------------------------|------|
| • RFLP                            | 1989 |
| • PCR Analysis and Interpretation | 1990 |
| • DQ Alpha + Polymarker Testing   | 1995 |
| • Paternity Testing               | 1995 |
| • Mitochondrial DNA Analysis      | 1997 |
| • Commercial Kit STR Analysis     | 2002 |
| • Y-STR Analysis                  | 2003 |

<b>Certifications</b>
-----------------------

Molecular Biology Fellow - American Board of Criminalistics (ABC)

## Publications and Oral Presentations

Budowle, B., Monson, K., Anoe, K.S., Baechtel, S., Bergman, D.L., Buel, E., Campbell, P.A., Clement, M.E. et al (1991) A Preliminary Report on Binned General Population Data on Six VNTR Loci in Caucasians, Blacks and Hispanics from the United States. Crime Lab Digest 18:9-26.

Validation of Multiplex STR Profiling Systems for Forensic Casework Specimens  
American Academy of Forensic Sciences, Feb. 1998

Developing a DNA Laboratory on a Shoestring Budget  
Southwestern Association of Forensic Scientists, Spring Meeting 1991

## Continuing Education

- Oct 2015      *International Symposium on Human Identification*, Grapevine, TX
- Feb 2015      *AAFS Annual Meeting*, Orlando, FL
- Sept 2014      *Genome ID Forum*, Greensboro, NC  
*Forensic Genomic Applications*
- May 2014      *ASCLD Annual Meeting*, Scottsdale, AZ  
*Workshop-Solving Mixtures Genome-wide: Practical, Measureable Solutions*
- Feb 2014      *AAFS Annual Meeting*, Seattle, WA
- Oct 2013      *International Symposium on Human Identification*, Atlanta, GA
- Feb 2013      *AAFS Annual Meeting*, Washington, DC
- June 2012      *2012 NIJ Meeting*, Arlington, VA
- Feb 2012      *AAFS Annual Meeting*, Atlanta, GA
- Oct 2011      *Mixture Interpretation Workshop-Promega International Symposium on Human Identification*, National Harbor, DC
- Nov 2011      *CODIS Meeting*, Jasonville, FL
- Feb 2010      *AAFS Annual Meeting*, Seattle, WA



Aug 2009 *HID Future Trends in DNA Technology*, Applied Biosystems, Richmond, VA

Ape 2009 *FBI DNA Auditor's Refresher Training*, Raleigh, NC

Feb 2009 *AAFS Annual Meeting*, Denver, CO

July 2008 *NIJ Meeting*, Arlington, VA

Feb 2007 *AAFS Annual Meeting*, San Antonio, TX

Aug 2006 *AFDAA Summer Meeting*, Austin, TX

May 2006 *ABI Human Identity University*, Research Triangle Park, NC

Feb 2006 *AAFS Annual Meeting*, Seattle, WA

Jun 2005 *6<sup>th</sup> Annual DNA Grantees Workshop*, Arlington, VA

Apr 2004 *FBI DNA Auditor's Training*, Quantico, VA

Feb 2004 *AAFS Annual Meeting*, Dallas, TX  
*Forensic Human mtDNA Analysis Workshop*

Oct 2003 *International Symposium on Human Identification*, Phoenix, AZ  
*Making Sense of Popstats Workshop*

Apr 2003 *ASCLD/LAB-Laboratory Inspector Training Course*, Raleigh, NC

Feb 2003 *AAFS Annual Meeting*, Chicago, IL  
*Low Copy Number DNA Analysis Workshop*

Jun 2002 *DNA Grantees Workshop*, Arlington, VA

Oct 2001 *7<sup>th</sup> Annual CODIS User's Conference*, Arlington, VA

Feb 2001 *AAFS Annual Meeting*, Seattle, WA

Feb 2000 *AAFS Annual Meeting*, Reno, NV

Oct 1999 *NIJ Meeting*, Arlington, VA

Apr 1998 *Mitochondrial DNA Analysis and Data Basing*, presented by Mark Wilson and Clint Stauffer

Feb 1998 *AAFS Annual Meeting*, San Francisco, CA



- Sept 1997      *International Symposium on Human Identification*, Phoenix, AZ
- Feb 1997      *AAFS Annual Meeting*, NYC, NY
- Oct 1996      *English Speaking Working Group International Society for Forensic Haemogenetics*
- Sept 1996      *International Symposium on Human Identification*, Phoenix, AZ

<b>Specialized Schools and Training</b>
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- Dec 2011      *ASCLD/LAB TECHNICAL ASSESSOR REFRESHER TRAINING (June 2011 revision-on line training)*
- Apr 2009      *DNA AUDITOR REFRESHER TRAINING*, Presented by the FBI, Research Triangle Park, NC
- Jan 2006      *ASCLD/LAB-International ASSESSOR TRAINING COURSE*, Houston, TX
- Apr 2004      *DNA AUDITOR TRAINING*, FBI Academy, Quantico, VA
- Apr 2003      *ASCLD-LAB INSPECTOR TRAINING*, Raleigh, NC
- Mar 1995      *FORENSIC AMPLITYPE PM + HLA DQA1 PCR WORKSHOP*, Perkin-Elmer Training Dept., Foster City, CA
- June 1991      *ADVANCED FORENSIC DNA TYPING SCHOOL*, FBI Academy, Quantico, Virginia
- Mar-Jun1990 *VISITING SCIENTIST PROGRAM*, FBI Academy, Quantico, Virginia

Assisted in numerous DNA research projects being conducted by the FBI Research and Training Center including data base compilation, ethidium bromide use in DNA analysis, quantitation of human DNA using slot blot techniques, effect of glycerol concentration on DNA, studies on possible ladders for amplified fragment length polymorphisms (amp-FLPs)/variable number tandem repeats (VNTRs), and population data base compilation of amp-Flp MCT118.

- Dec 1989      *FORENSIC APPLICATIONS OF DNA TYPING*, FBI Academy, Quantico, Virginia

- Fall 1988     ***MOLECULAR GENETICS AND FORENSIC SCIENCE***, University  
of New Mexico, Albuquerque, New Mexico
- May 1988     ***DNA POLYMORPHISM AND DNA TYPING***  
***COURSE/WORKSHOP***, University of New Haven, West Haven,  
Connecticut

## KENNETH EUGENE COFFEY

### CRIMINAL RECORD

Conviction	Jurisdiction	DOO	Date of Conviction
DUI	WATAGUA	NONE PROVIDED	10/19/1982
INTOXICATED AND DISRUPTIVE (M)	WATAGUA	5/6/1989	6/21/1989
DWI	WATAGUA	5/17/1989	6/21/1989
INTOXICATED AND DISRUPTIVE (M)	WATAGUA	7/29/1989	9/13/1989
INTOXICATED AND DISRUPTIVE (M)	WATAGUA	7/2/1991	7/18/1991
DWI	WATAUGA	5/27/1992	7/27/1992
DWI-LEVEL 1	WATAUGA	6/20/1993	8/16/1993
POSS. OF MARIJUANA (M)	WATAUGA	9/14/1993	12/17/1993
POSS. DRUG PARAPHERNALIA (M)	WATAUGA	9/14/1993	12/17/1993
INTOXICATED AND DISRUPTIVE (M)	WATAUGA	9/24/1993	12/17/1993
INTOXICATED AND DISRUPTIVE (M)	WATAUGA	7/30/1994	10/19/1994
FIRST DEGREE MURDER	WATAUGA	12/8/1994	12/1/1995

## JOE LEE COTHREN

### CRIMINAL RECORD

Conviction	Jurisdiction	DOO	Date of Conviction
LARCENY OF MOTOR VEHICLE (F)	NONE PROVIDED	NONE PROVIDED	10/13/1961
LARCENY OF MOTOR VEHICLE (F)	FORSYTH	NONE PROVIDED	3/5/1963
ATTEMPTED ESCAPE PRISON (F)	AVERY	NONE PROVIDED	7/22/1963
ROBBERY WITH A DANGEROUS WEAPON (F)	AVERY	NONE PROVIDED	7/24/1964
ATTEMPTED ESCAPE PRISON (F)	AVERY	NONE PROVIDED	7/24/1964
ATTEMPTED ESCAPE PRISON (F)	RANDOLPH	NONE PROVIDED	1/26/1972
ARMED ROBBERY (F)	WILKES	NONE PROVIDED	7/1/1976
LARCENY OF MOTOR VEHICLE (F)	WILKES	NONE PROVIDED	7/1/1976
DWLR	WILKES	NONE PROVIDED	7/1/1976
ESCAPE FROM PRISON (F)	WILKES	NONE PROVIDED	8/1/1978
OTHER FELON	WILKES	NONE PROVIDED	8/1/1978
DWI	WILKES	4/4/1989	6/21/1989
DWLR	WILKES	4/6/1989	6/21/1989
DWLR	WILKES	4/13/1989	6/21/1989
RESISTING/OBSTRUCTING PUBLIC OFFICER (M)	WILKES	6/1/1989	6/21/1989



LARCENY (M)	WILKES	6/1/1989	6/21/1989
B & E (M)	WATAUGA	7/11/1990	7/25/1990
SHOPLIFTING (M)	WILKES	8/19/1991	10/2/1991
LARCENY (M)	WILKES	2/19/1993	4/14/1993
LARCENY (M)	WATAUGA	10/25/1993	12/14/1993
THEFT BY SHOPLIFTING	WHITFIELD (GA)	NONE PROVIDED	10/23/1998
ASSAULT WITH A DEADLY WEAPON (M)	WILKES	5/21/1999	6/25/1999
COMMUNICATING THREATS (M)	WILKES	5/21/1999	6/25/1999
SECOND DEGREE TRESPASS (M)	WILKES	5/21/1999	6/25/1999
SIMPLE ASSAULT-DV	WASHINGTON (TN)	NONE PROVIDED	12/19/2000
SHOPLIFTING (M)	WILKES	6/22/2002	7/12/2002
INTOXICATED AND DISRUPTIVE (M)	WILKES	7/24/2002	8/7/2002
LARCENY (M)	WILKES	10/2/2002	10/16/2002
POSS. STOLEN GOODS/PROPERTY (M)	WATAUGA	2/25/2003	3/10/2003
LARCENY (M)	WATAUGA	7/12/2003	12/5/2011
FIRST DEGREE TRESPASS (M)	WATAUGA	8/8/2003	12/5/2011
SECOND DEGREE TRESPASS (M)	WATAUGA	8/26/2003	12/5/2011
FIRST DEGREE TRESPASS (M)	WATAUGA	7/9/2007	7/24/2007
FIRST DEGREE TRESPASS (M)	WATAUGA	7/9/2007	7/24/2007

SECOND DEGREE TRESPASS (M)	WATAUGA	7/13/2009	8/17/2009
RESISTING PUBLIC OFFICER (M)	WILKES	3/6/2015	6/17/2015
INTOXICATED AND DISRUPTIVE (M)	WILKES	3/6/2015	6/17/2015
COMMUNICATING THREATS (M)	WILKES	4/6/2015	5/15/2015
INDECENT EXPOSURE (M)	WILKES	1/18/2016	1/20/2016
INTOXICATED AND DISRUPTIVE (M)	WILKES	1/18/2016	1/20/2016

For  
2-14-96  
10:59 am  
D.C. Judd, Asst. Clerk

STATE OF NORTH CAROLINA

COUNTY OF WATAUGA

THE STATE OF NORTH CAROLINA

vs.

File # 94 CRS 4929  
In the General Court of Justice  
Superior Court Division

ORDER

ROBERT CHARLES BRAGG

District Attorney, James T. Rusher, having made an application, in writing, stating his judgment that Kenneth Eugene Coffey is likely to assert his privilege against self incrimination and the Court having heard from the district attorney finds:

The district attorney's application complies with N.C.G.S. 15A-1052.

It is **Ordered** this order shall be filed with permanent records of this case and with the file entitled State of North Carolina vs. Kenneth Eugene Coffey file number 95 CRS 121. Further the Court directs a duplicate original be given to Kenneth Eugene Coffey.

The Court determines that the provisions of North Carolina General Statutes section 15A-1051 are applicable and orders Kenneth Eugene Coffey to testify. In the event said Kenneth Eugene Coffey asserts his privilege against self incrimination, this court will order him to testify.

