

NORTH CAROLINA GENERAL COURT OF JUSTICE

FILED

SUPERIOR COURT DIVISION

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STATE OF NORTH CAROLINA

versus

COATNEY WILLIAMS

BY SR28

FROM NORTHAMPTON COUNTY

08 CRS 1057

08 CRS 1059

08 CRS 1065-1066

09 CRS 83

09 CRS 85

TRANSCRIPT OF HEARING, Volume 1 of 2
Monday, September 28, 2020

September 28, 2020, Setting of the
North Carolina Innocence Inquiry Commission
The Honorable Anna Mills Wagoner, Judge Presiding

Commissioners Attending:

John Boswell
Luther Johnson Britt, III
Robin Colbert
Seth Edwards
Sheriff Kevin Frye
Rick Glazier
Immanuel Jarvis

1 APPEARANCES:

2 Lindsey Guice Smith, Director

3 Beth Tanner, Assistant Director

4 Julie Bridenstine, Staff Attorney

5 Brian Ziegler, Staff Attorney

6 NORTH CAROLINA INNOCENCE INQUIRY COMMISSION

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8 Raleigh, North Carolina 27602

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1 MONDAY, SEPTEMBER 28, 2020 (10:02 a.m.)

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

3 JUDGE WAGONER: Good morning. We are here
4 today to hear the case -- the Northampton County case of
5 State versus Coatney Williams, 08 CRS 1057, 1059, 1065
6 through 66, 09 CRS 83, and 09 CRS 85.

7 This hearing is open to the public pursuant
8 to General Statute 15A-1468(a), but because of the COVID-19
9 restrictions, individuals in the hearing room are limited to
10 only the commissioners, commission staff, the court
11 reporter, testifying witness, and AOC audiovisual personnel.

12 This hearing is also being live-streamed by
13 the Administrative Office of the Courts to ensure that the
14 public can view it since this building is currently closed
15 to the public.

16 At this time I will go around the room rather
17 than the tables and have the commissioners and commission
18 staff who are in the room identify themselves and spell
19 their names for the court reporter.

20 Because of the COVID-19 restrictions, we have
21 only the eight statutorily required commissioners or
22 alternate commissioners who are filling in for the
23 commissioners -- who are filling in present today for the
24 hearing. There are no alternate commissioners attending
25 this hearing as alternates.

1 So I will start first. My name is Anna Mills
2 Wagoner. I am a superior court judge from Judicial
3 District 19C.

4 You're next.

5 COMMISSIONER COLBERT: I'm Robin Colbert,
6 R-o-b-i-n, C-o-l-b-e-r-t. I'm a victim advocate
7 commissioner.

8 MS. SMITH: Lindsey Guice, G-u-i-c-e, Smith,
9 Executive Director of the North Carolina Innocence Inquiry
10 Commission.

11 MS. TANNER: Beth Tanner, T-a-n-n-e-r,
12 Associate Director for the North Carolina Innocence Inquiry
13 Commission.

14 MS. BRIDENSTINE: Julie Bridenstine,
15 B-r-i-d-e-n-s-t-i-n-e, staff attorney with the North
16 Carolina Innocence Inquiry Commission.

17 MR. ZIEGLER: Brian Ziegler, Z-i-e-g-l-e-r,
18 staff attorney of the Innocence Inquiry Commission.

19 SHERIFF FRYE: Kevin Frye, F-r-y-e, I'm
20 sheriff in Avery County and part of the Commission.

21 COMMISSIONER GLAZIER: Rick Glazier,
22 G-l-a-z-i-e-r, and I am a public commissioner.

23 COMMISSIONER EDWARDS: Seth Edwards, S-e-t-h,
24 E-d-w-a-r-d-s, District Attorney for District 2 here in
25 North Carolina. I'm a commissioner.

1 COMMISSIONER JARVIS: Immanuel Jarvis,
2 I-m-m-a-n-u-e-l, Jarvis, J-a-r-v-i-s, public member
3 alternate.

4 COMMISSIONER BOSWELL: I'm John Boswell,
5 B-o-s-w-e-l-l, and I'm a member at large.

6 COMMISSIONER BRITT: I'm Johnson Britt,
7 defense attorney alternate, B-r-i-t-t.

8 JUDGE WAGONER: All right.

9 For the record, I believe we have eight
10 voting members of the Commission present as required by
11 statute.

12 At this time, I'm going to make a formal
13 inquiry as to whether any Commissioner needs to recuse
14 himself or herself pursuant to Rule 7(C)(1) of our rules and
15 procedures.

16 The rule states: "A commissioner shall
17 recuse himself or herself if he or she had any involvement
18 in the case during the original trial or any postconviction
19 motions. A Commissioner shall recuse himself or herself if
20 some event has caused him or her to become biased about a
21 case and unable to participate in the hearing in a fair and
22 impartial manner."

23 Are there any commissioners present who need
24 to recuse himself or herself?

25 (No response.)

1 JUDGE WAGONER: Okay. I see none.

2 Rule 7(C)(3) prohibits commissioners from
3 conducting any independent investigation of the case.

4 Have any commissioners conducted any
5 independent investigation of the case?

6 (No response.)

7 JUDGE WAGONER: No.

8 All right. At this time I'm going to turn
9 the hearing over to the executive director of the
10 Commission, Lindsey Guice Smith for presentation of the
11 case.

12 MS. SMITH: Thank you.

13 JUDGE WAGONER: Yes, ma'am.

14 And, Lindsey, if I might, I believe the
15 latest e-mail we received from you Friday or Saturday asked
16 that whenever any of us had questions that we remove our
17 masks so that the court reporter can hear us and see our
18 mouths.

19 MS. SMITH: Yes, ma'am. Thank you.

20 This case arises from the convictions of
21 Coatney Williams related to crimes committed against
22 Ms. Mary Davis; her son, Tacoma Davis; friend, Erel Jordan;
23 and neighbor, Jennifer Williams, on December 29, 2007.

24 Mr. Williams was convicted after a trial held
25 July 12th through 15th, 2010. He was convicted of attempted

1 murder, robbery, burglary, larceny of firearms, which was
2 consolidated with an assault with a deadly weapon with
3 intent to kill, and larceny after breaking and entering,
4 which was consolidated with possession of stolen goods.

5 On appeal, the North Carolina Court of
6 Appeals vacated Mr. Williams' judgments for felony larceny
7 after breaking and entering, larceny of a firearm, and
8 felony possession of stolen goods and remanded the case for
9 resentencing on the assault with a deadly weapon with intent
10 to kill.

11 Mr. Williams was sentenced to a range of
12 approximately 42 to 52 years arising from these crimes. He
13 is currently projected to finish his sentence in 2060.

14 Three codefendants entered plea agreements
15 prior to Mr. Williams' trial: Jamal Thomas was sentenced to
16 14 years and 4 months for robbery with a dangerous weapon
17 and first-degree burglary; Karon Moses was sentenced to
18 17 years and 20 days for robbery with a dangerous weapon,
19 first-degree burglary, and assault with a deadly weapon with
20 intent to kill; Antonio Freeman was sentenced to 27 years
21 and 8 months for robbery with a dangerous weapon,
22 first-degree burglary, and second-degree sexual offense.
23 None of these individuals are claiming innocence and have
24 not applied with the Commission.

25 On August 14th, 2020, Commission Chair, the

1 Honorable Anna Mills Wagoner, entered an order that
2 notification to the codefendants pursuant to North Carolina
3 General Statute section 15A-1467(c1) should be left in the
4 discretion of the Commission's director as the chair found
5 good cause and approved of either limiting or forgoing
6 notice to the three codefendants of that formal inquiry.

7 In my discretion as executive director, I
8 chose not to notify the codefendants of the Commission's
9 formal inquiry as all had been deposed by the Commission at
10 that point and none are claiming innocence.

11 The Commission originally opened this case on
12 February 20, 2014. The Commission's then director rejected
13 the case on July 15, 2014.

14 Mr. Williams resubmitted his claim to the
15 Commission on October 31, 2016. Upon reviewing the
16 materials provided to the Commission by Mr. Williams, the
17 Commission reopened his case on November 7th, 2016.

18 The claim was moved into formal inquiry
19 October 21, 2019.

20 Mr. Williams submitted a questionnaire and
21 consent form to the Commission for his claim and has
22 asserted his complete factual innocence to the Commission to
23 the events of December 29, 2007.

24 Throughout this inquiry, Mr. Williams has
25 cooperated with commission staff in accordance with North

1 Carolina General Statute 15A-1467(g).

2 Pursuant to North Carolina General Statute
3 15A-1460, a claim of factual innocence means "a claim on
4 behalf of a living person convicted of a felony in the
5 General Court of Justice of the State of North Carolina,
6 asserting the complete innocence of any criminal
7 responsibility for the felony for which the person was
8 convicted and for any other reduced level of criminal
9 responsibility relating to the crime, and for which there is
10 some criminal -- sorry -- credible, verifiable evidence of
11 innocence that has not previously been presented at trial or
12 considered at a hearing granted through postconviction
13 relief."

14 Mr. Williams was convicted after a trial.
15 All relevant evidence uncovered during the investigation by
16 commission staff will be presented throughout this hearing.

17 You have all been provided the Commission
18 brief, which is 739 pages, that describes, as of time of the
19 completion of the brief, the information available to
20 commission staff related to the law enforcement
21 investigation and any resulting criminal litigation in this
22 case.

23 For the most part, we will not review the
24 material that is covered in your brief in depth during this
25 hearing, but I may refer you to page numbers in the brief as

1 it relates to topics on which commission staff is testifying
2 for your reference throughout the hearing.

3 You have all been provided with an electronic
4 copy of your brief that is accessible to you during the
5 hearing.

6 In addition to the brief, you were provided
7 several handouts prior to the Commission's hearing. These
8 handouts are also included in your digital hearing handout
9 notebooks.

10 Handout 36 is the digest, transcript, and
11 related exhibits of the Commission's August 4th, 2020,
12 deposition of Antonio Freeman.

13 Handout 37 is the Commission's August 4,
14 2020, video of the deposition of Antonio Freeman.

15 Handout 40 is the digest, transcript, and
16 related exhibits the Commission's August 6, 2020, deposition
17 of Karon Moses.

18 Handout 41 is the video of the Commission's
19 August 6, 2020, deposition of Karon Moses.

20 Handout 44 is the digest, transcript, and
21 related exhibits of the Commission's August 4, 2020,
22 deposition of Jamal Thomas.

