



## A Neutral, Fact-Finding State Agency

*Charged with Investigating Post-Conviction Claims of Innocence*



THE NORTH CAROLINA  
**INNOCENCE**  
INQUIRY COMMISSION

## Welcome back to the Commission's newsletter!

In this edition, we're going to talk about the Commission's 2022 Annual Report.

The Commission's governing statute requires an annual report detailing our activities be submitted to the Joint Legislative Oversight Committee on Justice and Public Safety by February 1 every year. The 2022 Annual Report, and annual reports from prior years, can be found on the Commission's [website](#).

2022 was a big year for the Commission! See our previous [newsletters](#) for information on the Commission's 15<sup>th</sup> Anniversary Celebration held in 2022, including our CLE that looked back on what we've learned from over 15 years in operation!

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## Cases and Investigations

Each year, the Commission will investigate continuing claims from years before and will receive new claims. The Commission received a total of 223 new claims in 2022. The Commission completed its review/investigation in all but 53 of those new claims. New claims can close in the initial review stage for various reasons, including the conviction being from outside North Carolina, or a federal conviction, or the crime not being eligible under our statute, and the claimant not claiming complete factual innocence (i.e., claiming they are not guilty of the crime they were convicted of but were guilty of a lesser offense).

Throughout 2022 the Commission had 78 cases that were actively being reviewed in the further review, investigation, or Formal Inquiry phases. These investigations can include review of files, documents, trial transcripts, jail/prison calls, subpoenas and motions, searches for evidence, submission of evidence for DNA and other forensic testing, and consultation with experts, among others.

At the end of 2022, the Commission had 45 active cases in various stages of reviews and investigation and 35 cases where claims had been made, but claimants had not yet returned the Commission's questionnaire.

The Commission has been working to increase efficiency and streamline processes since 2016. In 2022, the average initial review process at the Commission took 14.5 days per claim. Prior to initiating these efforts to increase efficiency, this process could take up to a year. This allows Commission staff to focus on further reviews and investigations that require more substantive efforts. At the end of 2022, the Commission had only two active cases that had been with the Commission for more than three but less than five years, five active cases that had been with the Commission between two and three years, and the remaining 38 active cases that had been with the Commission for less than two years. Every case is different and requires varying levels of investigation, but we feel confident in our ability to keep investigating cases in a thorough and efficient manner.

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## Hearings

In 2022, three three-judge panel hearings were scheduled. In two cases the three-judge panel held full hearings. At the end of both hearings, the three-judge panel unanimously ruled that the claimants had not proven their innocence by clear and convincing evidence and relief was denied.

In the third case, prior to the scheduled three-judge panel hearing, the District Attorney's Office offered the claimant an Alford Plea. An Alford Plea is when a defendant can maintain their innocence but admit the state has sufficient evidence to convict him and agrees to be treated as guilty. The claimant accepted the Alford plea and received time served on that conviction. That claimant remains incarcerated on an unrelated conviction.

To learn more about these and other cases heard by the Commission visit <https://innocencecommission-nc.gov/cases/>

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## Victim Services Program

The Commission's Victim Services Program continues to be an innovator in the space of providing postconviction services to victims in innocence cases. In 2022, our Victim Services Program Manager presented at two District Attorney's offices, and the Elected Clerk's Summer Conference to share lessons in filling the gap for victims' needs in these unique cases. The Victim Services Program also added opportunities for monetary assistance for safety planning for victims in the event of an exoneration or release due to an Alford Plea. The Victim Services Program continued to train Commission staff on trauma-informed practices, which are an essential tool in our investigations.



Additionally, in early 2022 the Victim Services Program received an extension to its 2019 VOCA Grant through the Governor's Crime Commission, which supports victim-centered, trauma informed training to Commission staff and allows victims to have meaningful participation in the Commission process. The Commission also received a 2022-2024 VOCA Grant to fund a partnership with the national nonprofit [Healing Justice](#). The purpose of this partnership is to offer restorative

justice services to crime victims and family members impacted by Commission investigations, as well as exonerees, their family members, and other criminal justice stakeholders who were involved in the wrongful conviction and exoneration.

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## Grant Funding

In addition to VOCA Grants, the Commission began 2022 with two federal grants for post-conviction DNA testing, with one ending on December 31, 2022, and one ending on September 30, 2023. In 2022, these grants enabled the Commission to conduct 21 searches for evidence and 21 DNA tests were performed on 20 pieces of evidence.

During 2022, the Commission applied for and was awarded with a third DNA testing grant, which is slated to end in 2025. These grants allow the Commission to have two full-time staff positions and conduct case reviews/investigations, conduct searches for evidence, receive training, consult with forensic experts, and conduct DNA testing in grant eligible cases. These grants are essential to ensuring the Commission can be thorough in testing in its investigations and utilize the most up-to-date DNA testing technologies.

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## Outreach

In 2022, Commission staff continued to give presentations about the Commission's unique model both inside and outside of North Carolina. Our staff presented at local bar associations, universities, district attorney's offices, and victim services conferences, among others. These efforts are essential to educate both the public and agencies the Commission regularly interacts with about the Commission process. The Commission will continue to provide presentations throughout 2023.

Since becoming Executive Director, Lindsey Guice Smith has increasingly focused on outreach and education regarding the Commission unique mission and neutral investigative function both inside North Carolina and to other states and countries looking at the Commission's model. In 2021, the Commission's Executive and Associate Director were invited to consult with a working group in Ohio tasked with making recommendations for how to handle innocence cases in Ohio. In 2022, the working group recommended the creation of the Ohio Innocence Inquiry Commission, which is largely modeled after our process! The full report can be found here:

<https://www.supremecourt.ohio.gov/docs/Boards/CIPR/Report.pdf>.

Additionally, the Executive Director consulted with Canada on its creation of a Criminal Case Review Commission. Canada released its final report in February 2022, which seeks to create a much broader Commission than North Carolina's model. There are more exciting opportunities for national and international outreach on the Commission model coming in 2023.

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**The work of the Commission continues in 2023  
and we have an exciting year ahead of us!**

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**Please keep an eye out for our next Newsletter  
in July.**

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North Carolina Innocence Inquiry Commission  
901 Corporate Center Drive, Raleigh, NC 27607  
919 890-1580 | [nciic@nccourts.org](mailto:nciic@nccourts.org) | [innocencecommission-nc.gov](http://innocencecommission-nc.gov)



**North Carolina Innocence Inquiry Commission** - A neutral, fact-finding state agency charged with investigating post-conviction claims of innocence.

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