To: Kenneth Eugene Coffey, you will not be excused from testifying on the ground that your testimony may tend to incriminate you. Your testimony may not be used against you directly nor may any information indirectly derived from your testimony be used against you in a criminal case.

This the 14 day of February, 1996.



Charles C. Lamm, Jr.  
Judge Presiding

000138

February 21, 1996

The Honorable William Farrell,  
Senior Deputy Attorney General  
State of North Carolina  
Department of Justice  
P.O. Box 629  
Raleigh, North Carolina, 27602

Dear Bill:

On February 5, 1996, I telephoned you and apprised you that I was applying for use immunity for Kenneth Eugene Coffey. At that time I related the circumstances of the case. You requested that I put the matter in writing.

Kenneth Eugene Coffey was convicted on December 1, 1995, of the first degree murder of Marvin Hartley. His conviction is on appeal. Mr. Hartley had been bludgeoned to death in his home. Cause of death was multiple lacerations on his head caused by a blunt instrument. Early on Kenneth Eugene Coffey became a suspect and was often interviewed by law enforcement. Although his statements were not all consistent, he did maintain that Robert Charles Bragg killed Hartley. Coffey's statements gave indication that he was at least present during the homicide. His statements were received in evidence at his trial and together with other circumstances became the basis for his conviction.

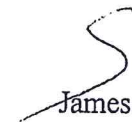
Without testimony of Coffey the district attorney perceived there to be little chance of conviction of Robert Charles Bragg. The trial of Robert Charles Bragg began on February 5, 1996, and a jury was impaneled in a capital trial. On February 8, 1996, I gave notice to the court and to counsel for Bragg that we were prepared to apply for an order requiring Coffey to testify. The court appointed an attorney for Coffey. On February 14, 1996, Coffey was called to the stand and he invoked his privilege against self incrimination. The judge ordered him to testify pursuant to our application.

000945



Enclosed are (1) my application for an order, (2) notice given counsel for Bragg, and (3) the order of the court.

With my best personal regards, I am



James T. Rusher,  
District Attorney

000946

Filed  
10:47 am  
D.C. Seal, Court, C.S.

STATE OF NORTH CAROLINA  
COUNTY OF WATAUGA

GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
94 CRS 4929

STATE OF NORTH CAROLINA

V

MEMO OF CONVERSATION

ROBERT CHARLES BRAGG

That on 13 February 1996 I met very briefly with Gail Fannon, attorney for Kenneth Eugene Coffey on two occasions. At the initial meeting Ms. Fannon asked, assuming Mr. Coffey provided truthful testimony, if the original plea offer would again be forthcoming if Mr. Coffey's conviction were overturned on appeal, what willingness our office would have to recommend to the Governor some reduction in Mr. Coffey's sentence and what protection Mr. Coffey could receive in prison. I told her that I would not be personally opposed to any of those things but I would have to consult with the District Attorney and give thought to her requests before making any promises to her or Mr. Coffey. At the outset of the second meeting I told Ms. Fannon that the State could not promise her or Mr. Coffey anything. That the things we earlier discussed were, from our standpoint, reasonable but that we could not make any promises to her or Mr. Coffey concerning them or any other help he might request. I explained to her the Protective Custody program in the Department of Correction and told her the same thing I have always told defendants and attorneys in similar situations: If he testifies truthfully I would feel he deserved some help but that I could not make any promises as to what that help might be; if he did not, he would foreclose any expectation of help he may have.

This 14 February 1996

CERTIFICATE OF SERVICE

The undersigned certifies that on the date  
below this document was served on

Gerald W. Wilson, ADA, 24th Dist.

JOFF HARRIS, UNWR  
attorney for defendant

SERVICE WAS MADE BY

- ☐ Personal delivery  
☐ Deposit of a copy of this paper enclosed in a post-paid, properly addressed wrapper in a post office of official depository for the exclusive care and custody of the United States Postal Service.

This 13 day of FEB, 19 96

James J. Rusher, District Attorney

Pvt

000139

WE ~~WE~~ CANNOT PROMISE YOU <sup>OR KUNNUVAH</sup> ANYTHING. THE  
THINGS ~~WE WOULD LIKE TO~~ YOU HAVE  
MENTIONED ARE REASONABLE REQUESTS AND  
ARE THINGS ~~WE WOULD LIKE TO~~ THAT MAY  
BE APPROPRIATE IF KUNNUVAH COOPERATES  
AND THAT WE WOULD HAVE NO PROBLEM WITH  
BUT, WE ARE NOT PROMISING YOU OR  
~~KUNNUVAH~~ KUNNUVAH ANYTHING. IF  
HE <sup>TOLLS THE TRUTH</sup> COOPERATES WE WOULD FEEL  
~~GOOD TOWARDS HIM AND WOULD~~  
~~WANT TO HELP HIM~~ ~~AND WOULD~~  
~~NOT COOPERATE~~ SYMPATHETIC  
TOWARDS HIM. IF HE DOES NOT  
COOPERATE WE WOULD NOT BE  
SYMPATHETIC TO HIM. ~~WE WOULD~~  
~~BECAUSE IT IS NOT OUR~~ ~~OR~~  
~~OUR~~ IN THE END WE ARE  
NOT PROMISING YOU OR KUNNUVAH  
ANYTHING



COPY

Gail P. Fannon  
Attorney at Law

Post Office Box 548  
Boone, North Carolina 28607  
(704) 264-8249

184 N. Water Street  
Boone, North Carolina 28607  
telecopier: (704) 264-4291

March 4, 1998

Walter T. Johnson, Jr.  
Attorney at Law  
1113 East Wendover Avenue  
Greensboro, NC 27405

RE: Kenneth Eugene Coffey

Dear Mr. Johnson:



I represented Kenneth for purposes of his testimony in the Bragg case. I was not his attorney in the trial of his own case. Prior to and in connection with his own case he had made several statements. The one which law enforcement found believable was one that was made to the polygraph operator, a session that Kenneth went to without his attorney, after one was appointed for him. When he was brought back and requested to testify following his conviction, I was appointed and went to jail in an adjoining county (Bragg was in jail here) to interview him, at which time he agreed to testify. His conviction was on appeal and the options I discussed with the district attorney were 1) that if his appeal was granted we would have a plea offer of second degree, 15 years, 2) that if he was not successful on his appeal, the state would "not object" (my wording for lack of a better term) to application to the appropriate body - Court, governor, for a reasonable reduction in his sentence. The district attorney did not promise anything. It is not policy for him to do so prior to testimony of a witness but the assistant that we dealt with can be depended on to follow through.

Kenneth did testify at the Bragg trial in such a manner that the district attorney and law enforcement were quite pleased. After previously having given different versions, his story from the start appeared to be the most truthful and was well delivered by Kenneth, along with his maintaining himself well during cross examination. Bragg was convicted.

Then for some unknown reason the attached letter was sent to the Judge or district attorney, I'm not sure who first received it, by Kenneth or on his behalf. I don't know whatever possessed him to write it but I do suppose Bragg's attorney will use it as the basis for a Motion as Bragg's conviction and sentencing were upheld on appeal last week.

I have contacted the district attorney after receiving your letter and inquired (with hat in hand) whether he would oppose a "reasonable" motion for appropriate relief. The answer was

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non-committal but favorable. I think that he will certainly still discuss the options, but we would all like to know why he wrote the letter.

Please contact me if I can be of further assistance, especially in speaking with the district attorney and discussing a plan of action that would not receive opposition.

Very Truly Yours,

A handwritten signature in cursive script, appearing to read "Gail P. Fannon".

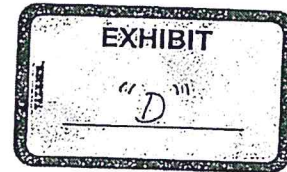
Gail P. Fannon

GPF/mlg

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STATE OF NORTH CAROLINA

COUNTY OF AVERY



Affidavit of Kenneth Eugene Coffey

Now comes Kenneth Eugene Coffey, and being first duly sworn, deposes and says that:

1. I am currently a resident of Avery County, North Carolina, where I am now incarcerated at Avery/Mitchell Correctional Institution located at Spruce Pine, North Carolina. I am more than 18 years of age. I make this affidavit based on my own personal knowledge.
2. That on or about sometime in November of 1996, while incarcerated at Marion Correctional Institution, located at Marion, North Carolina, two inmates known as Wallace Jones and Jimmy Macrey came into my cell. Once inside inmate Jones pulled out what appeared to be a hand made knife. Both Jones and Macrey then explained that they were going to kill me if I did not write a letter to the District Attorney exonerating my co-defendant, Robert Charles Bragg, whom I testified against at trial.
3. As a result of the serious nature of the threat I wrote the letter to the District Attorney exonerating my co-defendant. The letter stated in part that I did not see Bragg do any of the beating and that I lied during my testimony at trial. However, the letter was made under threat and duress, and therefore the letter wrote to the District Attorney was false.
4. It is my testimony at trial that is truthful in my case. After being threatened I told inmates Jones and Macrey to write the letter and that I would sign it, however, they refused because they wanted the letter to be in my own handwriting.
5. After watching me mail the letter, inmates Jones and Macrey then left me alone.
6. I later learned that inmate Wallace Jones was serving a sentence of Life plus 40, and inmate Jimmy Macrey was serving a sentence of 90 years, and both were good friends of Robert Charles Bragg, my co-defendant.
7. While at Avery/Mitchell Correctional Institution I recently met an inmate by the name of Richie Sanborn who explained to me that he had been stabbed by Jimmy Mackrey and Aaron Outlaw sometime in early 1995 because they wanted him to write a statement incriminating himself in a crime that some else had committed and he refused.

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I, Kenneth Eugene Coffey, certify that the foregoing affidavit is true and correct to the best of my knowledge and belief on this 28 day of NOV., 2000.

Kenneth Coffey  
Kenneth Eugene Coffey

Sworn to and subscribed before me,

This the 28<sup>th</sup> day of November, 2000.

Bruce J. Stuckland  
Notary Public

My Commission Expires: 2/21/2001

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## LAMONT UNDERWOOD

### CRIMINAL RECORD

Conviction	Jurisdiction	DOO	Date of Conviction
FIRST DEGREE MURDER	WATAUGA	12/4/1993	7/25/1997
FIRST DEGREE KIDNAPPING	WATAUGA	12/4/1993	7/25/1997



# Suspect facing murder charge

## Tennessee man returned here, held in Watauga jail under bond

By SANDY WALL  
Democrat Staff Writer

A Tennessee man charged with the murder of an elderly Boone resident is now in the Watauga County Jail under a \$75,000 secured bond.

Robert Charles "Bobby" Bragg, 41, of Route 1, Shady Valley, Tenn., was returned to Watauga County from Tennessee late Monday. He faces a first-degree murder charge here in the beating death of 76-year-old Marvin "Coy" Hartley.

Bragg had been held in the Johnson County, Tenn., Jail under a five from justice warrant after having been picked up over the weekend in Mountain City, Tenn., by Johnson County authorities.

Upon his return to Watauga County, Bragg was taken before Judge Bill Leavell, who set his bond.

According to court records, Boone attorney Vince Gable has



**ROBERT BOBBY BRAGG**  
been assigned to handle Bragg's case after it was determined that Bragg, who is unemployed, could not afford an attorney.

*Please turn the page*

FROM PAGE 1

## Suspect

A probable cause hearing in the case has been scheduled for Jan. 3, 1996, at the Watauga County Courthouse, court officials say.

Hartley, a native of Watauga County, whose funeral was Tuesday, had been found last Thursday night in the living room of his trailer at 181 Winter Drive in the Greenway Trailer Park in Boone.

An autopsy revealed that Hartley had died after suffering blunt head trauma, as well as bleeding around the brain, caused by a beating he sustained. He also had cuts and bruises on his head and chest, said Dr. Brent Hall, who handled the autopsy.

Boone investigators say that Hartley and Bragg knew each other. Officials have also said that robbery was the likely motive because money was taken from Hartley's trailer.

A search warrant on file Monday at the Watauga County Clerk of Court's office called for Hartley's trailer to be searched for \$2,400 that officials believe Hartley had.