23 Handout 45 is the video of the Commission's
24 August 4, 2020, deposition of Jamal Thomas.

25 Handout 48 is the digest, transcript, and

1 related exhibits to the Commission's August 7, 2020,
2 deposition of Coatney Williams.

3 And handout 49 is the video of the
4 Commission's August 7, 2020, deposition of Coatney Williams.

5 I will reference those handouts again when we
6 get to the relevant portion of the hearing.

7 Commission staff attorneys Julie Bridenstine
8 and Brian Ziegler were the lead investigators on this case.
9 Throughout this hearing I will be calling Ms. Bridenstine
10 and Mr. Ziegler to testify about the Commission's
11 investigation.

12 One addition -- one additional witness will
13 be here in person to testify, and that is Russell Gilmore,
14 an expert in computer and digital forensics. He will
15 testify about the contents of Robert Branch's cell phone.

16 Codefendants Antonio Freeman, Jamal Thomas,
17 and Karon Moses are all currently incarcerated in the North
18 Carolina Department of Public Safety. Due to COVID-19
19 restrictions, we will not be able to call the codefendants
20 to testify live in person during the hearing. Therefore, we
21 deposed each of them, and commissioners were provided with
22 the transcripts and video of those depositions in full prior
23 to the hearing. We have arranged to have all three testify
24 via video tomorrow afternoon.

25 The claimant, Coatney Williams, is also

1 currently incarcerated in the North Carolina Department of
2 Public Safety. Again, due to COVID-19 restrictions, we
3 can't have him here in person during the hearing.
4 Therefore, we deposed him and we provided to commissioners
5 the transcripts and video of that deposition prior to the
6 hearing. We have arranged to have Mr. Williams testify via
7 video tomorrow afternoon.

8 Commission staff has interviewed numerous
9 other individuals who will not be called to testify. Staff
10 will instead testify about those interviews. We will
11 testify as to whether each interview has been recorded and
12 transcribed. Most of the interviews have been recorded and
13 most but not all have been transcribed.

14 Although I do not intend to hand out every
15 single transcript of those interviews, for any interview
16 that has been recorded and transcribed, you may of course
17 ask to review that transcript and we will certainly provide
18 copies of that to you, hopefully electronically, and allow
19 you to review it on the break, during the day, or overnight
20 if necessary.

21 If for some reason an interview has not been
22 transcribed but we have a recording of it, we will of course
23 provide the recording to you to review as well.

24 Interviews that were not transcribed are very
25 short.

1 Additionally, several of the individuals that
2 commission staff interviewed have been subpoenaed and will
3 be on phone standby for video testimony or phone testimony
4 depending on their technology restrictions. These
5 individuals will be available if commissioners have
6 additional questions for them, and they include Northampton
7 County Sheriff's Office former Detective Brenda Burnette and
8 former Deputy George Reed; trial attorney Sam Barnes;
9 appellate attorney Duncan McCormick; motion for appropriate
10 relief attorney James Antinore; and private investigator
11 Jerry Wiggs.

12 Robert Branch, the brother of Coatney
13 Williams, is also available by phone or video but as he
14 currently lives out of state, he has not been subpoenaed.
15 He has indicated, though, that he is willing to testify if
16 needed.

17 District Attorney Valerie Asbell from
18 Northampton County represents the State in this matter.
19 Mr. Williams is represented by Christan Routten and Jennifer
20 Wells of the public defender's office.

21 As required under the rules, the Commission
22 held a prehearing conference via phone on September 17,
23 2020, with Ms. Asbell, Assistant District Attorney Kim
24 Scott, Ms. Routten, and Ms. Wells present.

25 Prior to that prehearing conference,

1 Ms. Asbell was informed that she has the right to inspect
2 evidence pursuant to North Carolina General Statute
3 15A-1468(a2).

4 Ms. Asbell was also informed that pursuant to
5 the same section she had a right to provide a written
6 statement for the commissioners' consideration.

7 Ms. Routten and Ms. Wells were informed that
8 the defense is not afforded these rights under the statute.

9 District Attorney Asbell reviewed documents
10 from the Commission's file on September 18 and 21, 2020, and
11 has provided a written statement to the Commission.

12 Commissioners, that will be Handout 52, and
13 you'll have an opportunity to review it prior to the
14 conclusion of the hearing.

15 At the end of this hearing you will be asked
16 to determine whether there is sufficient evidence of factual
17 innocence to merit judicial review. Because Mr. Williams
18 was convicted after a trial, his case will only move forward
19 if five of eight commissioners vote that there is sufficient
20 evidence of factual innocence to merit judicial review.

21 If less than five of eight commissioners vote
22 for further review, the case will be closed with the
23 Commission and no appeal is available.

24 Are there any questions?

25 JUDGE WAGONER: Yes, there's a question,

1 Lindsey.

2 MS. SMITH: Okay.

3 COMMISSIONER COLBERT: I do have a question.

4 MS. SMITH: Yes, ma'am.

5 COMMISSIONER COLBERT: Can you explain to me
6 the consolidation of the cases for Mr. Williams?

7 So what he was originally charged with and
8 ultimately what is he serving time for based on the original
9 charges?

10 MS. SMITH: Beth, do we have that outlined in
11 the brief?

12 MS. TANNER: Yeah. That was part of it.

13 MS. SMITH: We'll get you a page number. I
14 think we outlined that in the brief, and if that doesn't
15 answer the question, then we will make sure we have it.

16 COMMISSIONER COLBERT: Thank you.

17 MS. SMITH: Any other questions?

18 JUDGE WAGONER: Is there an agenda somewhere
19 for this meeting? Maybe I missed it.

20 MS. SMITH: There is not an agenda.

21 JUDGE WAGONER: Okay.

22 MS. SMITH: We do anticipate that the hearing
23 will go into Wednesday.

24 JUDGE WAGONER: Okay.

25 MS. TANNER: It's on page 6 of the brief.

1 MS. SMITH: Page 6 of the brief, Ms. Colbert,
2 is the full description of the convictions and then I think
3 what was ultimately left after the Court of Appeals
4 decision.

5 MS. TANNER: And there are some footnotes
6 there.

7 MS. SMITH: The Commission calls grant staff
8 attorney Julie Bridenstine -- I'm sorry -- staff attorney
9 Julie Bridenstine.

10 * * * * *

11 Thereupon, JULIE BRIDENSTINE, a witness having been called by the
12 Commission, was sworn and testified as follows:

13 EXAMINATION BY MS. SMITH: (10:21 a.m.)

14 Q. Will you please state your name for the record.

15 A. Julie Bridenstine.

16 Q. And how are you employed?

17 A. I work for the North Carolina Innocence Inquiry
18 Commission.

19 Q. What is your title with the Commission?

20 A. I'm a staff attorney.

21 Q. How long have you been employed with the
22 Commission?

23 A. Since February of 2016.

24 Q. In the course of the Commission's investigation,
25 did commission staff obtain and review files and records

1 from other agencies?

2 A. Yes, we did.

3 Q. Can you tell the commissioners what files and
4 records you obtained in this case?

5 A. We first obtained a copy of the trial transcript
6 from the attorney who filed the motion for appropriate
7 relief in this case, James Antinore. Following the review
8 of that trial transcript, commission staff obtained and
9 reviewed the Northampton County Sheriff's Office's file for
10 this case. That file contained 268 pages. We also obtained
11 and reviewed the district attorney's file, which included
12 the notes that were taken during trial. That district
13 attorney file totaled 951 pages.

14 Q. Did the Commission obtain any other files and
15 records?

16 A. Yes. We obtained the complete file from Attorney
17 James Antinore which included the motion for appropriate
18 relief that he filed on behalf of Mr. Williams in September
19 2014.

20 The attorney file from Mr. Antinore also contained
21 some records from private investigator Jerry Wiggs who
22 investigated Mr. Williams' case.

23 Q. And did the commission staff obtain any files from
24 defense attorneys?

25 A. We did. We first obtained the attorney file from

1 Mr. Williams' trial attorney, Sam Barnes. His file
2 contained the discovery materials and totaled 260 pages.

3 We also obtained the file from Mr. Williams'
4 appellate attorney, Duncan McCormick. We contacted the
5 North Carolina Prisoner Legal Services and learned that
6 Attorney Mark Montgomery had reviewed Mr. Williams' case for
7 postconviction issues prior to the appointment of James
8 Antinore by IDS to work on Mr. Williams' case. We obtained
9 what Mr. Montgomery had for Mr. Williams, which only
10 included a copy of the trial transcript and a typed summary
11 of that transcript.

12 We also obtained the file from private
13 investigator Jerry Wiggs who had worked on the case with
14 James Antinore.

15 Q. And did commission staff obtain any other files
16 and records related to the case?

17 A. Yes. We obtained records from the Department of
18 Public Safety related to Coatney Williams and his three
19 codefendants, Antonio Freeman, Jamal Thomas, and Karon
20 Moses. These records included combined records, educational
21 records, mental health records, visitation mail,
22 disciplinary records, and gang records.

23 We also obtained phone records and phone calls
24 from the Department of Public Safety associated with all
25 four codefendants.

1 We obtained the court file for Mr. Williams and
2 for the other three codefendants. We also obtained records
3 from the Roanoke Rapids Police Department and the
4 Northampton County Sheriff's Department related to other
5 cases that they were investigating during this time period
6 that involved Mr. Williams.

7 The Roanoke Rapids Police Department file
8 contained some records from the Seaboard Police Department.

9 We tried to locate records from the Seaboard
10 Police Department related to certain other cases that they
11 were investigating during this time period but we learned
12 that the Seaboard Police Department does not exist any
13 longer.

14 After a search conducted at our request at the
15 Seaboard clerk's office, the sheriff's office was able to
16 locate an incident report though not a complete file for the
17 Seaboard police case that we had requested.

18 Q. Have any other agencies or organizations worked on
19 Mr. Williams' case?

20 A. Yes. The North Carolina Center on Actual
21 Innocence investigated Mr. Williams' case at the same time
22 James Antinore was appointed to represent Mr. Williams.
23 Once the Center realized that Mr. Antinore was also working
24 on the case, they closed their investigation in order for
25 Mr. Antinore to proceed on the motion for appropriate

1 relief.

2 We obtained and reviewed the North Carolina Center
3 on Actual Innocence file for Mr. Williams, and that included
4 594 pages.

5 Q. Did commission staff obtain any additional files
6 in the case?

7 A. We did. We obtained phone records from
8 U.S. Cellular related to the cell phones that belonged to
9 Mr. Williams' brother, his mother, and his stepfather. And
10 we will testify to the contents of those records in a little
11 bit.