Hartley's murder was the first killing in Watauga County this year.

Hartley was known to many Boone residents for his overalls and his frequent walks around Watauga Village Shopping Center and Southgate Shopping Center in Boone.

20th Century Plastics  
1-800-421-4662  
STOCK # PPV81

## **RHONDA JEAN CARSON**

### **CRIMINAL RECORD**

<b>Conviction</b>	<b>Jurisdiction</b>	<b>DOO</b>	<b>Date of Conviction</b>
INTOXICATED AND DISRUPTIVE (M)	WATAUGA	7/29/1994	9/8/1994
TELEPHONE HARASSMENT (M)	TAZEWELL (IL)	10/2/2008	12/30/2008

## JAMES ALLEN MANUEL

### CRIMINAL RECORD

Conviction	Jurisdiction	DOO	Date of Conviction
VIOLATION OF PROBATION & DESTROYING PROPERTY	VA	1979	NONE PROVIDED
BURGLARY	VA	1985	NONE PROVIDED
BURGLARY	VA	1988	NONE PROVIDED
ATTEMPT TO ELUDE	VA	1988	NONE PROVIDED
OBSTRUCTING POLICE	VA	1988	NONE PROVIDED
UNAUTHORIZED USE OF A MOTOR VEHICLE (M)	ALLEGHANY	4/6/1990	6/12/1990
RESISTING/OBSTRUCTING PUBLIC OFFICER (M)	ALLEGHANY	4/6/1990	6/12/1990
DWI	ALLEGHANY	4/6/1990	6/12/1990



## JOHN SHOEMAKE

### CRIMINAL RECORD

Conviction	Jurisdiction	DOO	Date of Conviction
LARCENY (OVER \$200) (M)	ASHE	NONE PROVIDED	5/22/1979
DWLR	WATAUGA	7/14/1989	8/30/1989
FINANCIAL CARD FRAUD (M)	WATAUGA	4/7/1991	5/20/1991



## JACKIE SHOEMAKE SNOW

### CRIMINAL RECORD

Conviction	Jurisdiction	DOO	Date of Conviction
DUI OF ALCOHOL OR CONTROLLED SUBSTANCE	LANCASTER (PA)	NONE PROVIDED	10/10/2013
DUI OF ALCOHOL OR CONTROLLED SUBSTANCE	LANCASTER (PA)	NONE PROVIDED	10/10/2013
ACCIDENTS-DAMAGE TO ATTENDED VEHICLE/PROPERTY (M)	LANCASTER (PA)	NONE PROVIDED	10/10/2013
VIOLATION OF THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT (M)	LANCASTER (PA)	NONE PROVIDED	10/10/2013

## **ALFRED HENLEY**

### **CRIMINAL RECORD**

<b>Conviction</b>	<b>Jurisdiction</b>	<b>DOO</b>	<b>Date of Conviction</b>
POSS. OF MARIJUANA	AZ	NONE PROVIDED	12/31/1974
POSS. OF MARIJUANA WITH INTENT TO DISTRIBUTE	AZ	NONE PROVIDED	12/31/1974
POSS. OF MARIJUANA	AZ	NONE PROVIDED	12/31/1974
POSS. OF DRUG PARAPHERNALIA	TN	2000	NONE PROVIDED
LARCENY (M)	WATAUGA	11/7/2002	8/25/2003

## **ROBERT CHARLES BRAGG**

### **CRIMINAL RECORD**

<b>Conviction</b>	<b>Jurisdiction</b>	<b>DOO</b>	<b>Date of Conviction</b>
ASSAULT ON A FEMALE (M)	WATAUGA	10/15/1991	2/11/1992
SHOPLIFTING (M)	WATAUGA	2/21/1993	4/7/1993
INTOXICATED AND DISRUPTIVE (M)	WATAUGA	10/15/1993	12/17/1993
FIRST DEGREE MURDER	WATAUGA	12/8/1994	2/26/1996

## QUINTON SHERRILL

### CRIMINAL RECORD

Conviction	Jurisdiction	DOO	Date of Conviction
UNAUTHORIZED USE OF MOTOR CONVEYANCE (F)	MECKLENBURG	6/20/1989	12/7/1989
RECEIVING STOLEN GOODS (F)	MECKLENBURG	6/20/1989	12/7/1989
POSSESSION SCHEDULE II (F)	MECKLENBURG	NONE PROVIDED	12/7/1989
LARCENY OF MOTOR VEHICLE (F)	MECKLENBURG	8/5/1989	12/13/1989
RECEIVING STOLEN GOODS (F)	AVERY	6/20/1989	4/11/1991
SECOND DEGREE MURDER	MECKLENBURG	10/1/1994	3/21/1995
AWDW SERIOUS INJURY	MECKLENBURG	11/8/1994	3/2/1995
ATTEMPTED ESCAPE FROM JAIL	MECKLENBURG	11/8/1994	3/21/1995



STATE OF NORTH CAROLINA  
COUNTY OF WATAUGA

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
FILE NO. 94 CRS 4929

---

STATE OF NORTH CAROLINA,

Petitioner,

vs.

ROBERT CHARLES BRAGG,

Defendant.

---

T R A N S C R I P T

Kenneth Coffey  
Recorded Interview

Transcript of the recorded interview conducted of Kenneth Coffey conducted by Sharon Stellato, Associate Director, North Carolina Innocence Inquiry Commission. The interview took place on October 20, 2011, as part of an investigation by the North Carolina Innocence Inquiry Commission.

Appearances on behalf of:

North Carolina Innocence Inquiry Commission  
Administrative Office of the Courts  
P.O. Box 2448  
Raleigh, North Carolina 27602

Sharon Stellato  
Associate Director

Catherine Matoian  
Grant Staff Attorney

Aschante Pretty  
Paralegal

Adam Wrenn  
Case Coordinator

ROWE COURT REPORTING  
919.649.1656  
ddrsteno@gmail.com

1 [The interview commenced on October 20, 2011.]

2 MS. STELLATO: I'm sorry, can you say that again?

3 MR. COFFEY: Prisoner Legal Services lied -- the  
4 Innocent Project lied. They said I done it. They said I done  
5 it. Walker signed my name on -- the DOC officer signed my name  
6 on the screen sheet and said I killed Coy Hartley.

7 MS. STELLATO: Okay. Did you know Mr. Hartley?

8 MR. COFFEY: Yeah, I know'd him.

9 MS. STELLATO: Okay. How did you know him?

10 MR. COFFEY: I know'd him -- I know'd him from  
11 growing up.

12 MS. STELLATO: Okay.

13 MR. COFFEY: When I was a little boy.

14 MS. STELLATO: Was he a friend of yours?

15 MR. COFFEY: You could say he was, yeah.

16 MS. STELLATO: Okay. Do you remember the day of the  
17 murder?

18 MR. COFFEY: January the 6th -- no, January the  
19 8th, 1994.

20 MS. STELLATO: Okay. Do you remember what you were  
21 doing on that day?

22 MR. COFFEY: Yeah. I remember what I was doing.

23 MS. STELLATO: Okay. Can you tell me about that?

24 MR. COFFEY: I was out of town to see the lawyer  
25 about my disability going on.

1 MS. STELLATO: Okay.

2 MR. COFFEY: Then I went to the -- the restaurant  
3 in one of the (inaudible). I went there to shoot pool and I  
4 eat stuff. I ate stuff. And I saw the interviews. I seen the  
5 interviews for Bragg.

6 MS. STELLATO: Uh-huh.

7 MR. COFFEY: (Inaudible) the interviews.

8 MS. STELLATO: Okay.

9 MR. COFFEY: And I left my jacket there and went  
10 down to Bojangles' and I seen the deputy sheriff (inaudible)  
11 and a Watauga County, (inaudible) somebody. I don't know his  
12 last name.

13 MS. STELLATO: Did you see Mr. Bragg that day?

14 MR. COFFEY: I seen Bragg about 12:30 that day, I  
15 think. No, it was about 1 o'clock at -- at the A&P.

16 MS. STELLATO: Okay.

17 MR. COFFEY: Drinking wine. He was drinking a  
18 bottle of wine.

19 MS. STELLATO: You did?

20 MR. COFFEY: He did. Him and I. I drunk a swallow  
21 of it. He drunk a bottle of wine.

22 MS. STELLATO: Okay. On the -- on the night before  
23 the murder -- we've interviewed Mr. Bragg, and he said that he  
24 was spending the night with Mr. Hartley and that you came over  
25 sometime around 3 o'clock in the morning and you guys talked

1 and played guitar and had some drinks. Do you remember that?

2 MR. COFFEY: Yeah.

3 MS. STELLATO: Okay.

4 MR. COFFEY: Yeah. That was the day before. That  
5 was on the 7th, I think.

6 MS. STELLATO: Okay.

7 MR. COFFEY: It was either the 7th -- it might have  
8 been the 6th or the 7th.

9 MS. STELLATO: Okay.

10 MR. COFFEY: How many people is out there in the  
11 world there, is what I want to know?

12 MS. STELLATO: What?

13 MR. COFFEY: How many people is there out in the  
14 world? A lot of people living these days?

15 MS. STELLATO: Uh-huh.

16 MR. COFFEY: Huh?

17 MS. STELLATO: Uh-huh. Do you have anyone come visit  
18 you?

19 MR. COFFEY: No. I ain't had no visitors. It's  
20 been about 13 months ago.

21 MS. STELLATO: Okay. Have you ever told anyone that  
22 you were innocent of this murder?

23 MR. COFFEY: I've been telling Prisoner Legal  
24 Services ever since I've been locked up.

25 MS. STELLATO: And what do they say?



1 MR. COFFEY: They keep trying the same old stuff.

2 I don't know. Underwood said I done it. That's what I

3 (inaudible) Lamont Underwood.

4 MS. STELLATO: Okay.

5 MR. COFFEY: Bragg's best friend. I think he's

6 Bragg's -- some kind of detective had killed his wife or killed

7 somebody on Blue Ridge Parkway (inaudible.)

8 MS. STELLATO: Do you remember being interviewed by

9 police detectives after the murder?

10 MR. COFFEY: Yeah.

11 MS. STELLATO: Okay. I'm looking at one of your

12 interviews, okay. And I'm just going to read some stuff and I

13 want you to tell me whether that's true or not true.

14 MR. COFFEY: Okay.

15 MS. STELLATO: Do you remember taking a lie detector

16 test?

17 MR. COFFEY: They cut it off. They wouldn't let me

18 take it.

19 MS. STELLATO: They cut the test off?

20 MR. COFFEY: They kept -- they didn't have no proof

21 on me. They didn't have no prints or nothing. They didn't

22 have enough evidence on me. They kept questioning me, wanting

23 me to say I done it. I said what am I going to do -- how much

24 time am I going to do? They locked me up.

25 MS. STELLATO: Okay.

1                   MR. COFFEY:     They -- all the evidence pointed  
2     toward Bragg at the trial.

3                   MS. STELLATO:   Do you remember testifying against  
4     Robert Bragg at his trial?

5                   MR. COFFEY:     Testifying, yeah. I went back to  
6     court. Yeah, I did. I seen -- I seen him hit the man. That's  
7     all I said.

8                   MS. STELLATO:   Did you see that?

9                   MR. COFFEY:     Huh?

10                  MS. STELLATO:   Did you see Mr. Bragg hit him?

11                  MR. COFFEY:     I ain't going to say if I did or not.  
12     I ain't going to say.

13                  MS. STELLATO:   Okay. But you said that at Bragg's  
14     trial, right? When Bragg was on trial, you testified that all  
15     you saw --

16                  MR. COFFEY:     I didn't testify at my trial what I  
17     did. I went back about four months later after I done been  
18     tried. Bragg ain't been tried. He's still innocent. I been  
19     sent to prison at his trial.

20                  MS. STELLATO:   Okay. So did you think that maybe by  
21     telling officers what you had seen or telling officers that  
22     Bragg had hit the victim that they would be more lenient on  
23     you?

24                  MR. COFFEY:     I didn't know nothing about it. I  
25     didn't want to go to prison for something I didn't do.