12 We also obtained all files related to cases
13 involving Mr. Williams as a suspect from the North Carolina
14 Crime Lab. We asked the State Bureau of Investigation if
15 they had any files for Mr. Williams. They checked their
16 records and they had done no investigation, including any
17 postconviction investigation in this case.

18 Q. You just went over a lot of files there. So the
19 Commission obtained all of those.

20 Did commission staff also review those files?

21 A. Yes, we did.

22 MS. SMITH: Commissioners, do you have any
23 questions so far about files obtained and reviewed in this
24 case?

25 (No response.)

1 Q. We are now going to turn our attention to the
2 evidence in this case, the physical evidence.

3 Ms. Bridenstine, did commission staff contact the
4 Northampton County Sheriff's Office to see whether they
5 retained any evidence in the case?

6 A. We did.

7 The Northampton County Sheriff's Office told the
8 Commission in 2019 that it did not have any evidence related
9 to this case. All evidence collected in this case was
10 admitted at trial and was in possession of the clerk's
11 office.

12 Q. Did commission staff contact the clerk's office
13 about evidence that was retained in this case?

14 A. We did. The Commission contacted the Northampton
15 County Clerk of Court and sent a letter requesting the
16 release of all evidence still in their custody pursuant to
17 statute except for three items, which included the diamond
18 ring collected from Cinita Long, the Timberland boots
19 collected from Mr. Williams' house, and the 49ers jersey
20 submitted by the defense at trial.

21 The Commission collected the following items on
22 July 1, 2019, from the clerk's office: 38 photographs;
23 1 diagram; a copy of Antonio Freeman's transcript of plea;
24 Robert Branch's statement to law enforcement; underwear; a
25 tampon; two shotgun shells; a piece of metal; and Robert

1 Branch's cell phone.

2 We initially did not believe that we needed to
3 take possession of the ring, boots, or jersey but based on
4 what we learned during our investigation, we decided to take
5 custody of these items.

6 On August 28, 2020, the Commission collected the
7 remaining three items of evidence at the clerk's office.

8 Once we got back to the Commission's evidence
9 room, we took photographs of these three items: The diamond
10 ring, the Timberland boots, and the 49ers jersey.

11 MS. SMITH: Commissioners, Handouts 1
12 through 3 are the photographs of the diamond ring, the
13 Timberland boots, and 49ers jersey respectively.

14 If you'll take a few moments to open and
15 review those three handouts.

16 COMMISSIONER BOSWELL: Julie, who had the
17 ring? Where did you collect the ring from?

18 THE WITNESS: We collected it from the
19 clerk's office.

20 COMMISSIONER BOSWELL: Okay.

21 Q. Ms. Bridenstine, why did commission staff take
22 photographs of the diamond ring?

23 A. We took photographs of the diamond ring because
24 Jamal Thomas testified during his deposition with the
25 Commission that the ring collected from Cinita Long in this

1 case did not come from the Davises' house.

2 Mr. Thomas testified that he never gave Cinita
3 Long a ring that came from Tacoma Davis's house. And
4 according to Mr. Thomas, either Karon Moses or Antonio
5 Freeman kept the ring that came from this crime.

6 Mr. Thomas testified that he bought the ring that
7 the police collected from Cinita Long from a drug user and
8 gave it to Ms. Long before this crime.

9 Q. What information did the Commission staff have
10 about the ring that was recovered from Cinita Long?

11 A. The Commission understood from the trial testimony
12 that Mary Davis viewed the ring at some point with Detective
13 Burnette and identified it as belonging to her. She said
14 she recognized it because there was a bent prong on the
15 ring.

16 JUDGE WAGONER: This is the ring supposedly
17 with the bent prong; is that right?

18 THE WITNESS: Yes. When we took photographs
19 of the ring, there's very clearly a bent prong on it.

20 Q. What additional follow-up did commission staff do
21 related to the ring?

22 A. We spoke to Cinita Long on August 31, 2020. This
23 interview was recorded and transcribed.

24 Ms. Long told us that Detective Burnette asked for
25 the ring that Jamal Thomas gave to her. Ms. Long had heard

1 rumors that Jamal Thomas did a robbery but she did not know
2 where Jamal Thomas got the ring. Detective Burnette told
3 her where the ring came from.

4 Q. Why did commission staff take photographs of the
5 Timberland boots?

6 A. Jamal Thomas testified during his deposition with
7 the Commission that he did not give to Coatney Williams the
8 Timberland boots that they stole from the Tacoma Davis's
9 bedroom.

10 Mr. Thomas testified that he wore the boots
11 himself and that his shoe size is 9 1/2 or 10.

12 Mr. Thomas initially testified that he did not
13 give any boots to Mr. Williams but then said later in his
14 deposition that he had given Mr. Williams a pair of
15 Timberland boots that did not fit Mr. Thomas because they
16 were too big.

17 He said they were not boots from this crime.

18 Mr. Thomas testified that he never told
19 Mr. Williams where he got the boots. Mr. Thomas also
20 testified that he still had the boots that came from the
21 Davises' home that night before he went to prison.

22 Q. Did anyone else provide additional information to
23 commission staff about the Timberland boots?

24 A. Yes. Coatney Williams also testified about the
25 Timberland boots during his deposition with the Commission.

1 He testified that he had two pairs of
2 wheat-colored Timberland boots that were very similar. He
3 stated that law enforcement did not collect the correct pair
4 of Timberland boots and that the Timberland boots that he
5 understood to come from Tacoma Davis's home was the pair of
6 boots that were not collected by law enforcement.

7 The pair of boots that he received from Jamal
8 Thomas that were from the Davises' home were left at his
9 house. They were also wheat-colored Timberlands, but these
10 boots had a gold Timberland symbol on the side. The boots
11 collected by the police did not have a gold Timberland
12 symbol.

13 Mr. Williams stated that he got them from Jamal
14 Thomas because they were his size. He testified that he
15 currently wears a size 11 but back then he wore a size 9 1/2
16 or 10. He believed that the boots he got from Jamal Thomas
17 were a size 10 and were practically new.

18 Q. What information did law enforcement initially
19 have about the Timberland boots that were stolen in this
20 case?

21 A. Police reports indicated that they were a
22 size 9 1/2.

23 Q. And what did you note when you took photographs of
24 the Timberland boots that you collected from the clerk's
25 office?

1 A. We noticed that the boots were size 10 1/2. We
2 also did not see any gold stitching or gold Timberland
3 symbols on the boots.

4 Q. Did commission staff do anything else to follow up
5 regarding the Timberland boots?

6 A. Yes. We spoke to Tacoma Davis about the boots on
7 September 8, 2020. This interview was recorded and
8 transcribed. Tacoma Davis said that the boots that were
9 stolen from his house were wheat-colored Timberland boots
10 with brown shoelaces. He did not remember any special
11 stitching or colored thread on them.

12 He said he thought the boots stolen were maybe a
13 size 9. He said he wore a size 9 or 9 1/2 back then.

14 We then showed him photographs of the boots. He
15 said that they looked like his boots but he did not know for
16 sure.

17 He also said it was possible that the boots taken
18 were a size 10 1/2 because he wore shoes that were sized
19 anywhere from size 9 to 10 1/2.

20 Q. And did Mr. Davis say that after you showed him
21 the photos of the boots with the size 10 1/2 in them?

22 A. Yes.

23 Q. Why did the Commission take photographs of the
24 49ers jersey?

25 A. We took photographs of the 49ers jersey to see if

1 there was any identifying information on the Jersey. Robert
2 Branch told us during his interview that the jersey was a
3 Chicago Bulls basketball jersey. Robert Branch's testimony
4 at Mr. Williams' trial in 2010 was that the jersey was a San
5 Francisco 49ers throwback football jersey and Coatney
6 Williams testified during his deposition with the Commission
7 that the jersey was a 1983 throwback Hugh McElhenny jersey.
8 He testified that he was the only person to wear it.

9 Q. Ms. Bridenstine, did the trial transcript indicate
10 that anyone identified the jersey as being a Hugh McElhenny
11 jersey at trial?

12 A. No. Robert Branch testified at Mr. Williams'
13 trial that the jersey was a 49ers throwback jersey.
14 Mr. Branch is the person who brought the jersey to court
15 from the house he shared with Mr. Williams, his mother, and
16 his stepfather.

17 What Mr. Williams said at our deposition was the
18 first time we were aware of anyone associating that player's
19 name with the jersey.

20 Q. When you looked at the jersey, did it have any
21 identifying features?

22 A. Yes. The name Hugh McElhenny on the front. We
23 also researched the name Hugh McElhenny and learned that he
24 played for the 49ers in the 1950s and he was number 39.

25 Q. Did commission staff do anything with any of the

1 other items that were collected?

2 A. Yes. We submitted the shotgun shells to Bodie
3 Technology for DNA testing. We also submitted the cell
4 phone to Russell Gilmore for forensic analysis.

5 MS. SMITH: Commissioners, there will be
6 additional testimony about the DNA evidence and cell phone
7 in a few moments, but for now, do y'all have any questions
8 about the ring, the Timberland boots, or the jersey in this
9 case?

10 COMMISSIONER GLAZIER: I was a bit slow
11 earlier this morning, and I am confused.

12 Could you go back over the differentiation of
13 size testimony on the boots?

14 THE WITNESS: Sure.

15 So the police reports indicated that the
16 boots stolen listed on the police report were a size 9 1/2.
17 The boots that were collected at trial were size 10 1/2.
18 And Tacoma Davis --

19 JUDGE WAGONER: Julie, when you say "boots
20 collected at trial," are those the ones that were taken from
21 Mr. Williams' house?

22 THE WITNESS: Yes.

23 So Detective Burnette went to Mr. Williams'
24 house and his mother, Regina Knight, handed Detective
25 Burnette the Timberland boots that were admitted at trial,

1 and then those boots were a size 10 1/2. We collected them
2 and took photographs of them.

3 Tacoma Davis initially told us he wore a
4 size 9 or 9 1/2. Later he said that he also wore shoes that
5 were sized larger, or up to size 10 1/2.

6 JUDGE WAGONER: Yes, ma'am.

7 COMMISSIONER COLBERT: So as far the ring is
8 concerned, have you talked to Mary Davis about the ring at
9 any time after that?

10 Have you -- yeah.

11 THE WITNESS: We have not spoken to Mary
12 Davis. We did speak to Detective Burnette about it, and she
13 remembered that Ms. Davis talked to her about the ring had a
14 bent prong and was able to identify it based on that.