1 MS. STELLATO: Okay. Did you ever argue with  
2 Mr. Bragg?

3 MR. COFFEY: I ain't never been into it with Bragg.

4 MS. STELLATO: Okay.

5 MR. COFFEY: I mean ever since I've been in this  
6 prison, I've been into it with Bragg. DOC, they must love old  
7 Bobby Bragg or something like that.

8 MS. STELLATO: Why?

9 MR. COFFEY: Because he'd start some shit with  
10 (inaudible). I don't know what it is. Some kind of -- whether  
11 he seen it or something. I don't know what he did.

12 MS. STELLATO: Do you get in a lot of fights here?

13 MR. COFFEY: I ain't been in no fights.

14 MS. STELLATO: Okay.

15 MR. COFFEY: Got my head knocked off one time and  
16 died. Come back. I ain't sure what it is I done. But I knew,  
17 but okay, I knew.

18 MS. STELLATO: Okay. Do you have any contact with  
19 your family?

20 MR. COFFEY: Just my brother, Gary.

21 MS. STELLATO: Okay.

22 MR. COFFEY: I don't know. He's probably dead. I  
23 don't know if he is or not. I hope he ain't got AIDS.

24 MS. STELLATO: Do you remember who your attorneys  
25 were?

1 MR. COFFEY: Robert Willis and Robert West.  
2 MS. STELLATO: Robert West?  
3 MR. COFFEY: Yeah.  
4 MS. STELLATO: Do you remember any other ones?  
5 MR. COFFEY: I can't remember their names. He was  
6 judge, Bob Smith. He was on the case, but he got off of it.  
7 MS. STELLATO: Okay.  
8 MR. COFFEY: All the lawyers I've had since I've  
9 been locked up -- Greensboro I had Walter Johnson and I had  
10 Robert Kitrell (phonetic - inaudible) and Rick Ramirez  
11 (phonetic).  
12 MS. STELLATO: Okay. Would you -- I have a -- I have  
13 a form over here. It's a form to release your attorney files  
14 to let me look through them to see what information they had  
15 against you at the time of the murder. Would you be willing to  
16 sign that form and let me review your files?  
17 MR. COFFEY: I ain't got no file. They didn't even  
18 -- well, the State used the file, the whole transcript, it was  
19 gone is what it was.  
20 MS. STELLATO: I have your transcript.  
21 MR. COFFEY: You have my transcript?  
22 MS. STELLATO: Yes. I have your whole transcript  
23 along with Mr. Bragg's transcript.  
24 MR. COFFEY: Well, I couldn't never get it. How  
25 long have you had my transcript?



1 MS. STELLATO: Maybe a year.

2 MR. COFFEY: How'd you get it?

3 MS. STELLATO: I believe that we got it from the  
4 court. I'd have to look. I believe we got it from the court.

5 MR. COFFEY: You people are all made up. Do you  
6 know the president -- do you know who the president is? Bev  
7 Perdue and all of them? They done pardoned me. I don't mind.  
8 I'm already a citizen. They pardoned me from that, from that  
9 charge, what they did. I'm a citizen of the United States of  
10 America. I'm on TV. I've been on TV for the last year.

11 MS. STELLATO: Okay. So --

12 MR. COFFEY: I don't know what you all did with my  
13 transcript. I wanted one.

14 MS. STELLATO: We don't have your original,  
15 Mr. Coffey. We have a copy of it.

16 MR. COFFEY: Oh, some kind of lie. Somebody  
17 (inaudible).

18 MS. STELLATO: The court keeps an original of your  
19 transcript. We do not --

20 MR. COFFEY: They didn't have it all. I tried and  
21 I tried to get it over the years and I couldn't never get it  
22 and it's my case is what I done.

23 MS. STELLATO: Where did you try to get it?

24 MR. COFFEY: I tried to get it several different  
25 times.

1 MS. STELLATO: Okay. Okay. Do you want to sign the  
2 release I have for me to look at your files?

3 MR. COFFEY: I'm not signing them.

4 MS. STELLATO: Huh?

5 MR. COFFEY: Uh-uh.

6 MS. STELLATO: No, you won't sign it? Okay.

7 MR. COFFEY: I've had enough of you telling the  
8 Prisoner Legal Service all these lies. I told them the truth.  
9 I didn't kill that poor man is what I done.

10 MS. STELLATO: Okay. You don't want anyone to look  
11 into that?

12 MR. COFFEY: I want (inaudible) President Obama. I  
13 got belief in him. I ain't got no belief in nobody else. Him  
14 and -- what's her name? (Inaudible) is what it was.

15 MS. STELLATO: Okay. Why did you say -- why did you  
16 say --

17 MR. COFFEY: That's what you want to hear. They  
18 didn't even have enough to say where I testified against Bobby.  
19 That's what you want to hear. I said, "Yeah, I did it."

20 MS. STELLATO: Okay. Why did you do that?

21 MR. COFFEY: I ain't got -- because he hurt too  
22 many children is what he done.

23 MS. STELLATO: Bobby did?

24 MR. COFFEY: A long time ago.

25 MS. STELLATO: What did he do?

1 MR. COFFEY: Man, I don't want to talk about that.

2 MS. STELLATO: Okay. Okay. But so let me ask you  
3 this: You weren't involved in -- in the murder of Mr. Hartley?

4 MR. COFFEY: No.

5 MS. STELLATO: Do you know who did it?

6 MR. COFFEY: I don't know who done it. All I know  
7 is there was a car or two come through Henry's trailer and  
8 stopped. I saw him. He pulled a 12-gauge shotgun on him. I  
9 took it away from him. And I don't know what it was. I  
10 grabbed it and then Bragg left (inaudible) and followed me is  
11 what it was.

12 MS. STELLATO: Do you remember telling your father  
13 that Robert Bragg was innocent?

14 MR. COFFEY: My father, Jack Coffey. I told him --  
15 I went to court and said both of us was innocent.

16 MS. STELLATO: You said both of you were innocent?

17 MR. COFFEY: Yeah. Because Judge Lamm. He said  
18 that it hurt the case is what it was. He didn't never  
19 (inaudible). That's 1995, '96. February of '96.

20 MS. STELLATO: Did Bobby Bragg give you some money  
21 after the murder? Do you remember that?

22 MR. COFFEY: Give me some money?

23 MS. STELLATO: Uh-huh. Did he give you some money at  
24 the grocery store, at the A&P after the murder?

25 MR. COFFEY: Who, Bobby?

1 MS. STELLATO: Uh-huh.

2 MR. COFFEY: Uh-uh. He didn't give me no money.

3 MS. STELLATO: You don't remember him giving you any  
4 money, okay.

5 Do you remember Bobby Bragg carrying a trailer hitch  
6 with him?

7 MR. COFFEY: Yeah. He had a trailer-ball hitch and  
8 (inaudible).

9 MS. STELLATO: What would he use it for?

10 MR. COFFEY: Last time he had it in a sock is where  
11 I seen it. I don't know. It went around my rib one time.  
12 That's all I know.

13 MS. STELLATO: During a fight? Did he use it for  
14 protection do you think?

15 MR. COFFEY: I guess he got scared of something. I  
16 don't know what he's scared of carrying a trailer-ball hitch is  
17 all.

18 MS. STELLATO: What did you use for -- like when you  
19 were out there, what did you use for protection?

20 MR. COFFEY: I didn't use nothing. My hands and  
21 feet. I didn't even carry a knife.

22 MS. STELLATO: Okay.

23 MR. COFFEY: I didn't even carry a knife.

24 MS. STELLATO: Okay.

25 MR. COFFEY: I didn't have nothing but a bottle of



1 vodka when I -- when they arrested me.

2 MS. STELLATO: But you were -- weren't you on --  
3 weren't you on medication not to drink at that time?

4 MR. COFFEY: No. Tim Ford put me on it. I took it  
5 -- I think I took it three of four tablets of it and lost it.  
6 I think I lost it at the restaurant.

7 MS. STELLATO: Okay. Are you sick right now?

8 MR. COFFEY: No. I'm -- something's choking me.  
9 Something's been choking me.

10 MS. STELLATO: Okay. But you're feeling okay?

11 MR. COFFEY: It's hard to come back from blunt  
12 trauma, but I'm coming back from it. I don't know how I got  
13 through it. I come back from trauma and died. I don't know  
14 how I...

15 MS. STELLATO: Who do you think killed Mr. Hartley?

16 MR. COFFEY: I don't know.

17 MS. STELLATO: Do you think they robbed him?

18 MR. COFFEY: I don't know. I think he had his  
19 money.

20 MS. STELLATO: Would you ever stay over there at his  
21 house?

22 MR. COFFEY: I have stayed there, yeah.

23 MS. STELLATO: Did you know people in that trailer  
24 park?

25 MR. COFFEY: Yeah. Charlotte Bennett. And I knew

1 the Bennetts and all, yeah.

2 MS. STELLATO: The Bennetts, okay. Do you remember  
3 Shirley Faircloth?

4 MR. COFFEY: Yeah. I remember Shirley. She's  
5 dead.

6 MS. STELLATO: I don't know. I'm not sure.

7 MR. COFFEY: Yeah.

8 MS. STELLATO: Did you date her for a while?

9 MR. COFFEY: Yeah.

10 MS. STELLATO: Did you know that she dated Robert  
11 Bragg, too?

12 MR. COFFEY: Yeah. She said he's -- yeah -- beat  
13 her some and then cussed her. That's what she told me.

14 MS. STELLATO: He was mean to her?

15 MR. COFFEY: He was mean to her. He kicked the  
16 door down and everything.

17 MS. STELLATO: Okay. Who else do you remember? Did  
18 you date Rene Nelson?

19 MR. COFFEY: I never did date Rene Nelson.

20 MS. STELLATO: You didn't date -- okay.

21 MR. COFFEY: No. I mean the Innocence Project got  
22 involved and said I done it.

23 MS. STELLATO: Huh?

24 MR. COFFEY: The Innocent Project and all of them got  
25 involved and said I done it. I didn't sign -- I didn't never

1 wrote it.

2 MS. STELLATO: They said that you did it, the murder?

3 MR. COFFEY: I don't know. Walter signed my name.

4 (Inaudible) right out of prison. Prisoner Legal Service took

5 an insurance policy out on him.

6 MS. STELLATO: Okay. So people were saying that you

7 did it and that Bragg didn't do it?

8 MR. COFFEY: They said Bobby done it.

9 MS. STELLATO: They said he did it. Okay. Do you

10 think that he did it?

11 MR. COFFEY: Is Bobby still living?

12 MS. STELLATO: Uh-huh.

13 MR. COFFEY: Is he?

14 MS. STELLATO: Uh-huh. He's in prison.

15 MR. COFFEY: Is he?

16 MS. STELLATO: Uh-huh.

17 MR. COFFEY: You been to see him?

18 MS. STELLATO: Uh-huh.

19 MR. COFFEY: Have you?

20 MS. STELLATO: Uh-huh. Do you want me to tell him

21 anything?

22 MR. COFFEY: I don't want to tell him nothing. I

23 ain't got nothing to say to him.

24 MS. STELLATO: Okay.

25 MR. COFFEY: After all the mess I've been through

1       about Bragg, I ain't got nothing to say to him no more.

2               MS. STELLATO: Uh-huh. Why do you think you're in  
3       prison right now?

4               MR. COFFEY: They charged me for a murder I didn't  
5       do.

6               MS. STELLATO: But what do you --

7               MR. COFFEY: They won't no friends of me. The  
8       fingerprints didn't match. There was no DNA that matched me.  
9       I didn't have no blood. They said they found blood all over  
10      the curb and everything. I didn't have a drop of blood on me.

11              MS. STELLATO: But why do you think that they went to  
12      you?

13              MR. COFFEY: Because Bragg and Underwood said I --  
14      I done it.

15              MS. STELLATO: Because Bragg said you did it?

16              MR. COFFEY: Yeah.

17              MS. STELLATO: Bragg didn't say that.

18              MR. COFFEY: I know he did. Underwood -- I know he  
19      did in jail.

20              MS. STELLATO: Uh-huh. Bragg didn't say you did it.  
21      Bragg still says he doesn't know if you did it. He wasn't --  
22      he doesn't know, but he wasn't with you. The reason -- the  
23      reason that the police arrested Bragg is that some of your  
24      statements said he was involved.