15 COMMISSIONER COLBERT: That this particular
16 ring had a bent prong?

17 THE WITNESS: Yes. And it does have a bent
18 prong.

19 COMMISSIONER COLBERT: Okay.

20 MS. SMITH: Any other questions?

21 (No response.)

22 MS. SMITH: Okay.

23 Ms. Bridenstine, you may step down.

24 (Witness stands down, 10:41 a.m.)

25 MS. SMITH: The Commission calls staff

1 attorney Brian Ziegler.

2 * * * * *

3 Thereupon, BRIAN ZIEGLER, a witness having been called by the
4 Commission, was sworn and testified as follows:

5 * * * * *

6 MS. SMITH: Commissioners, we're now going to
7 turn our attention to DNA testing conducted on behalf of the
8 Commission in this case.

9 Handout 4 is a chart of forensic testing
10 conducted in the case. You'll recall in your brief that
11 there was no testing conducted prior to the Commission's
12 involvement in the case. If you'll take just a brief moment
13 to review Handout 4.

14 EXAMINATION BY MS. SMITH: (10:41 a.m.)

15 Q. Mr. Ziegler, will you please state your full name
16 for the record.

17 A. Brian Ziegler.

18 Q. How are you employed?

19 A. I'm a staff attorney at the North Carolina
20 Innocence Inquiry Commission.

21 Q. And how long have you been employed by the
22 Commission?

23 A. It will be five years this January.

24 Q. Did commission staff have any DNA testing
25 conducted in this case?

1 A. We did. Based on information from codefendants
2 during the original investigation that Williams provided
3 them the shotgun, we had both shotgun shells that were
4 recovered from the crime scene tested. This includes one
5 shotgun shell from the bedroom of Mary Davis and one that
6 was outside near a car tire.

7 Q. What were the results of the testing on the
8 shotgun shells?

9 A. No DNA profile was developed at any allele on
10 either shell.

11 Q. Was any DNA profile developed from testing
12 requested by the Commission?

13 A. Yes. We had a profile for Coatney Williams
14 developed for comparison against any profiles that would be
15 developed on the shotgun shells, but there was no comparison
16 done because there was no profile on either shotgun shell.

17 Q. Did the Commission DNA test any other items in
18 this case?

19 A. No. None of the other items that were collected
20 appeared to have been touched or handled by any of the
21 perpetrators other than Ms. Davis' tampon, which Antonio
22 Freeman had admitted to touching.

23 MS. SMITH: Commissioners, do you have any
24 questions for Mr. Ziegler about the DNA testing in this
25 case?

1 COMMISSIONER EDWARDS: The shotgun cells --
2 where did you obtain those from?

3 THE WITNESS: They came from the clerk's
4 office.

5 COMMISSIONER EDWARDS: Okay.
6 So they were admitted into evidence in the
7 trial?

8 THE WITNESS: That's correct.

9 COMMISSIONER EDWARDS: Okay.

10 MS. SMITH: Commissioners, you may recall
11 that earlier there was testimony that the Commission had
12 retained Russell Gilmore related to imaging and analyzing a
13 cell phone in this case.

14 We're going to turn our attention now to the
15 forensic analysis conducted on that cell phone.

16 Q. Mr. Ziegler, can you tell the commissioners what
17 efforts commission staff made to have Mr. Branch's cell
18 phone analyzed?

19 A. Yeah. On June 24, 2019, we contacted Mr. Gilmore
20 at Protus3, which is a security consulting and investigative
21 firm, to see if he could analyze data on the cell phone.
22 Mr. Gilmore informed us that he could analyze the data on
23 the phone. We entered into an agreement with him for that
24 analysis and we transferred the phone into his custody on
25 November 4, 2019.

1 At that point, we requested that he identify the
2 specific photo that was identified as Coatney Williams at
3 trial to determine if the date and time stamp could have
4 been manipulated.

5 Mr. Gilmore issued a report on November 13th,
6 2019, which indicated the photo was taken at 1:05 p.m.
7 Eastern time on December 29, 2007. And he also provided 19
8 additional photos that he got on the phone from that time
9 period.

10 Q. Did commission staff make any further requests of
11 Mr. Gilmore?

12 A. We did.

13 On September 8, 2020, commission staff contacted
14 Mr. Gilmore about his testimony for this hearing, and at
15 that time we asked him for a report related to any
16 additional data that he could find on the phone.

17 Q. And did Mr. Gilmore provide commission staff with
18 a second report?

19 A. Yes. He provided a report dated September 11,
20 2020, which included all photos, videos, and audio that were
21 located on the phone. He also indicated in an e-mail to the
22 Commission that there were text messages on the phone that
23 he had to manually identify and export, and he later
24 provided that information to the Commission.

25 Q. Did the data provided by Mr. Gilmore on the text

1 messages from Robert Branch's phone have any information
2 related to this case?

3 A. No. The earliest text messages that were
4 recovered on the phone were from January of 2008, which was
5 after the crime, and none of them appeared to be related to
6 the crime.

7 MS. SMITH: Commissioners, do you have any
8 questions for Mr. Ziegler about this, understanding that
9 Mr. Gilmore will be here to testify soon?

10 COMMISSIONER BOSWELL: Brian, where did you
11 get the phone?

12 THE WITNESS: The phone was at the clerk's
13 office.

14 COMMISSIONER BOSWELL: Was the phone admitted
15 into evidence at the trial?

16 THE WITNESS: Yes. The specific photo was
17 admitted into evidence, and the photo was on the phone.
18 It's my understanding that it was shown at trial while it
19 was still on the phone.

20 JUDGE WAGONER: But the phone --

21 COMMISSIONER BOSWELL: Where did the phone
22 come from? Where did you get the phone from?

23 THE WITNESS: We got the phone from the
24 clerk's office because the photo was admitted as a photo on
25 the phone. It was still in digital form on the phone.

1 JUDGE WAGONER: But the phone was not
2 admitted into evidence, just the photo from the phone.

3 THE WITNESS: It is my understanding that
4 just the photo was admitted and it was shown on the phone
5 itself.

6 COMMISSIONER BOSWELL: Well, they must've
7 taken possession of the phone if you got the phone from the
8 clerk's office.

9 THE WITNESS: That's correct. Yes.

10 JUDGE WAGONER: I believe there was somewhere
11 the district attorney said, "If you're going to introduce
12 this picture, we want to keep the phone" or something like
13 that. Maybe I dreamed that.

14 THE WITNESS: It's my understanding, because
15 the phone was on the photo [sic] -- it was not printed it
16 out, it was not in any other format, it was only on the
17 phone -- that in order to introduce that photo, the phone
18 itself had to be physically taken into custody because
19 that's how the photo was.

20 MS. SMITH: Any other questions?

21 COMMISSIONER BOSWELL: The time period you
22 mentioned a minute ago when the photos were -- can you say
23 that again -- the exact time the pictures were taken?

24 THE WITNESS: Yeah. Mr. Gilmore's report
25 indicated that the picture, the one specific picture that

1 was introduced at Coatney Williams at trial, was taken at
2 1:05 p.m. on December 29, 2007.

3 JUDGE WAGONER: So he -- does his report
4 indicate what cell tower it bounced off of or anything?

5 THE WITNESS: His report does not. We have
6 some cell phone records that have some information related
7 to that.

8 COMMISSIONER BOSWELL: Okay. Thank you.

9 MS. SMITH: Any other questions?

10 (No response.)

11 MS. SMITH: All right. I would ask that
12 Mr. Ziegler step down.

13 (Witness stands down, 10:48 a.m.)

14 MS. SMITH: Commissioners, the Commission
15 will be calling Russell Gilmore shortly, but prior to doing
16 so, I want to provide several handouts related to his
17 analysis of the cell phone and give you plenty of time to
18 review them.

19 Handout 5 is Russell Gilmore's CV; Handout 6
20 is his first report to the Commission; and Handout 7 is his
21 second report to the Commission.

22 I'm going to give you time to review those.

23 And, Judge Wagoner, I would suggest that we
24 just maybe take a break and be at ease while commissioners
25 review those. I anticipate it will take a little bit of

1 time.

2 JUDGE WAGONER: Okay.

3 MS. SMITH: And Mr. Gilmore will be here
4 around 11:15.

5 JUDGE WAGONER: All right.

6 MS. SMITH: So if we could be at ease to
7 review those until 11:15.

8 JUDGE WAGONER: All right.

9 MS. SMITH: I'm confirming now, but I believe
10 that the audio in the room from the live feed will be cut
11 during this break so commissioners can stay in here during
12 the break.

13 I would also just remind you-all, the audio,
14 the technology in this room is incredible. The audio is
15 very sensitive. So whispers and things of that nature will
16 be picked up for the live feed, just FYI. But it will be
17 cut during this break.

18 JUDGE WAGONER: Okay. Thank you. So we'll
19 be at ease until 11:15.

20 (Recess taken, 10:50 to 11:15 a.m.)

21 MS. SMITH: All right, Commissioners.

22 Before I call Mr. Gilmore, I wanted to turn
23 your attention to page 515 of your brief. That is the
24 portion of the trial transcript related to testimony about
25 the cell phone and the photo.

1 I know there were some questions prior to the
2 break about how the cell phone came in. So if you want to
3 look at that and refresh, you can do that. That is page 515
4 of the brief.

5 And we'll go ahead and call Russell Gilmore.
6 I'll give the staff a few minutes to get him in here.

7 JUDGE WAGONER: All right. Good morning,
8 sir. Welcome.

9 * * * * *

10 Thereupon, RUSSELL GILMORE, a witness having been called by the
11 Commission, was sworn and testified as follows:

12 EXAMINATION BY MS. SMITH: (11:18 a.m.)

13 Q. All right.

14 If you could state your name for the Commission.

15 A. Russell Gilmore.

16 Q. And tell the commissioners about your educational
17 background.

18 A. I went to Wake Technical College, a two-year
19 degree in criminal justice. Also went to Campbell
20 University and have a degree in information technology and
21 security.

22 Q. Okay.

23 Why did you get those degrees?

24 A. I was working for the Raleigh Police Department
25 and decided to go ahead and get a degree in law enforcement.

1 I left the Raleigh Police Department and got involved in
2 computers, computer systems, and network -- network
3 security, and decided at some point through my career to go
4 ahead and attain an information security degree.

5 Q. Where do you currently work?

6 A. Protus3.

7 Q. Can you describe your role at Protus3.

8 A. I am the network manager for the office, I'm a
9 private investigator for the firm, and I also provide
10 support on all incidents or issues we're hired to look into
11 that involve computers, networks, intrusions, theft --
12 anything digital.