25              MR. COFFEY: I didn't say nothing to the law.



1 MS. STELLATO: You didn't give a confession?

2 MR. COFFEY: They tried to get me to say something,  
3 but I wouldn't talk to them. I said, "I plead the Fifth. I  
4 want -- I want a lawyer," is what I done.

5 MS. STELLATO: Okay. So you never -- you never said  
6 that you saw Bobby beating on Coy?

7 MR. COFFEY: I seen him hit Coy. I said I seen him  
8 hit the man after -- after Underwood and them said I done it.  
9 They said I killed the man.

10 MS. STELLATO: Why did you do that? Why did you say  
11 that?

12 MR. COFFEY: I don't know why I said that. I guess  
13 Bobby was pissed off because he got arrested whatever, got  
14 locked up.

15 MS. STELLATO: You think Bobby did it?

16 MR. COFFEY: I ain't stop him or nothing.

17 MS. STELLATO: You do know, don't you?

18 MR. COFFEY: Huh?

19 MS. STELLATO: You do know, right? I mean you know  
20 what happened. Do you think he did it?

21 MR. COFFEY: I ain't going -- after I died, I don't  
22 know why -- I don't know what happened.

23 MS. STELLATO: Okay. Was Rene Nelson at the trailer  
24 that night?

25 MR. COFFEY: She said she seen me and Bragg.

1 Walked in and seen me and Bragg. I don't know (inaudible).  
2 The day before I was over at Jeffrey's. I give her some -- I  
3 gave her some candy and stuff. But I didn't see -- I won't  
4 with Bobby at the time, what it was.

5 MS. STELLATO: Okay. Did you -- so you knew Jeffrey  
6 Nelson?

7 MR. COFFEY: I've known him since he was a little  
8 boy. He testified in court, said he seen me and Bobby in a --  
9 in the trailer park. We was drunk. And Bobby was following  
10 Coy up through the trailer park. (Inaudible).

11 MS. STELLATO: Uh-huh. Do you remember Rhonda  
12 Carson?

13 MR. COFFEY: Yeah.

14 MS. STELLATO: Did you date her?

15 MR. COFFEY: Yeah. She lived with me.

16 MS. STELLATO: She lived with you. So she was like  
17 your girlfriend?

18 MR. COFFEY: She was, yeah, for about seven months,  
19 I think.

20 MS. STELLATO: Okay. Was she there with you during  
21 the time of the murder?

22 MR. COFFEY: She got mad and she went off -- I  
23 don't know. I think she was on the porch. That's the last  
24 time I seen her. There was some kind of fight there. I don't  
25 know what it was. I wasn't into it. I was gone. I was -- I

1       went home. I said I seen her on the porch. Bobby was the only  
2       one that was over there at the time. I was (inaudible). I  
3       can't remember what happened to everyone.

4               MS. STELLATO: Do you think that Rhonda Carson was  
5       involved?

6               MR. COFFEY: I don't know how she got involved in  
7       all this mess, Rhonda.

8               MS. STELLATO: Okay.

9               MR. COFFEY: She said something and they locked me  
10      up. I don't know what she told the law. But she seen me. I  
11      seen her at the store that day and I went on. She was in a  
12      little car with somebody. I don't know who she was. She was  
13      just in a little car. I went off and walked -- went to Lowe's  
14      and called my dad. I kept walking towards home is what I done.  
15      I went up there to that trail for Henry's that little building  
16      and stayed there at the building.

17              MS. STELLATO: With Henry?

18              MR. COFFEY: Henry --

19              MS. STELLATO: Do you remember going in Henry's  
20      house? Huh?

21              MR. COFFEY: Henry, yeah.

22              MS. STELLATO: Do you remember going over there?

23              MR. COFFEY: Yeah.

24              MS. STELLATO: Bragg was with you. He says -- Bragg  
25      says he was with you.

1 MR. COFFEY: Bragg wasn't with me.

2 MS. STELLATO: He wasn't with you?

3 MR. COFFEY: No.

4 MS. STELLATO: He said he was with you at Henry's

5 house and that there was another lady there, too. I don't

6 remember her name, though, but she -- Cora.

7 MR. COFFEY: Coranna.

8 MS. STELLATO: Do you remember her?

9 MR. COFFEY: She died. Yeah.

10 MS. STELLATO: Okay. So Bragg says he was with you

11 and Henry and her and that you all sat around drinking and

12 talking. Do you remember that?

13 MR. COFFEY: What day was this on?

14 MS. STELLATO: Huh?

15 MR. COFFEY: What day was that on?

16 MS. STELLATO: The day after the murder. Around --

17 around morning/lunchtime.

18 MR. COFFEY: No. I was at -- I was at home with my

19 daddy is where I was. I went straight home is what I did. I

20 was going to go to Barbara's funeral and my daddy said, "Come

21 on. Let's go." I went home. I won't up there.

22 MS. STELLATO: Okay. Do you remember where you were

23 when the police arrested you?

24 MR. COFFEY: I was at Shirley's.

25 MS. STELLATO: Okay. Do you take any medication



1 right now?

2 MR. COFFEY: Restoril.

3 MS. STELLATO: What's that?

4 MR. COFFEY: Some kind of medicine. I've been on  
5 it for about 15 and a half years.

6 MS. STELLATO: Okay. So do you remember a lot of  
7 things that have happened to you in your life?

8 MR. COFFEY: I got my memory back after I woke up.  
9 It wasn't long after I woke up and I seen the lights, I seen an  
10 ambulance after I woke up. Woke up with a crushing sound in my  
11 head. And I come back alive and I said, I think I lost  
12 something.

13 MS. STELLATO: Uh-huh. So are there some things that  
14 have happened in the past that you can't remember anymore?

15 MR. COFFEY: I'm trying to keep memory of  
16 everything.

17 MS. STELLATO: Uh-huh. Is it hard?

18 MR. COFFEY: I used to have a good memory. It went  
19 all to pieces after -- you get your heels knocked off you and  
20 put your stuff back together. I don't know, it's hard to come  
21 back that way.

22 MS. STELLATO: Uh-huh.

23 MR. COFFEY: You don't believe me, do you?

24 MS. STELLATO: Oh, I believe you. Oh, yes, sir.

25 MR. COFFEY: You don't believe me.

1 MS. STELLATO: What don't I believe?

2 MR. COFFEY: Huh?

3 MS. STELLATO: What don't I believe?

4 MR. COFFEY: I don't know what you believe. Used  
5 to being a corner and all that good stuff is what you did.  
6 Super films and VCRs, ponies and sometimes his mama was good.  
7 Maybe her name was Maggie or something. Something about when  
8 she went to Christ and met the callings and stuff, what she  
9 did. She had a special touch against children is what she did.

10 MS. STELLATO: Did you ever know Bragg to hurt  
11 anybody?

12 MR. COFFEY: Shirley said he was. I don't know.  
13 He'd joke and all about mama beating him half to death, beat  
14 (inaudible). And old man Conrad Thompsy (phonetic) didn't like  
15 old Bobby Bragg.

16 MS. STELLATO: Did you ever hear about -- not the  
17 murder, okay, not that, but did you ever hear about him hitting  
18 someone else with the trailer-ball hitch?

19 MR. COFFEY: I heard he killed his mama and daddy.  
20 I heard that a long time ago.

21 MS. STELLATO: You heard he killed his mom and dad?

22 MR. COFFEY: Yeah.

23 MS. STELLATO: Huh. I haven't heard that. Did you  
24 ever hurt anybody?

25 MR. COFFEY: I ain't never been in no fight. I

1       didn't hurt no one.

2               MS. STELLATO:   Okay.

3               MR. COFFEY:     One fight in here and that was over my  
4       (inaudible).

5               MS. STELLATO:   Bobby Bragg said you guys got in a  
6       fight one time.

7               MR. COFFEY:     I ain't never been in no fight with  
8       Bobby Bragg.   Just right here, this prison.   He got some -- I  
9       don't know what he did.   They had a ball and chain and all this  
10      stuff.   Everybody (inaudible).

11              MS. STELLATO:   Did Bobby Bragg ever tell you he was  
12      going to kill you?

13              MR. COFFEY:     I don't know.   I'm ain't scared of  
14      Bobby Bragg.   I done -- I ain't scared of him no more.   I don't  
15      know whether he ever told me he was going to kill me or not.  
16      That's the way -- he must have said -- I guess something  
17      happened there in that prison.   I don't know what happened.  
18      And it all comes back on me is what it is.   I sit there and  
19      (inaudible).   My daddy even tried to stop the (inaudible).

20              MS. STELLATO:   Do you think there's a lot of innocent  
21      people in prison?

22              MR. COFFEY:     That's what they all -- most of them  
23      (inaudible).   They got too many people that's child molesters  
24      that killed children in here and all is what they have.   I  
25      ain't never heard of no baby molester.   I never touched no

1 little baby. I didn't have to hold a baby. That's Crystal, my  
2 daughter. (Inaudible), I took care of him. I don't know why  
3 people call me a child molester for. I cannot stand that. I  
4 might be a little slow and stuff, but I ain't no child  
5 molester.

6 MS. STELLATO: Okay. So people in there -- do people  
7 in here tell you that they're innocent?

8 MR. COFFEY: They ain't never told me nothing. I  
9 don't talk to people, what I done. I don't pay them no  
10 attention because I ain't (inaudible) children molester.

11 MS. STELLATO: Okay.

12 MR. COFFEY: I was a children -- my daddy didn't  
13 never do none of the shit like that to me. They got -- they  
14 get into child molestation or something like that.

15 MS. STELLATO: So let me ask you something. If Bobby  
16 Bragg is innocent, do you think he should be in prison?

17 MR. COFFEY: I don't think -- I don't know if he  
18 is. Bobby should have said that you have enough evidence on  
19 him on his daddy on his mama. He should have been behind bars,  
20 I guess.

21 MS. STELLATO: Okay. But what about the murder of  
22 Mr. Hartley, did he do that?

23 MR. COFFEY: I ain't gonna say. I don't know if he  
24 did it or not.

25 MS. STELLATO: Yeah, you do.



1 MR. COFFEY: Huh?

2 MS. STELLATO: You know.

3 MR. COFFEY: I don't know.

4 MS. STELLATO: You don't know what happened?

5 MR. COFFEY: No.

6 MS. STELLATO: You weren't there?

7 MR. COFFEY: I wasn't there.

8 MS. STELLATO: Okay. So you don't want to sign this

9 release form for me, huh?

10 MR. COFFEY: You can't help him. Gorbachev is going

11 help him. Obama. Bev -- you know who Perdue -- Bev Purdue is?

12 MS. STELLATO: The governor?

13 MR. COFFEY: Yeah. She's gonna pardon me.

14 MS. STELLATO: Is she?

15 MR. COFFEY: Yeah.

16 MS. STELLATO: Okay.

17 MR. COFFEY: How can you help me? What are you going

18 to do, jump in line?

19 MS. STELLATO: I want to get your attorneys' files.

20 I want to go back over your case. Do you want to let me do

21 that? Do you want to sign this form or do you not want to sign

22 the form?

23 Let me do this. Let me pass the form to you and you

24 look at it, okay?

25 MR. COFFEY: The State -- you the State. I don't

1 trust the State. After I've been in here for the State, I  
2 don't trust the State.

3 MS. STELLATO: Okay.

4 MR. COFFEY: If you work for the State,  
5 (inaudible) been there.

6 MS. STELLATO: Just look at that, okay?

7 MR. COFFEY: Innocent Project. They've got a file  
8 on me is what they did.

9 MS. STELLATO: We're a different organization.  
10 That's the Innocence Project. We're the Innocence Commission.

11 MR. COFFEY: That was Innocent -- I'll sign it. I  
12 don't know if that -- I don't know if they're going to slow you  
13 down. I want to go home. I want to go to the streets.

14 MS. STELLATO: Okay.

15 MR. COFFEY: I don't know how long I'm going to be  
16 in here. I don't want to sign nothing. That's what I'm scared  
17 of.

18 MS. STELLATO: Okay. I'm going to put a pen through  
19 here. Can you see it or no? Can you see that?

20 MR. COFFEY: Yeah. I see it.

21 MS. STELLATO: Okay.

22 (Pause.)