13 Q. Prior to coming to Protus3, can you outline your
14 other jobs and any training you received.

15 A. I worked for the Raleigh Police Department from
16 1985 to 1993. While with the Raleigh Police Department, I
17 was a line officer; also served a year and a half as a
18 member of a federal drug task force in Raleigh. After the
19 stint on the task force, I went back to the line as a
20 training officer and eventually up to the investigative
21 division where I worked drugs and vice.

22 I received standard training from the Raleigh
23 Police Department per the guidelines and policy.

24 I left the Raleigh Police Department in '93,
25 opened my own business where I built computers, maintained

1 computers, and set up computer networks for companies
2 throughout the Triangle.

3 I left there and went to work for the
4 Environmental Protection Agency monitoring their network
5 security and their mainframe security.

6 Q. Okay.

7 A. After that, I went and worked with the United
8 States Postal Service where I was involved in maintaining or
9 monitoring their network security, their phone system
10 security, and their wireless system securities throughout
11 the nation.

12 Q. All right.

13 And does that bring us up to --

14 A. That brings us up to my employment in 2004 with
15 Protus3.

16 Q. Okay.

17 So you've been with Protus3 since 2004?

18 A. Yes.

19 Q. Okay.

20 Do you have any certifications?

21 A. I have a Certified Informations Systems Security
22 Professional certification. Basically that's a
23 certification that shows that I'm proficient in the 10
24 domains of security, which include computer security,
25 network security, encryption, security operations.

1 And then I also have a certification with CIS --
2 CISM certification, which is a Certified Information
3 Security Manager, which means I'm proficient in managing
4 security systems and networks.

5 Q. Okay.

6 Tell the commissioners about your experience as it
7 relates to computer forensics work.

8 A. I've been doing -- well, I've been dealing with
9 computer services ever since I started my own business in
10 about 1993. I even did computer investigations as an
11 investigator with the Raleigh Police Department. I believe
12 that was in late '92.

13 As far as computer and security -- computer
14 security, that was also an issue I had to deal with
15 constantly when I managed and maintained networks in my
16 business, and that's all I did for both the EPA and the
17 postal service.

18 Q. Okay.

19 What about digital forensics?

20 A. Digital forensics -- I started with that with the
21 EPA and a little bit with the postal service, where they
22 used monitoring of electronic connections to their network,
23 and then used EnCase inside of the United States Postal
24 Service to investigate intrusions.

25 When I got with Protus3, I slowly started working

1 with EnCase Forensics to do digital examinations, a number
2 of type of cases involving computer forensics.

3 Q. Can you explain the difference between computer
4 forensics and digital forensics.

5 A. It's one and the same.

6 Q. Okay.

7 A. They're used in conjunction with one another.

8 Computer security -- computer forensics was mainly
9 back in the original days when computer forensics was being
10 utilized. You mainly dealt with computers, you mainly dealt
11 with servers. Now that digital data resides on so many
12 devices including thumb drives, the cloud, servers,
13 phones -- so what they've done is you've seen that
14 changeover from the discussion of computer forensics to
15 digital forensics to encompass all of those devices that
16 have data.

17 Q. And so cell phones fall into the digital forensics
18 category?

19 A. They do fall into digital forensics, but you will
20 see that broken out as a description, mobile data -- mobile
21 data forensics, because those devices hold data a little bit
22 differently than a computer and different software can be
23 utilized to extract data from a mobile device.

24 Q. And you do have experience in cell phone forensics
25 as well?

1 A. Yes, I do.

2 Q. Okay.

3 Is there anything else that you believe is
4 important about your experience or education that we've not
5 outlined to the commissioners so far?

6 A. Not that I can think of.

7 Q. Okay.

8 How many years would you say you've been working
9 as a computer or digital forensics expert?

10 A. 16. I've been working for Protus3 since 2004, and
11 that's when I mainly started doing computer forensics. As I
12 said, I did a little bit of forensics for the postal
13 service.

14 Q. Okay.

15 In how many cases have you been consulted or
16 retained as an expert in the areas of computer forensics and
17 digital forensics in criminal cases?

18 A. In criminal cases?

19 Q. You can break it into criminal and civil, however
20 you want to do that.

21 A. Consulting or hired as an expert, more than 20,
22 less than 50 maybe. For noncriminal cases -- now,
23 understand, some of my cases turn criminal; so I will go
24 investigate something for a client and then we'll refer that
25 either to the FBI or the State Bureau of Investigations or

1 local law enforcement.

2 So more than 300 -- more than 400, less than a
3 thousand.

4 Q. Okay.

5 Of those cases, do you know how many times you
6 were consulted or retained for the criminal defense in a
7 case?

8 A. More than 25, less than 50.

9 Q. Okay.

10 And what about by the State, like the
11 prosecution -- have you been retained by them?

12 A. I've only -- I believe I've only worked -- there
13 again, the differentiation I have to make is, was it a
14 civil -- did it start as a civil and then become a criminal
15 and get settled in criminal court?

16 I can only think of one time I worked for the
17 prosecution, and I believe that was -- that was a case out
18 of Garner, North Carolina, where I assisted the Garner
19 Police Department.

20 Q. Okay.

21 And then in thinking about those cases that maybe
22 started, like, with a client then ended up in some kind of
23 criminal investigation where you had to turn over
24 information to the FBI or another agency, about how many
25 times do you think that occurred?

1 A. 15, 25.

2 Q. Okay.

3 Are there any other types of cases that you've
4 been consulted or retained in related to computer and
5 digital forensics, or have we covered those?

6 A. Death investigations. Harassment. I mean, the
7 list can go on. Some of them aren't -- aren't going to --
8 some of them are more informational sometimes, less -- and
9 not so much criminal or civil, it's just informational
10 but ...

11 Q. So would you say that sometimes you're hired or
12 retained to look at information in cases where -- that court
13 is not necessarily the outcome?

14 A. Yes.

15 Q. Okay.

16 What is your typical role in a case when you are
17 consulted or retained?

18 A. I determine exactly what the problem is or what
19 the issue is. I have the person explain it. Especially now
20 that data can pretty much be anywhere, they explain the
21 situation to me and I determine if there's data available
22 that's going to help their matter and then where that data
23 is.

24 So I may determine that we only need to collect
25 e-mails from the cloud. I'm in a business environment, I

1 may only need to collect e-mails from an exchange server. I
2 may only need to look at that employee's laptop. Or I may
3 need to go to that employer's server and collect data from
4 the server.

5 So once we go through where is the data, then we
6 make a determination of how to collect that data, whether
7 it's through computer forensics where I image a laptop,
8 image a phone, image a server, image an external drive or
9 thumb drives, or whether or not we use tools to collect data
10 from the cloud and analyze that data.

11 Q. Okay.

12 A. Once I collect the data, after finding out exactly
13 what the issue is, I'll analyze the data using EnCase
14 Forensics to determine maybe if data was taken from a
15 company or a computer -- there was an intrusion of a
16 particular computer; so it just depends on what their
17 particular issue is. And then we gear the analysis to find
18 information related to that issue.

19 Q. How many cell phones would you say you've reviewed
20 or analyzed in your career?

21 A. More than 100, less than 200.

22 Q. Okay.

23 What specialized training or knowledge did you use
24 in evaluating the cases?

25 A. In general, the knowledge I have with -- since

1 1993, being in the computer industry. Also I took a
2 two-week training course through what used to be Guidance
3 Software, which created the EnCase Forensics application.
4 Now that's owned by a company called OpenText, but I've been
5 through training with them and I go through classes every
6 two to three years, 16 hours of update training through an
7 event that they put on every year.

8 Also, the certifications I have provide me with
9 updated information about information security, technology
10 security.

11 Q. When you evaluate a case involving the analysis of
12 a cell phone, what are the principles and methods you use?

13 A. The principles are to secure the data. Don't
14 change anything. Now, that's difficult with cell phones
15 because, with a computer, I can collect the data from a
16 computer without changing any data on the computer. To
17 collect data off a cell phone, you have to -- you have to
18 connect cables to that phone, you have to turn that phone
19 on, and you have to pull that data out in a manner that can
20 be reviewed.

21 We make sure we secure the data. We use
22 Cellebrite. UFED -- UFED is the Universal Forensic
23 Extraction Device. We use that application to pull the data
24 out of the phone and store that in a secure manner. Then we
25 analyze the data that we pulled from the phone.

1 So we don't go to the phone and start using the
2 phone and changing information on the phone or pulling data
3 from the phone.

4 Q. And when you mentioned Cellebrite --

5 A. Yes.

6 Q. -- is that used by other agencies for analyzing
7 cell phones?

8 A. Yes. Worldwide, both law enforcement and
9 corporate.

10 Q. Can you explain to the Commission why the
11 principles and methods that you use are reliable?

12 A. We're using a trusted application and process to
13 collect information from a mobile device. In most cases,
14 Cellebrite has gone through the makes and models of
15 particular phones and provided a process to connect to that
16 phone, pull that data out, secure that data, and then an
17 application to analyze the data on that device. And then we
18 secure the device and then we secure the data we've
19 collected from the device.

20 If you were to examine the data I was -- examined,
21 you would have the same information in front of you that I
22 had front of me. There's no change to that.

23 Q. In this particular case, were you provided
24 sufficient facts and data in order to conduct your analysis?

25 A. Yes.

1 Q. In this case, did you use the same reliable
2 methods and principles that you've outlined already?

3 A. Yes. Yes.

4 Q. And in this case, did you apply those principles
5 and methods to the facts of the case as you understood them
6 to be?

7 A. Yes.

8 Q. Based on your analysis of this case, do you
9 believe that you have specialized knowledge that will assist
10 the Commission in evaluating the images that were captured
11 on the cell phone that you examined and other data you
12 collected from the cell phone?

13 A. Yes.

14 Q. Mr. Gilmore, have you ever testified as an expert
15 in the area of computer forensics, digital forensics,
16 network security, and/or computer security?

17 A. Yes.

18 Q. All of those?

19 A. Yes.

20 Q. Do you know how many times approximately?

21 A. More than 5, less than 10, 15.

22 Q. And in what courts have you been admitted as an
23 expert?

24 A. Cherokee County and Orange County.

25 Q. And that's in North Carolina?

1 A. Yes.

2 Q. Any out of state?

3 A. I don't believe so.

4 Q. Or federal courts?

5 A. I don't know that I've ever testified in federal
6 court. I may have done affidavits in federal trials.

7 Q. When you have testified in Cherokee County and
8 Orange County, was there a determination made that your
9 testimony in those areas would be helpful to the trier of
10 fact to understand the evidence?

11 A. Yes.

12 Q. Have you ever been rejected as an expert witness
13 in any courtroom?

14 A. No.

15 Q. When the Commission contacted you, did commission
16 staff tell you that we are neutral and we were not seeking a
17 particular outcome or what your opinion would be?

18 A. Yes.

19 Q. Have you formulated opinions in this case
20 regarding the cell phone?

21 A. Yes.

22 Q. Did you provide your reports and a CV to the
23 Commission?

24 A. Yes.

25 Q. Okay.

1 I am going to hand you Commission Handouts 5, 6,
2 and 7 and ask you if you recognize them.

3 Do you recognize what I have marked as Handout 5?

4 A. Yes.

5 Q. And what is that?

6 A. My CV.

7 Q. Okay.

8 And do you recognize what I have marked
9 as Handout 6?

10 A. Yes.

11 Q. And what is that?

12 A. The first report we provided.

13 Q. Okay.

14 And Handout 7 -- do you recognize that?

15 A. Yes.

16 Q. And what is that?

17 A. That is the second report we provided.

18 Q. Okay.

19 Mr. Gilmore, do the reports from Handouts 6 and 7
20 contain the basis for your opinions in this case?

21 A. Yes.

22 MS. SMITH: Judge Wagoner, I would now like
23 to tender Mr. Gilmore as an expert in computer forensics,
24 digital forensics, network security, and computer security.

25 JUDGE WAGONER: All right.

1 Mr. Gilmore may testify as an expert in
2 computer, digital forensic expert -- and I left out two.

3 MS. SMITH: Network security and computer.

4 JUDGE WAGONER: Network security and computer
5 security.

6 Yes, sir.

7 COMMISSIONER GLAZIER: I apologize. My
8 computer is locked, and if we're going to be looking at
9 exhibits, I wonder if I could get some assistance.

10 MS. SMITH: You will. And I believe -- is it
11 locked -- it just needs the password?

12 COMMISSIONER GLAZIER: I am not sure what
13 happened. All of a sudden I've got instructions about going
14 places.

15 (Discussion off the stenographic record.)

16 Q. Mr. Gilmore, when you were first contacted by
17 commission staff in 2019, what did they ask you to do with
18 the cell phone?

19 A. Look for a specific picture on the phone.

20 Q. Did you issue a report related to that request
21 back in November of 2019?

22 A. Yes.

23 MS. SMITH: Commissioners, that report was
24 provided to you as Handout 6 that you've already had an
25 opportunity to review.

1 Q. Did commission staff ask you to do any follow-up
2 work after that initial report?

3 A. Yes, they did.

4 Q. And what was that?

5 A. To provide more pictures that were -- all the
6 pictures that were collected from the phone.

7 Q. And did that also include looking for text
8 messages?

9 A. Yes, it did.

10 Q. And any audio or video that may have been on the
11 phone?

12 A. Yes.

13 Q. Did you issue a second report related to that
14 request in September of 2020?

15 A. Yes. Yes, I did.

16 MS. SMITH: Commissioners, that report was
17 provided to you as Handout 7.

18 Q. Were you able to gather information from the cell
19 phone?

20 A. Yes, I was.

21 Q. And tell us again what program you used to do
22 that.

23 A. Cellebrite; specifically, Cellebrite UFED for PC.

24 Q. Okay.

25 And what information did you gather from the

1 phone?

2 A. In reference to the request, I was able to locate
3 and identify specific information about a photograph that
4 was described to me.

5 JUDGE WAGONER: Did he tell us which report
6 he's on?

7 THE WITNESS: I'm looking at report 6 right
8 now.

9 MS. SMITH: Handout 6.

10 JUDGE WAGONER: Okay.

11 Q. And did you image the phone at that time when you
12 were first looking at the -- at the phone?

13 A. I imaged it prior to analyzing the data, yes.

14 Q. Okay.

15 What data did you note that was on the phone?

16 A. As it relates to my request or in general?

17 Q. Well, you can tell us both.

18 So the first time you looked at it, what did you
19 note, and then the second time, what did you note?

20 A. Understand, I didn't look at the phone by opening
21 it up and turning it on. I collected data off of it; so I
22 just get a file structure of folders and information within
23 the phone.

24 Cellebrite analytics did provide me with some of
25 the pictures that were on the phone, and that's how we were

1 able to first locate these -- these pictures.

2 Q. Okay.

3 So when you image it, though, you're imaging
4 everything that's on the phone?

5 A. I collect everything that the application can
6 possibly get, understanding you can't get all data from a
7 mobile device, but you can -- it's designed to get as much
8 information as possible from the device.

9 Q. And you did that just by plugging in --

10 A. By using Cellebrite, connecting with a specific
11 cable, and then using the program. The program identified
12 the phone. Once we confirmed it identified the proper
13 phone, we collected that data onto an examination system and
14 then that's where we examined the data. We disconnect the
15 phone, we put it back in evidence, and we just analyze the
16 data that we've collected.

17 Q. And did you maintain the phone in evidence?

18 A. Yes, I did.

19 Q. Until today?

20 A. Until today.

21 Q. And did you then transfer it back to commission
22 staff when you arrived this morning?

23 A. Yes, I did.

24 Q. In thinking about both of your examinations, did
25 you recover photos from the phone?

1 A. Yes, I did.

2 Q. Okay.

3 How many photos did you find on the phone?

4 A. I've got 96.

5 Q. Okay.

6 And looking back at your first report, when you
7 were looking for a particular photo or photos from a
8 particular period of time, how many photos did you identify
9 in that first report from that period of time you were asked
10 to look at?

11 A. There are 20 photographs in that first report.

12 Q. And do you know what the date range is on those?

13 A. 12/28/2007 to 12/30/2007.

14 Q. Okay.

15 Did you also, in your analysis -- I believe this
16 is your second analysis -- see any text messages on the
17 phone?

18 A. Yes, I did.

19 Q. Do you know the date range of those text messages?

20 A. No, I do not.

21 Q. Do you recall that they didn't begin until January
22 of 2008?

23 A. I would have to look at them again. I don't
24 recall. I know they were not in the time range that -- that
25 I was looking in reference to the photograph.

1 Also, there was text in the -- you couldn't read
2 all of it either, but I don't -- I don't recall.

3 Q. Okay.

4 A. Those were not collected as an automated process
5 with Cellebrite either. We had to manually go in -- after
6 the request was made about possible text messages, we had to
7 manually go in and search all the subfolders collected from
8 the phone to find something that appeared to look like a
9 text message, and that's how we collected those.

10 Q. And you did that --

11 A. Yes.

12 Q. -- for the Commission staff?

13 A. Yes.

14 Q. Okay.

15 Did you see anything other than photos and text
16 messages when you were analyzing the phone?

17 A. A bunch of system-type files. I do believe we
18 also provided some audio files and video files, but I did
19 not review those.

20 Q. Okay.

21 In analyzing the phone, did you use anything like
22 a manual for the phone to understand better what you might
23 be seeing?

24 A. Yeah. I grabbed -- I found the manual for the
25 phone online and printed that. I also found the features

1 list for the phone online and -- and reviewed that.

2 Q. And what does the manual say about whether the
3 date and time can be changed for a photo?

4 A. This particular -- it doesn't provide a function
5 to change the date and time. I did not --

6 Q. And that's on the photo; correct?

7 A. Yeah. That's -- if I'm referring to photographs,
8 there's -- if you look through the settings of where you can
9 interact with the images, there's nothing in the settings
10 that allows you to interact with a photograph and change
11 that date and time.

12 Q. And does the manual say anything about whether the
13 date and time can be changed on the phone itself?

14 A. It does. This particular model is both -- had the
15 capability of being an analog phone or what is called CDMA.
16 In general, CDMA is the technology to allow us to start
17 texting. That -- it was a U.S. Cellular phone, which I
18 didn't learn until I read some of the earlier court
19 documents.

20 U.S. Cellular implemented CDMA technology in 2003;
21 so this -- the manual specifically says if it's a CDMA -- if
22 it's on a CDMA network, you -- the time settings can't be
23 changed. If it was on an analog network, you're able to
24 change the date and time on the phone. It was a CDMA
25 network. You can't send text messages on an analog phone;

1 it has to be on a digital phone.

2 JUDGE WAGONER: Excuse me. Did you just say
3 it was a CDMA?

4 THE WITNESS: It was on a CDMA network.

5 JUDGE WAGONER: Thank you.

6 THE WITNESS: And I did have to research that
7 through U.S. Cellular's -- information about U.S. Cellular,
8 too, as that -- it was stated that that was the service that
9 the phone was on. I assume -- I believe that's correct.

10 MS. SMITH: Okay.

11 JUDGE WAGONER: Thank you.

12 Q. Mr. Gilmore, based on the materials you reviewed
13 and your knowledge and expertise, can someone -- do you
14 believe, can someone manipulate the date and time on a cell
15 phone photo before it's taken?

16 A. This particular make and model, I don't believe
17 so.

18 Q. Based on the materials you've reviewed and your
19 knowledge and expertise, can a person manipulate the date
20 and time on a cell phone photo after it's taken?

21 A. This particular make and model, no.

22 Q. Is there GPS on this particular cell phone?

23 A. The functions list showed GPS. I don't believe it
24 was available on this particular model.

25 Q. Do you know when cell phones started having GPS?

1 A. This model, the manual is from 2006. It had that
2 capability but I think it has to be allowed by the service
3 provider too. I -- I don't know exactly when it was
4 implemented generally on phones.

5 Q. I think you've already answered this, but did you
6 download all the photos that were contained on the phone?

7 A. Yes.

8 Q. Are you able to tell if any photos have been
9 deleted?

10 A. No.

11 Q. Is there a reason why you can't tell that?

12 A. There is no -- new phones have databases of data.
13 When something is deleted, it just moves it out of the
14 database and it keeps that number. So you'd see a 2, 3, 4,
15 6, 7, 12 -- which would indicate that some of the
16 information was deleted within that database.

17 This particular model just dumped everything as an
18 individual activity, even text messages were individual text
19 files within the phone; same with pictures. So recovering
20 deleted data off of this particular model, I wasn't able to
21 do.

22 Q. Okay.

23 I'm going to turn your attention now, again, back
24 to your first report, which was Handout 6, and I want you to
25 look at image 3.

1 JUDGE WAGONER: That will be the left-hand
2 column -- number 3 is what you're talking about, yes? I
3 just want to be sure we're on the right page.