23 MR. COFFEY: Do I need to sign here at the bottom?  
24 If I don't, that's fine.

25 MS. STELLATO: Yeah. You just do exactly what you

1 did. On that top line, you have to fill in your name. It says  
2 "I", you have to put Ken Coffey right there. Do you see that  
3 at the very top? Yeah, right there. Okay.

4 MR. COFFEY: How long do you think you all are  
5 going to do all this?

6 MS. STELLATO: I don't have any idea, sir.

7 MR. COFFEY: It's slow. I've been waiting for  
8 years to get out of here.

9 MS. STELLATO: Uh-huh. Let me ask you a question  
10 about this form, okay? Do you understand what you're signing?

11 MR. COFFEY: It's going to send my case to  
12 President Obama is what it is because you people are slow.  
13 I've been waiting on Prisoner Legal Services for years.

14 MS. STELLATO: Okay. I'm not Prisoner Legal  
15 Services, okay, and I'm not President Obama, okay, or his  
16 office. I'm the Innocence Commission. And this is giving me  
17 permission to get your attorney files. Do you understand -- do  
18 you understand that?

19 MR. COFFEY: Yeah.

20 MS. STELLATO: Okay. Do you have anything, any  
21 information about what happened that you think I should know  
22 that would help me or help you or help Mr. Bragg?

23 MR. COFFEY: They ain't got no prints. The  
24 (inaudible) doesn't match.

25 MS. STELLATO: Okay.

1           MR. COFFEY:    They have no (inaudible) stuff. They  
2    had blood, drew blood on a Bragg, a knife. And I don't know  
3    whether there's anything under Obama or not. I don't think  
4    (inaudible). They had something on Bragg's (inaudible). Have  
5    you got all that wrote down?

6           MS. STELLATO: Uh-huh. Yeah. She's taking notes for  
7    me. She's writing that.

8           MR. COFFEY:    A ball cap and something else. I  
9    don't know what all they had on Bragg.

10          MS. STELLATO: Was that -- the baseball cap that they  
11    found, was that yours?

12          MR. COFFEY:    That ain't mine. I ain't never wear  
13    no cap.

14          MS. STELLATO: Was it -- did you ever see Bobby Bragg  
15    wear a cap, do you know?

16          MR. COFFEY:    I think he used to wear one.

17          MS. STELLATO: Okay. Did you ever see Coy Hartley  
18    wear a cap?

19          MR. COFFEY:    Yeah. He used to wear a Redman Cap.

20          MS. STELLATO: A Redman?

21          MR. COFFEY:    Yeah.

22          MS. STELLATO: Okay. Did you ever see him wear a  
23    Pepsi toboggan?

24          MR. COFFEY:    I think I did. That's been -- God,  
25    that's been...



1 MS. STELLATO: A long time. Did you ever have -- did  
2 you ever wear a Pepsi toboggan?

3 MR. COFFEY: I ain't never wore no toboggan.

4 MS. STELLATO: Okay.

5 MR. COFFEY: Well, when I was little I did.

6 MS. STELLATO: Okay. Is there anybody you think I  
7 should talk to, interview about this case?

8 MR. COFFEY: They know (inaudible) -- I didn't do  
9 this. Linda Rene Nelson, she wrote and said she didn't see me  
10 that day. Did you see that statement?

11 MS. STELLATO: Uh-uh.

12 MR. COFFEY: She wrote and testified and said she  
13 didn't see me and Bragg together --

14 MS. STELLATO: Okay.

15 MR. COFFEY: -- is what I heard.

16 MS. STELLATO: Okay. Well, I think I'm going to --  
17 I'm going to end this interview, okay. I don't need any other  
18 information from you. Do you need to tell me anything?

19 MR. COFFEY: Uh-uh.

20 MS. STELLATO: No?

21 MR. COFFEY: What's your name?

22 MS. STELLATO: My name is Sharon.

23 MR. COFFEY: Sharon?

24 MS. STELLATO: Uh-huh. I'm going to go ahead and  
25 conclude this interview at 2:25. [The interview concluded.]

## 1 CERTIFICATION OF TRANSCRIPT

2  
3 This is to certify that the 30 foregoing pages of this  
4 transcript of the recorded interview taken on October 20, 2011,  
5 is a true and accurate transcript of the interview to the best  
6 of my ability. I further certify that I am not related to any  
7 party or attorney, nor do I have any interest whatsoever in the  
8 outcome of this action.

9 This the 5th day of May, 2016.  
10  
11



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NORTH CAROLINA  
WATAUGA COUNTY

GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
CASE NO. 94 CRS 4929

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STATE OF NORTH CAROLINA,

Petitioner,

T R A N S C R I P T

vs.

Kenneth Coffey

ROBERT CHARLES BRAGG,

Recorded Interview

Defendant.

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Transcript of the recorded interview taken of Kenneth Coffey and was conducted by Sharon Stellato with the North Carolina Innocence Inquiry Commission. The interview took place on August 11, 2016.

Appearances:

On behalf of North Carolina Innocence Inquiry  
Commission:

Sharon Stellato, Staff Investigator  
Catherine Matoian, Grant Staff Attorney  
Administrative Court Office  
P.O. Box 2448  
Raleigh, North Carolina 27602

Also Present:

Kenneth Coffey



1 P R O C E E D I N G S

2 MS. STELLATO: So let me give you my card, okay?

3 MR. COFFEY: I'm supposed to be going home today is  
4 what I am. I'm out of prison. They turned me loose.

5 MS. STELLATO: Really?

6 MR. COFFEY: I don't know, what's this supposed to be  
7 about anyway? I didn't call no lawyer.

8 MS. STELLATO: Well, I'm not a lawyer. My name is  
9 Sharon and I'm from a state agency called the Innocence Inquiry  
10 Commission.

11 MR. COFFEY: The Innocent Project?

12 MS. STELLATO: No, sir.

13 MR. COFFEY: Oh, it's a different project.

14 MS. STELLATO: Uh-huh. It -- it's a state agency.  
15 So we're a neutral fact-finding agency, so we don't represent  
16 people --

17 MR. COFFEY: Oh, okay.

18 MS. STELLATO: -- okay?

19 And I'm here to talk to you today about a -- about an  
20 old case, a case that you're in prison for.

21 MR. COFFEY: 1994.

22 MS. STELLATO: Uh-huh. So --

23 MR. COFFEY: CR file '95. 1995.

24 MS. STELLATO: You remember it?

25 MR. COFFEY: Yeah.

1 MS. STELLATO: Do you want to tell me what happened?

2 MR. COFFEY: A man got killed and they charged me for  
3 it, what it is. I didn't do it.

4 MS. STELLATO: Who else did they charge?

5 MR. COFFEY: Robert Bragg. Me and Robert Bragg.

6 MS. STELLATO: Okay. Tell me -- tell me a little bit  
7 about -- about your history. Tell me a little bit about  
8 growing up and -- and your life and things like that.

9 MR. COFFEY: I've been beat a lot. I've been hit in  
10 the head a lot, all that. Because I had a good daddy. He used  
11 to sell produce and worked good; worked in the fields; worked  
12 in wood, worked landscaping. I don't know. My daddy's had a  
13 temper, what it is. I've been chopped with a hoe two or three  
14 times. I've been hit in the head several times.

15 No. I've been assaulted here since I've been here in  
16 this place, whatever, over and over and over.

17 MS. STELLATO: Did you have any siblings, any  
18 brothers or sisters?

19 MR. COFFEY: I got three brothers.

20 MS. STELLATO: Three brothers. When you were growing  
21 up, did you finish high school?

22 MR. COFFEY: Tenth grade. I went to tenth grade.

23 MS. STELLATO: Okay. Did you ever have a job?

24 MR. COFFEY: Yeah. I had a job.

25 MS. STELLATO: What did you do?

1 MR. COFFEY: I worked for myself mostly, landscaping.

2 MS. STELLATO: Did you work for your dad?

3 MR. COFFEY: Yeah. I helped my dad a whole lot, what  
4 I done.

5 MS. STELLATO: What did he do?

6 MR. COFFEY: He sold wood and dug shrubbery and stuff  
7 like that.

8 MS. STELLATO: So you helped him do that?

9 MR. COFFEY: Yeah. And he growed -- we raised  
10 cabbage in the field for years, what we did. Sold produce on  
11 the side of the mountain, produce, apples and cabbage and  
12 taters and stuff.

13 MS. STELLATO: So a lot of living off -- living off  
14 the land a little bit?

15 MR. COFFEY: Uh-huh.

16 MS. STELLATO: Did you -- were you ever homeless?

17 MR. COFFEY: I ain't -- I had -- always had a home.

18 MS. STELLATO: You always had somewhere to go?

19 MR. COFFEY: Uh-huh.

20 MS. STELLATO: Did you have an alcohol problem?

21 MR. COFFEY: I started drinking when me and my wife  
22 separated pretty bad. I didn't -- I didn't drink about a six  
23 pack a week what I used to. And I started drinking about a 12  
24 pack or a case more.

25 MS. STELLATO: Tell me about your wife. How long

1       were you married?

2               MR. COFFEY: I wasn't married long. It didn't last  
3       long.

4               MS. STELLATO: It didn't?

5               MR. COFFEY: No.

6               MS. STELLATO: Were you married young?

7               MR. COFFEY: I was 21 when I got married.

8               MS. STELLATO: And how long -- about how many years  
9       were you married?

10              MR. COFFEY: I was with her for several years. I  
11       divorced her, what it is.

12              MS. STELLATO: You left her?

13              MR. COFFEY: Yeah. I divorced her.

14              MS. STELLATO: How come?

15              MR. COFFEY: She was always wanting to run the  
16       streets. She was a street person, on the streets and winos.

17              MS. STELLATO: And you had children?

18              MR. COFFEY: One young'un. A daughter, Crystal.

19              MS. STELLATO: And so that marriage didn't work out?

20              MR. COFFEY: I divorced her in prison. I've been  
21       locked up 22 years. I've been locked up a long time.

22              MS. STELLATO: Did you ever use drugs when you  
23       were -- when you were out?

24              MR. COFFEY: Smoked marijuana. And I had to quit  
25       smoking it. I couldn't breathe. Just drunk beer. That's



1       about it.

2               MS. STELLATO: That's about all. Did you ever drink  
3       liquor?

4               MR. COFFEY: I didn't mess with much liquor.

5               MS. STELLATO: Jack Daniels? Vodka? Nothing like  
6       that?

7               MR. COFFEY: I ain't never drank much liquor. Two or  
8       three fifths.

9               MS. STELLATO: So what about before this -- before  
10      you got locked up for this, were you ever arrested?

11              MR. COFFEY: Yeah. For public drunkness one time.  
12      DWI twice. I think that's about it. Just charge every one. I  
13      went to prison for six months for DWI. Three months, stayed  
14      three months. I've been -- I ain't been locked up but twice.  
15      I've been locked up 22 years on this time. January, I think.  
16      December the 8th is when it was.

17              MS. STELLATO: Was when it happened?

18              MR. COFFEY: Yeah. When the crime (inaudible).

19              MS. STELLATO: So tell me your relationship with Coy  
20      Hartley. You remember him, right?

21              MR. COFFEY: I remember him briefly, yeah.

22              MS. STELLATO: Did you -- did you ever -- were you  
23      ever around him?

24              MR. COFFEY: Yeah. I was around him. I know the  
25      man. I know know him, but my daddy met him, what it is. Him

1 and my daddy always into a fight, what they was.

2 MS. STELLATO: Did you have -- would you say it was a  
3 friendship?

4 MR. COFFEY: Yeah. I bought him stuff; beer,  
5 chicken, sweet potatoes (sic). Yeah, I fed him. Fed him eggs  
6 and stuff.

7 MS. STELLATO: Now, he was a lot older than you,  
8 right?

9 MR. COFFEY: Yeah. He's 76 years old when he died,  
10 like 77.

11 MS. STELLATO: And you were in -- well, how old were  
12 you, about 29?

13 MR. COFFEY: 28, 29. I turned 29. I wasn't even 29.  
14 I think I was 29.

15 MS. STELLATO: So would you -- would you say that you  
16 would -- would go over to his house and be around him?

17 MR. COFFEY: I ain't never been around him that much.

18 MS. STELLATO: Okay.

19 MR. COFFEY: He -- he kept a bunch of street people  
20 in there all the time running in and out of the house whatnot.