4 MS. SMITH: Yes. The left-hand column is
5 going to be on page 3, and it's image 3, the middle image
6 there of Handout 6.

7 Q. Can you tell me what the term "modified" means on
8 that?

9 A. Changed.

10 Q. Okay.

11 What does the term "UTC-5" mean?

12 A. Universal time minus five.

13 Q. What is that?

14 A. Universal time is Greenwich Mean Time. It's a
15 standard time. The device got that main time and then
16 adjusted based on its time zone at the time.

17 So if I was in California with this phone, that
18 would be minus nine. But because we're on the eastern -- at
19 this time, at this particular date, 12/28/2007, that is
20 Eastern Standard Time. So we take that UTC time, we
21 subtract five from it, that gives us the time that the
22 picture was taken.

23 And capture time is --

24 JUDGE WAGONER: Wait. We have a question.

25 COMMISSIONER GLAZIER: I may have

1 misunderstood you.

2 You said 12/28, and I'm looking at the photo
3 that says 12/29.

4 THE WITNESS: Oh, I'm sorry. I was up -- my
5 eyes went to number 2. I should've been on number 3. It
6 was 12/29/2007.

7 COMMISSIONER GLAZIER: Thank you so much.

8 MS. SMITH: Okay. Lindsey, is there any
9 way -- I know we have these -- could we print these on the
10 big screen? I think it would be helpful to be sure we're
11 all looking at the same thing.

12 Thank you.

13 COMMISSIONER BOSWELL: Okay. You're going to
14 have to zoom in.

15 JUDGE WAGONER: Can you see that,
16 Mr. Gilmore? Are you able to see that?

17 THE WITNESS: I can refer to it off of this.
18 But yes, as a matter fact, I can identify the bottom picture
19 is the one we're talking about, picture number 3.

20 JUDGE WAGONER: Okay.

21 THE WITNESS: Matter of fact, are they
22 both --

23 MS. SMITH: The top one is 3 and the bottom
24 is 79 from your second report.

25 THE WITNESS: Oh, okay. Trying to trick me.

1 MS. SMITH: No tricks, no tricks.

2 COMMISSIONER BOSWELL: If you can't zoom in,
3 don't worry about it.

4 MS. SMITH: Okay.

5 THE WITNESS: I'll try and be more specific
6 about the ones I'm looking at here. So if I don't clarify
7 what I'm looking at, just let me know.

8 JUDGE WAGONER: Okay.

9 Q. So I'm still looking at number 3 from your first
10 report, which is now on the screen, the top -- the top entry
11 there.

12 A. Okay.

13 Q. What does "capture time" mean?

14 A. Capture time is the UTC time that the image was
15 taken. The phone model -- anytime something changes on the
16 phone, it uses UTC time. So that way, no matter where you
17 are with the phone, it doesn't have to worry about your
18 location based on time zone. It can just say, no matter
19 what, anytime something happens, we're going to set the
20 capture time, whatever time it was saved, whatever activity
21 happened, as UTC. That's the capture time. That's what the
22 phone accepted that image as and its time.

23 Because the phone was in the Eastern Standard Time
24 zone, it modified that time to apply to where the phone was
25 at the time.

1 Now, this is done partly withinside of Cellebrite.
2 This is the report. The phone's not changing this, the
3 report is. This modified time is being done by the report.
4 That's not being done on the phone except unless the user is
5 looking at the phone.

6 So let's just say this phone, had it been in
7 California, that would've been a different modified time.
8 And this can -- I'll explain this -- this becomes clear when
9 we look at the second report.

10 Q. Sure. So that's what I want to do --

11 MS. SMITH: Yes.

12 COMMISSIONER GLAZIER: Again, I'm just slow
13 today, but so the capture time is the time the photograph
14 was taken?

15 THE WITNESS: UTC time.

16 COMMISSIONER GLAZIER: UTC. 6:05:09 p.m.?

17 THE WITNESS: UTC, correct.

18 COMMISSIONER GLAZIER: Help me understand
19 why -- how the modified time is five hours earlier.

20 THE WITNESS: It's five hours earlier because
21 with the Eastern Standard Time --

22 COMMISSIONER GLAZIER: Right.

23 THE WITNESS: -- it's not Daylight Savings
24 Time; so it's Eastern Standard Time, is five hours UTC.

25 COMMISSIONER GLAZIER: Got it.

1 THE WITNESS: Negative UTC.

2 COMMISSIONER GLAZIER: I've got it.

3 THE WITNESS: So if this had been in July --
4 now, understand, Cellebrite did this. And it makes it
5 clear. Modified. Cellebrite is providing you with this
6 time.

7 If I had thought the phone was in another
8 time zone, this would be different. But we knew where --
9 you know, the phone's in this time so let's work with this
10 time zone. When we tell the application "This is the time
11 zone we're working with," it gives us this information.
12 "Okay. If the phone's in the Eastern Standard Time zone,
13 this is what time it was when the picture was taken
14 according to the Eastern Standard Time zone."

15 COMMISSIONER GLAZIER: 1:05 in the afternoon.

16 THE WITNESS: Correct. Ah -- correct.

17 COMMISSIONER GLAZIER: Okay. Thanks.

18 Q. Mr. Gilmore, before I turn your attention to that
19 other image, how confident are you that the date on image 3
20 of 12/29/2007 is correct?

21 A. Based on all of the information I know about this
22 matter, it's -- I believe it is correct.

23 Q. How confident are you that the time on image 3 is
24 correct?

25 A. I am very confident based on those -- the same

1 facts I've been provided.

2 Q. And so that's 1:05 p.m. Eastern Standard Time on
3 December 29, 2007?

4 A. Yes.

5 Q. I'm going to turn your attention to the second
6 report, which is Handout 7, image 79.

7 MS. SMITH: Commissioners, if you want to
8 flip to that in Handout 7, that will be on page 20 of the
9 report, the second from bottom entry. But I've also put it
10 on the screen.

11 And I've also provided it to you in
12 Handout 8, which you're seeing on your screen just those two
13 images are also in Handout 8, if you want to pull that up.

14 And that, I think you can probably zoom in
15 on, Mr. Boswell, on your individual computer.

16 Q. Looking at image 79, is that the same photo that
17 you identified as image 3 in your first report?

18 A. Yes.

19 Q. Can you just tell us why one is labeled 3 and one
20 is labeled 79 in two separate reports?

21 A. This is -- this is the second report. Instead of
22 just grabbing a handful of pictures for a particular given
23 time, we were asked to provide all pictures we could recover
24 from the phone.

25 Q. And looking at image 79, which is on the bottom of

1 the screen there, it has the capture time as 6:05:09 p.m. on
2 12/29/2007; is that correct?

3 A. That's correct.

4 Q. But in our modified, it has that the same
5 6:05:10 p.m. with UTC plus zero.

6 A. Correct.

7 Q. Can you explain what that means?

8 A. Yes. When we were asked to grab all the --
9 provide all of the pictures that we collected from the
10 phone, we used Cellebrite to pull that up. And when we got
11 it into a report, we did not adjust in the report for the
12 local time zone.

13 So what it did, it went ahead and provided that
14 modified but it left it UTC time. And there you see the --
15 it says plus zero; so we just didn't put in a time zone in
16 the report when we told it to produce this data.

17 Q. But if you were to convert that to Eastern
18 Standard Time zone, would this picture also show that it's
19 taken at that 1:05 p.m.?

20 A. Yes, it would.

21 MS. SMITH: Commissioners, do you have
22 questions about that?

23 JUDGE WAGONER: Yes, Mr. Edwards.

24 COMMISSIONER EDWARDS: So just to make sure I
25 understand this correctly, you have been provided

1 information that this phone, at the time that these photos
2 were taken, was in the Eastern Standard zone.

3 THE WITNESS: Yes.

4 COMMISSIONER EDWARDS: So if the phone in
5 fact were in California or somewhere in Central Standard
6 Time, that would adjust the UTC time differently.

7 THE WITNESS: Yes, it would. Yes, it would.

8 In this particular case, I have to go with
9 the -- you know, the facts I have and the information in the
10 case to select that time. We still have the exact time that
11 it happened UTC. The time could be adjusted depending on
12 the location of the phone. If it identified it somewhere
13 else or not in the Eastern Standard Time zone, we still have
14 that UTC time. That won't change.

15 COMMISSIONER EDWARDS: Now, the UTC time, the
16 cell phone providers, do they primarily use that just for
17 billing purposes?

18 THE WITNESS: I --

19 COMMISSIONER EDWARDS: Or do you know?

20 THE WITNESS: I think they use it more to
21 provide the user with a clock.

22 I mean, the time for the phone -- I think
23 that's just part of the functionality of the phones as they
24 came about, was to give them a time. And they have to set
25 that to something, and so using UTC is the easiest way to do

1 it instead of trying to change it every time it adjusts. So
2 they use UTC and then applications within the phone to
3 figure out where you are.

4 COMMISSIONER EDWARDS: Those are my
5 questions.

6 MS. SMITH: Any other questions so far?

7 JUDGE WAGONER: Yes.

8 COMMISSIONER COLBERT: I have two. I need
9 some clarification on the request, right.

10 The first request that you received from the
11 Commission, did it just ask you for images or any files?

12 THE WITNESS: I believe the specific request
13 was for images at the time. I was provided information
14 about a picture of someone in a jersey, and I have an e-mail
15 regarding the time of the event. And so I picked images
16 kind of on both sides of that once I found the image and
17 just provided that small window of information.

18 COMMISSIONER COLBERT: And the second request
19 asked for images and any files?

20 THE WITNESS: Yeah. "Look for more."

21 COMMISSIONER COLBERT: When you say "look for
22 more," did that include text messages?

23 THE WITNESS: Videos, text messages, audios.
24 I think -- and the fact that Cellebrite didn't specifically
25 find a lot of this data, we had to manually go in and just

1 go through the folders. It's like you going through your
2 C drive looking for a file. We have to manually go through
3 until we click on something that kind of looks like, "Hey,
4 that could be a text" or -- and also understand, the naming
5 structure of a lot of these files is proprietary to the
6 system -- the phone it's on. So when you get a video off of
7 this phone and if I put it on your Windows or Mac computer
8 and you double-click on it, it won't do anything. You have
9 to get different software to be able to access that file.

10 So I think at first it was a, "Hey, just see
11 if this is there, see what's there. We think we're aware of
12 this. Give us information around that." Once I provided
13 that, I think it was more of an, "Okay, give us everything
14 you can give us so we can dive into this in more depth."