21 MS. STELLATO: Tell me about your relationship with  
22 Rhonda Carson. Do you remember her?

23 MR. COFFEY: Yeah, I know Rhonda. She was my  
24 fiancée.

25 MS. STELLATO: She was your fiancée at the time.

1       Okay. Did you ever live with her?

2               MR. COFFEY: She lived with me in my home.

3               MS. STELLATO: About how long would you say you guys  
4       were together?

5               MR. COFFEY: Not long. She always went running  
6       different -- not long. About six months or a year, I think.  
7       It might have been a year.

8               MS. STELLATO: Okay. And she had -- she had some  
9       children, right?

10              MR. COFFEY: T.J. and -- T.J. is the one that stayed  
11      with her.

12              MS. STELLATO: Now, when he stayed with her, did he  
13      stay with you, too?

14              MR. COFFEY: Yeah.

15              MS. STELLATO: Okay. Did you like him?

16              MR. COFFEY: He's all right, yeah.

17              MS. STELLATO: How old was he then?

18              MR. COFFEY: I don't know, about I think he's 19  
19      years old, 17, 18. He was pretty young. He might have been  
20      15, 15 year old then.

21              MS. STELLATO: So you all had a pretty good  
22      relationship, you and Rhonda?

23              MR. COFFEY: Uh-huh. 'Til Louise come in, my wife,  
24      and tried to kill her with a shotgun.

25              MS. STELLATO: Ut-oh.

1           MR. COFFEY: She went to prison for it, what she did,  
2 my wife did.

3           MS. STELLATO: So did you and Rhonda break up before  
4 you went to prison?

5           MR. COFFEY: Yeah -- no. Right when Merle (sic)  
6 Marvin (sic) Hartley died. I told her I was going -- I wanted  
7 a ride. Why don't you come by and get your stuff. She said, I  
8 don't want to come back and go on, go home. And that's when  
9 Marvin Hartley got killed. That's the last time I seen Rhonda  
10 whatnot.

11          MS. STELLATO: Okay. Now, tell me about Shirley  
12 Faircloth. Did you have a relationship with her?

13          MR. COFFEY: I know her, too.

14          MS. STELLATO: You had a relationship with her, too?

15          MR. COFFEY: I stayed with her some, yeah.

16          MS. STELLATO: Okay. What kind of relationship was  
17 that?

18          MR. COFFEY: It wasn't much. She -- it was all  
19 right. She's all right.

20          MS. STELLATO: But was that a -- was that a real  
21 relationship or a friendship or what was that?

22          MR. COFFEY: Yeah. More of a friendship than  
23 anything.

24          MS. STELLATO: Okay.

25          MR. COFFEY: She lied on me. She's the one that



1 killed the man. She killed Marvin, what she did, and put him  
2 in a Maytag -- in Kenmore Washer, what she did. She stabbed  
3 him to death and bet him to death like an hour with some kind  
4 of skillet or some kind of -- my daughter knows what she's  
5 doing. She told the law what she did.

6 MS. STELLATO: Shirley did?

7 MR. COFFEY: Yeah. She killed Marvin.

8 MS. STELLATO: Okay. So Cora Teague is your cousin,  
9 right?

10 MR. COFFEY: I don't know if she's my cousin or not.  
11 Jess Teague lived down below me. I don't know -- she always  
12 called us "cuz" is what she did. I don't know.

13 MS. STELLATO: You don't know if she's related?

14 MR. COFFEY: Cora is the one that started all that  
15 stuff, burying a tar tool (sic) and putting my name on it and  
16 tried to say I done it is what she done.

17 MS. STELLATO: So you remember -- do you remember  
18 those -- do you ever remember that you went -- when she was  
19 with Greg Richardson and you went up to them --

20 MR. COFFEY: Greg?

21 MS. STELLATO: -- and gave them a knife?

22 MR. COFFEY: I ain't never give -- I ain't never give  
23 him no knife.

24 MS. STELLATO: You don't remember a day that you went  
25 up and --

1           MR. COFFEY: Oh, I gave Cora a knife. Yeah. My  
2 brother Junior give it to me for Christmas, a little knife  
3 about that long.

4           MS. STELLATO: And it had a pearl handle. And you  
5 said -- you said --

6           MR. COFFEY: No. It wasn't a pearl handle. It had a  
7 gray -- gray handle is what it was.

8           MS. STELLATO: Okay.

9           MR. COFFEY: A little pocket knife. You can ask  
10 Junior about that. It was a Christmas present. I didn't never  
11 carry no knife.

12          MS. STELLATO: And so Cora said that you gave it to  
13 her and you said, "Merry Christmas."

14          MR. COFFEY: Yeah.

15          MS. STELLATO: You did do that?

16          MR. COFFEY: Yeah.

17          MS. STELLATO: Where did you get that knife?

18          MR. COFFEY: My brother Junior give it to me for  
19 Christmas.

20          MS. STELLATO: Okay.

21          MR. COFFEY: Brand new. It ain't never been used.

22          MS. STELLATO: And you just decided to give it to her  
23 for Christmas?

24          MR. COFFEY: Yeah.

25          MS. STELLATO: Okay.

1           MR. COFFEY: Why are you questioning me again on it?  
2 I'm supposed to be out of prison. I can't understand why we're  
3 going back through this about Marvin Hartley. I done done my  
4 time. I ain't the one that killed the man.

5           MS. STELLATO: Well, I'm talking to you today because  
6 you know Robert Bragg.

7           MR. COFFEY: I know Robert Bragg, yeah. I had --

8           MS. STELLATO: And he's --

9           MR. COFFEY: He's dead, what he is.

10          MS. STELLATO: No. He's still in prison.

11          MR. COFFEY: Is he? Where is he at?

12          MS. STELLATO: He's in prison over on the coast and  
13 he -- you know, he's claimed innocence for a lot of years for  
14 this crime.

15          MR. COFFEY: I know he has. He's the one that -- if  
16 you see the tape, that proves it wasn't him.

17          MS. STELLATO: And so he's applied to our agency.  
18 But again, we don't represent him. Okay.

19          MR. COFFEY: Yeah. I don't know why he ain't had me  
20 messed up before, what he did. He said he didn't have no  
21 trailer ball hitch and a tar tool. I been kill that trailer  
22 ball hitch and tar tool (inaudible).

23          MS. STELLATO: And so we're just trying to -- to come  
24 back and -- and talk to people and figure out -- did you ever  
25 see Robert Bragg with the trailer ball hitch?

1           MR. COFFEY: Yeah. He was arrested with it. I  
2       didn't have no ball. He had a trailer ball hitch and a long  
3       blade knife, what he done.

4           MS. STELLATO: Do you remember getting arrested with  
5       him that Tuesday?

6           MR. COFFEY: I remember getting arrested with him,  
7       yeah. That's when they took that trailer ball hitch and give  
8       it right back to him. And that murder, he give -- give it  
9       right back to him, what it is.

10          MS. STELLATO: Why did you get moved here to Central  
11       Prison?

12          MR. COFFEY: I don't know. Because -- oh, I touched  
13       a sergeant and I don't know. They said they brought me here  
14       because of assault. I touched him. He said, "This is your  
15       last ride." Next thing I know I'm in here.

16          MS. STELLATO: What -- what kind of medicine are you  
17       on, Mr. Coffey?

18          MR. COFFEY: Risperdal and Dyprexa (sic) and Zantac.  
19       I don't take the Dyprexa. They just put me on that.

20          MS. STELLATO: Do you ever refuse your medicine?

21          MR. COFFEY: Twice. I don't need medicine.

22          MS. STELLATO: You don't. Have you ever been  
23       diagnosed with anything?

24          MR. COFFEY: They said I was a paranoid schizophrenic  
25       is the only thing they ever said.



1 MS. STELLATO: Was that here in prison or was that --

2 MR. COFFEY: In prison. And that's because of Diane  
3 Griffin only reason I'm on mental health so I get my disability  
4 check. They give me \$16,000 back in '97, '98. And I had to  
5 spend it on a lawyer, what I did, trying to get out of this  
6 mess.

7 MS. STELLATO: Do you remember providing statements  
8 to law enforcement that --

9 MR. COFFEY: I didn't write nothing. Jim -- Jim  
10 Harrison wrote that. I didn't wrote it. I took a polygraph  
11 and he cut it off. They didn't have nothing on me, what they  
12 did. I -- I didn't do it what I know.

13 MS. STELLATO: But you remember giving the statement?

14 MR. COFFEY: I remember they wanted me to sign  
15 something. I remember that. And I initialed it. And they've  
16 had me ever since. Asked me would I do -- I initialed it. And  
17 they kept on begging me to sign it, what they did.

18 MS. STELLATO: And you remember testifying at  
19 Mr. Bragg's trial?

20 MR. COFFEY: Yeah, I remember testifying. I said I  
21 seen him beat the man to death with a trailer ball hitch. It  
22 was Larry Coffey, my brother, the one I testified against. It  
23 was Larry Coffey. It wasn't Robert Bragg. It was my brother  
24 Larry. Ask him. He died his hair black (inaudible) Larry  
25 would. He went with Bragg. He had his raincoat on with him.

1       Wasn't Robert Bragg. I don't know Robert Bragg. I ain't never  
2       seen him but one time.

3               MS. STELLATO: Why did you testify and give  
4       statements?

5               MR. COFFEY: Because he's the one that done it, what  
6       it is.

7               MS. STELLATO: Robert Bragg did it?

8               MR. COFFEY: Yeah, he done it.

9               MS. STELLATO: How do you know?

10              MR. COFFEY: I don't -- I seen him in the truck  
11      mirror, what it is.

12              MS. STELLATO: Uh-huh. Okay.

13              MR. COFFEY: Jack Coffey is the one that done the  
14      shit with him. I know he was.

15              MS. STELLATO: Your father?

16              MR. COFFEY: The one that killed him, beat him to  
17      death.

18              MS. STELLATO: So, Mr. Coffey --

19              MR. COFFEY: I can't stand that man. I kept him out  
20      of prison. I've kept him out of prison all these years, what  
21      it is.

22              MS. STELLATO: Your father?

23              MR. COFFEY: (Inaudible.) If you know so much about  
24      it, you should reinvestigate it. I've done been through it  
25      over and over and over with prison legal service and everybody

1 else.

2 MS. STELLATO: Mr. Coffey, do you know what DNA is?

3 MR. COFFEY: DNA is, yeah.

4 MS. STELLATO: Yeah. You know what --

5 MR. COFFEY: That's use a blood sample, your  
6 fingerprints.

7 MS. STELLATO: And you -- do you remember how they  
8 did some DNA testing on you?

9 MR. COFFEY: They did draw blood from me at the  
10 hospital, yeah. They poured it on my shoes and stuff, what  
11 they did, my clothes, what they did. It's been on the news try  
12 to proof -- and they poured Marvin Hartley's blood on it, what  
13 it is. I didn't have no blood on me but a drop of blood on my  
14 pants right there where I cut my hand. Where is it? Right  
15 there, where I hit the stop sign. It's still there and there's  
16 the mark.

17 MS. STELLATO: Do you remember that at the time they  
18 did some -- some testing on your cloths they --

19 MR. COFFEY: Yeah. They found a drop of blood. My  
20 blood is my blood, you know.

21 MS. STELLATO: So we've done some further testing on  
22 your clothes from that time.

23 MR. COFFEY: There ain't no clothes no more. Them  
24 clothes have been gone.

25 MS. STELLATO: No, sir. The clothes still exist

1 from -- from the time of the crime and --

2 MR. COFFEY: No, they don't. Them clothes, I'd have  
3 them clothes put on me.

4 MS. STELLATO: So we've done some testing on your  
5 clothes.

6 MR. COFFEY: I don't care what you tested on my  
7 clothes.

8 MS. STELLATO: Okay. And do you remember what you  
9 were wearing that day?

10 MR. COFFEY: Yeah. I was wearing a green pair of  
11 Levi pants, a red swanel (sic) top shirt, a pair of -- not  
12 Timberland, but a flannel shirt and shoes.

13 MS. STELLATO: Do you remember a blue nylon -- a blue  
14 windbreaker?

15 MR. COFFEY: I didn't have no blue windbreaker.

16 MS. STELLATO: Okay.

17 MR. COFFEY: I had a red windbreaker with a hood on  
18 it. I know what I had. Red and white.

19 MS. STELLATO: Okay.

20 MR. COFFEY: I know what I had.

21 MS. STELLATO: So we -- we tested that clothing and  
22 it had some blood on it. Remember where they said it --

23 MR. COFFEY: Yeah, my blood.

24 MS. STELLATO: No. It's not your blood. It's  
25 Mr. Hartley's blood.



1           MR. COFFEY: I ain't got -- I ain't had no blue  
2 windbreaker, what I -- that's a lie, what it is. I don't know  
3 where you come up with that kind of lie. I know what I had on.

4           MS. STELLATO: Okay.

5           MR. COFFEY: So I don't want to hear no lies from  
6 you. I've heard enough lies from them.

7           MS. STELLATO: Okay. So I'm going to give you this  
8 report, okay, and I'm going to let you look at it.

9           MR. COFFEY: I didn't have no blue windbreaker.  
10 That's a lie.

11          MS. STELLATO: Do you want me to read it to you? Can  
12 you read, Mr. Coffey? I'm happy to read it to you if you need  
13 my assistance.

14          MR. COFFEY: They got -- they got it on camera. I  
15 got this on film where I was arrested in what -- what I got on.  
16 I don't care what this is.

17          MS. STELLATO: Okay. Do you want me to read this to  
18 you?

19          MR. COFFEY: No, I don't.

20          MS. STELLATO: Okay. So --

21          MR. COFFEY: It's a lie. Robert Bragg done told  
22 another lie on here.

23          MS. STELLATO: No, sir. Robert Bragg has never said  
24 that you were involved.

25          MR. COFFEY: Well, you all have or somebody has.

1 MS. STELLATO: So if -- if the report says that when  
2 they --

3 MR. COFFEY: I got them pants from Rhonda Carson. I  
4 know what I had on, green Levi pants what it was.

5 MS. STELLATO: Uh-huh. That's what it is.

6 MR. COFFEY: I didn't have no blue windbreaker, what  
7 it is. It was red, red and white. I know what I had on.

8 MS. STELLATO: Okay. So the green Levi's?

9 MR. COFFEY: Yeah. That's my blood on them.

10 MS. STELLATO: It has Mr. Hartley's blood on it.

11 MR. COFFEY: No, it ain't. They -- they -- they --  
12 they poured blood on it. They poured blood on it. I told you  
13 they stole my blood at the hospital. I need to prove that?  
14 (Inaudible.)

15 MS. STELLATO: Who is -- who is "they"?

16 MR. COFFEY: Some nurse. I don't know what her name.  
17 Janet somebody. Janet Dawson, what she was, stole my blood and  
18 signed -- signed for it. Asked my baby brother Gary if he's  
19 still alive. He'll tell you. They signed my blood is what  
20 they did. It's always said that it was (inaudible). It was on  
21 the news, what it was. Even Ms. Hillary, Hillary Clinton said  
22 that go on and talk -- she did, it's over with. The charges is  
23 over with.

24 MS. STELLATO: Did you go and buy Mr. Coffey (sic)  
25 vodka that day?

1 MR. COFFEY: I bought him a pint, a pint of vodka.

2 And I had it on me, yeah.

3 MS. STELLATO: You went and bought the victim vodka  
4 that day?

5 MR. COFFEY: Yeah. A pint of vodka.

6 MS. STELLATO: Okay. And then you went back to his  
7 house?

8 MR. COFFEY: I left. I went on.

9 MS. STELLATO: You --

10 MR. COFFEY: I didn't go back to his house.

11 MS. STELLATO: Okay.

12 MR. COFFEY: I went on. I got proof of that, what I.

13 MS. STELLATO: Okay. Where did you go after that?

14 MR. COFFEY: I went to Hendrick is what I did, up  
15 there at Richard Romare's (phonetic) house.

16 MS. STELLATO: Okay.

17 MR. COFFEY: Yeah, Richard Romare's house.

18 MS. STELLATO: Okay. Did you see Rhonda Carson that  
19 day?

20 MR. COFFEY: Yeah, I seen her. Yeah. I seen her and  
21 she was with somebody in that blue Escort, where she was, blue  
22 Escort. That was the girl -- I don't know if it's green or  
23 white. I don't know what color it was. It might have been a  
24 white Escort, blue or something, going to the motel, where she  
25 was. She was with old Robert Bragg, what she was.

1 MS. STELLATO: Rhonda Carson was?

2 MR. COFFEY: Yeah. She was with Robert, what she  
3 was. Not in the car. She said she was going to go back up  
4 there. She was up there with -- they had some kind of fight up  
5 there, what they did.

6 MS. STELLATO: Did you go with Shirley Faircloth that  
7 night out to dinner and drinking?

8 MR. COFFEY: I went to Ichabods in Blowing Rock that  
9 evening, what it is.

10 MS. STELLATO: Ichabods. And --

11 MR. COFFEY: She called me to -- she called me and  
12 said let's go to Ichabods.

13 I called 9-1-1 and told them there was a fight out  
14 there. Somebody is killing Marvin Hartley. It was Rhonda  
15 Carson, all of them, Jack Coffey, Robert Bragg, two others. I  
16 forget who all it was.

17 MS. STELLATO: You called 9-1-1?

18 MR. COFFEY: Yeah, I called 9-1-1.

19 MS. STELLATO: How did you know? How did you know  
20 that happened?

21 MR. COFFEY: I seen it. I seen it happen, what --  
22 uh-huh. I called them. Dana Hawkins (phonetic), my niece,  
23 knows all this. She seen me in the green pickup truck. She  
24 pulled up there at Lowe's and seen me go on to -- behind  
25 Makoto's is what she did, behind Makoto's.



1 MS. STELLATO: And then you went out that night with  
2 Shirley Faircloth?

3 MR. COFFEY: I come back about 5 o'clock and called  
4 her. And she said let's go to Blowing Rock. She had some  
5 money is what she did. She wanted to go to Blowing Rock for  
6 the night.

7 And then that night we went to Makoto's and went to  
8 Ichabods, listened to a band, went home. I took a bath. And  
9 she went to bed. And Haven (phonetic) called and said they  
10 found Marvin Hartley faced down in the living room floor dead.

11 MS. STELLATO: Did you go to Woodlands, too?

12 MR. COFFEY: Woodlands -- Woodlands and (inaudible).

13 MS. STELLATO: Do you have a good memory?

14 MR. COFFEY: I'm pretty good, yeah.

15 MS. STELLATO: Pretty good.

16 Where -- who do you talk to now, on the outside of  
17 prison, who do you talk to?

18 MR. COFFEY: I ain't been talking to nobody except my  
19 family. My brother Junior only contact I've been having with.  
20 (Inaudible).

21 MS. STELLATO: Do you have a good relationship with  
22 your family?

23 MR. COFFEY: I always had a good relationship with my  
24 family.

25 MS. STELLATO: So who killed Mr. Hartley?

1           MR. COFFEY: I don't know. My daddy says he done it.  
2           One day he told him. I ain't never said nothing to him. He  
3           kept on saying he done it. Cut his throat. He pulled a knife  
4           on him and cut his throat and daddy beat him to death, was  
5           fighting with him and killed him in a fight. He'll probably  
6           say it was self-defense.

7           He done -- we done -- he done been into it with  
8           Marvin Hartley about that pickup running us off the road, him  
9           and old Chuck -- Chucky Broomfield and them in Lenoir, and Hugo  
10          would come. And that's when all that stuff started, throwed my  
11          daddy out of a pickup and about killed him beat him to death.

12          But they had been into it two or three times. Robert  
13          Bragg was into it with him a bunch of times. I narely knew  
14          Robert -- Coy Hartley one time. I wasn't up there about a week  
15          with him. And I was behind Makoto's then when all that mess  
16          started. They all know Coy Hartley. They stole from him; took  
17          his wallet and stole from him, stole from him, stole from him.

18          MS. STELLATO: Did you ever steal from him?

19          MR. COFFEY: I ain't never taken nothing from the  
20          man. I bought him something. I never took one thing from him.  
21          He said I took a -- I'm trying -- a button and -- and a nickel,  
22          (inaudible).

23          MS. STELLATO: Now, earlier you had --

24          MR. COFFEY: A quarter. I think it was a quarter or  
25          a penny or something. I don't know what it was.

1 MS. STELLATO: Earlier you had drank a case of beer  
2 with him, right?

3 MR. COFFEY: Not a case of beer. A six pack of beer  
4 all I bought.

5 MS. STELLATO: A six pack?

6 MR. COFFEY: A sick pack of Budweiser. I know --

7 MS. STELLATO: Okay.

8 MR. COFFEY: You can ask the store what -- I know  
9 what I bought.

10 MS. STELLATO: A six pack?

11 MR. COFFEY: A six pack of beer. That's all.

12 MS. STELLATO: And did you drink some Jack Daniels  
13 with him?

14 MR. COFFEY: I didn't drink no Jack Daniels with him.

15 MS. STELLATO: No Jack?

16 MR. COFFEY: That's a lie, too. Who said that?

17 MS. STELLATO: It's not -- I'm asking.

18 MR. COFFEY: I never drank no Jack Daniels with him.

19 MS. STELLATO: Did you --

20 MR. COFFEY: He drunk vodka, what he did. Only thing  
21 he ever drank. I ain't never drank no liquor with him.

22 MS. STELLATO: Did you drink any of the vodka?

23 MR. COFFEY: I didn't drink a drop of vodka.

24 MS. STELLATO: You went and got him some vodka, but  
25 you didn't drink it?

1           MR. COFFEY: I didn't drink it. The law got it. The  
2 law got it when they got Robert Bragg with that trailer ball  
3 hitch and that knife. And Penny give it back to him. The  
4 officer was in love with him anyway. Had the young'un by him,  
5 what she did. She tried to lie about that, what she did at the  
6 Watagua County Sheriff's Department.

7           MS. STELLATO: Okay. So the blood that belongs to  
8 Mr. Hartley that was on your clothing --

9           MR. COFFEY: It's not. No, it ain't nothing on my  
10 clothes. They just poured it on there if it was on my clothes.

11          MS. STELLATO: So you can't explain that to me?

12          MR. COFFEY: No, I can't. They -- they said they got  
13 my blood. Ask -- why don't you ask -- going to be the new --  
14 the new president, Hillary Clinton.

15          MS. STELLATO: Ask the new president?

16          MR. COFFEY: Yeah.

17          MS. STELLATO: Okay.

18          MR. COFFEY: Hillary Clinton. She said take a loss  
19 (inaudible) and they done kill me here at this place over and  
20 over and trying to make me say I done it. Somebody trying to  
21 put evidence on me. And it's a bunch of it involved. And they  
22 ain't never done a day of time. Me and Robert done the time.  
23 I thought Robert was dead. I thought he died here is what  
24 they -- what they said. They made a lie.

25               Even the Innocent Project, I was supposed to went



1 back to court then -- that's when all that mess started -- and  
2 have a new trial. Gerald Wilson said ten years, no more. It  
3 was all a lie, what it is, to mainly trap me. And Jerry -- you  
4 know who the DA is, don't you, in Boone, don't you? He might  
5 be dead now, Gerald Wilson. He said there's so many people  
6 involved in it, they didn't know who it was. Gerald Wilson  
7 wanted to try me, the district attorney.

8 MS. STELLATO: Okay. Well, Mr. Coffey, I appreciate  
9 you talking to me today.

10 MR. COFFEY: Okay.

11 MS. STELLATO: Okay.

12 MR. COFFEY: Thank you.

13 MS. STELLATO: Thank you for your time.

14 MR. COFFEY: Uh-huh.

15 MS. STELLATO: You take care.

16 MS. MATOIAN: Thank you.

17 MR. COFFEY: Uh-huh.

18 (The recorded interview concluded.)

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## CERTIFICATION OF TRANSCRIPT

This is to certify that the 27 pages of this transcript of the recorded interview of Kenneth Coffey was taken on August 11, 2016, is a true and accurate transcript to the best of my ability.

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 actions.

This the 23rd day of August, 2016.



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