15 COMMISSIONER COLBERT: So I do have a
16 question about the deletion of data.

17 So did you say you could not even tell if the
18 data was deleted?

19 THE WITNESS: On this model, I wouldn't be
20 able to tell you what was deleted or if anything was
21 deleted.

22 COMMISSIONER COLBERT: -- was deleted.

23 THE WITNESS: Either/or.

24 The only thing, in reading through the
25 manual, is there is a limited amount of data on these phones

1 back in 2007, and the more text and the more pictures you
2 take, you lose storage space. And so one can assume that at
3 some point I'm going to delete a picture to put another one
4 on here, but I have no reference of that in any of this
5 material.

6 COMMISSIONER COLBERT: So -- okay. It
7 doesn't automatically delete data based on what you just
8 said because of the storage?

9 THE WITNESS: I don't recall if this phone
10 automatically deletes data or not.

11 JUDGE WAGONER: Yes, sir.

12 COMMISSIONER GLAZIER: Thank you.

13 Just a summary for me to understand -- and I
14 appreciate very much your testimony.

15 So you're certain that -- on the assumption
16 that this was -- the phone was in Eastern Standard Time,
17 that photograph was taken at 1:05 p.m. Eastern Standard Time
18 based on the data that's in the phone.

19 And the question that we then have is to
20 determine whether that's the defendant in the photograph and
21 where the photograph was taken.

22 Is that accurate?

23 MS. SMITH: I don't know that Mr. Gilmore can
24 answer that question.

25 There will be additional testimony in the

1 hearing about the location of the phone and about the person
2 in the photo.

3 COMMISSIONER GLAZIER: Right. But you're
4 convinced that, assuming this phone was in Eastern Standard
5 Time, it was taken at 1:05 p.m.?

6 THE WITNESS: Yes, sir.

7 COMMISSIONER GLAZIER: Okay. Thank you.

8 COMMISSIONER BOSWELL: Would the fact that
9 the phone had been powered down for 13 years or however long
10 have any impact on the data you could find or you can look
11 at?

12 THE WITNESS: No. It's stored
13 electronically. So it's the same as you -- and I don't want
14 to go back to the days where computers would reset the BIOS
15 and it would come up and say, you know, 1980-something, but
16 the file is saved at a particular time, and that data is
17 embedded as part of the file. It's called metadata, data
18 about data.

19 So when that file is saved to the hard drive,
20 it gets information related to the time that happened, the
21 name that's provided to it, any other statistical
22 information that the device saves.

23 So no, if the -- as a matter of fact, the
24 phone was dead when I got it and we had to purchase a
25 battery and put it in the phone to make it functioning so we

1 could collect the data from it.

2 And that's one of the reasons I grabbed the
3 pictures around this particular event, was to get a day
4 range -- did I see a one-year gap in pictures, did I see any
5 anomaly -- and I didn't.

6 COMMISSIONER BOSWELL: Did the few number of
7 photos and text messages seem odd or was that a function of
8 the fact that this long ago there just wasn't that much data
9 storage?

10 THE WITNESS: That's the function of the fact
11 that that's a flip phone. So it's one of those where you
12 had to text numbers to get letters back in those days, and
13 also the function of the memory capability on the phone.

14 I know it's in one of the documents, I don't
15 know what the memory capability is, but the pictures are
16 very small in size and that's so that you can take more
17 pictures with the phone, but that's based on the technology
18 in 2006, 2007.

19 COMMISSIONER BOSWELL: Thank you.

20 MS. SMITH: I have a few more questions and
21 then you-all may have some more after that.

22 JUDGE WAGONER: Yes.

23 Q. Mr. Gilmore, there's some indication from the
24 trial transcript that the photo file in question may have
25 the label or title "Tek," T-e-k, "in Philly" added to it.

1 The version of the photo that you recovered as
2 image 3 in the first report and image 79 in your second
3 report does not have any kind of writing on it, does it?

4 A. No, it does not.

5 Q. And in your --

6 A. That I can see.

7 Q. In analysis, did you recover any data or images
8 with that phrase, "Tek in Philly"?

9 A. No, I did not.

10 Q. Do you have an explanation for why, if a photo was
11 labeled that or there was, like, writing on top of a photo,
12 why that would not -- no longer be on the photo when you
13 pulled that data down?

14 A. The only explanation I have for that would be
15 based on the information I got from the manual of the phone.
16 An application called Pix, P-i-x, is the application that is
17 used to view and put labels on a picture. If it was done
18 through an application, that data for that picture may be
19 buried in the application and not necessarily dumped on top
20 of the picture. So I don't see anything with that label.

21 Q. Okay.

22 The trial transcript also indicates that Robert
23 Branch testified that the photo was taken at 2:10 p.m. as
24 opposed to 1:05 p.m., which is what your analysis reveals.

25 Do you have any way to know why Mr. Branch may

1 have said that the photo was taken at 2:10 p.m.?

2 A. No.

3 Q. Do have any reason to doubt that the data you
4 recovered from the phone showing that the photo in question
5 was taken at 1:05 p.m. on December 29, 2007, is in fact the
6 correct time?

7 A. No.

8 MS. SMITH: Commissioners, do you-all have
9 any questions?

10 COMMISSIONER BOSWELL: May I?

11 Did you do any analysis of what was actually
12 in the picture or are you just doing an analysis of when the
13 picture was taken?

14 THE WITNESS: I mean, when you say -- oh, you
15 mean the details within the photograph itself?

16 No. Other than the jersey, I believe. I
17 think once I identified that this was a specific photograph
18 where I was going to try to collect data around to provide,
19 I didn't go into any more details than that.

20 COMMISSIONER BOSWELL: Is there any
21 technology to take this photo and enhance it and make it
22 clearer, easier to see, more -- you know, more capable of
23 looking at details, et cetera, that would be reliable with
24 which you are familiar?

25 THE WITNESS: There are people who provide

1 enhancement capabilities to images, specifically digital
2 images. The issue here is the fact that -- and if I go off
3 track, say so -- the pixel resolution is 640 by 480.

4 We now take pictures that are immensely
5 larger than that and give us a lot more clarity; so because
6 of the resolution of this image, it's going to be quite
7 difficult to enhance that. But there are people who -- who
8 process images and do their best to enhance those images.

9 I -- that's not a field that I work in;
10 so ...

11 COMMISSIONER BOSWELL: Thank you.

12 JUDGE WAGONER: Commissioner Edwards.

13 COMMISSIONER EDWARDS: Mr. Gilmore, when you
14 had the actual flip phone in your hand, did you power it on
15 and could you scroll through the photographs and see some of
16 them on the phone?

17 THE WITNESS: I was able to power it on. I
18 did not scroll through the phone and see what was on it.

19 COMMISSIONER EDWARDS: Do you know whether or
20 not -- I know, you know, sometimes the date and time stamp
21 will be on the photo itself.

22 THE WITNESS: I don't know if that was -- I
23 don't know if that was possible on this particular model. I
24 know what you're saying. There's a little -- sometimes
25 there's a ribbon at the bottom when you bring the photo up,

1 it would show that information on that bottom ribbon. I
2 don't know if it was a function of this phone or not.

3 I do know that the date and time was saved
4 with the image and that you can go back into the photo and
5 look at the image. I don't know what was provided with it.

6 COMMISSIONER EDWARDS: Okay.

7 JUDGE WAGONER: Do you recall if you -- out
8 of these 79 photos, you saw other photos of this individual
9 with the same red shirt on no matter what time it was?

10 THE WITNESS: I don't recall seeing other
11 images of that particular jersey.

12 JUDGE WAGONER: Okay.

13 THE WITNESS: I could go back through the
14 images and look again. But at the time, I remember this
15 being the specific image that was -- that I was advised
16 about that I provided information on.

17 JUDGE WAGONER: Okay.

18 COMMISSIONER BOSWELL: One more question:
19 Did you provide any sort of a narrative report or is this
20 the sum total of your reports that you provided?

21 THE WITNESS: This is the sum total of the
22 reports I provided.

23 JUDGE WAGONER: If one could find a person
24 who could enhance this photograph, they would have to have
25 the phone to do it?

1 THE WITNESS: No. They would have to have
2 this digital image that I've provided.

3 JUDGE WAGONER: Okay.

4 How long what would that take?

5 THE WITNESS: I think it may be part of the
6 report. I'd have to double-check how we provided the
7 report. These reports come in a PDF format, and so as you
8 scroll through it, it provides a link to the image and it's
9 saved as part of the report process in an individual work or
10 independent folder with all of the pictures.

11 So the image may be available in part of the
12 information we've provided. If not, I can go back and get
13 the image. I don't need the phone; I have the data we
14 collected for it in our lab.

15 COMMISSIONER GLAZIER: This is a question for
16 Lindsey.

17 JUDGE WAGONER: Sure.

18 COMMISSIONER GLAZIER: So I wanted to follow
19 the judge's question and ask: Was there an attempt by the
20 commission staff to get a digital enhancement of the photo?
21 And if you chose not to, could you tell us why?

22 MS. SMITH: There was not an attempt by
23 commission staff to do that. We certainly can see if we can
24 find someone to do that. We did provide this photo to
25 multiple individuals to see if they could identify the

1 person in the photo. And several individuals were able to
2 do that; several individuals were not.

3 COMMISSIONER GLAZIER: Could we follow up?

4 JUDGE WAGONER: I would -- are we the only
5 two that would like to see an enhanced portion of this?

6 COMMISSIONER BOSWELL: Well, let me ask you a
7 question: Is the identity in the photo at issue?

8 Did the prosecution or anybody say, "Oh, no,
9 that's not Coatney Williams?" Because I don't want to
10 invest a lot of time and energy trying to prove a fact
11 that's not in question.

12 MS. SMITH: I would have to have the staff
13 testify about that.

14 COMMISSIONER BOSWELL: Okay.

15 COMMISSIONER GLAZIER: I agree totally with
16 John. But if it is in question, I agree with the judge that
17 it would be pretty helpful.

18 JUDGE WAGONER: Helpful.

19 MS. SMITH: Commissioners --

20 JUDGE WAGONER: I -- I'm not testifying.
21 It's hard for me to do.

22 MS. SMITH: I have a bigger version of the
23 photo that I can put on the screen for you over the lunch
24 break. It's bigger. I don't know that it's any better in
25 resolution. There is, like, a lighting issue, like, kind of

1 on the face. So I can certainly pull that up for you.

2 We can look into whether there are any
3 capabilities at the State Crime Lab and whether or not they
4 can do that in a quick fashion.

5 And then outside of that, I don't know of
6 any -- personally do not have a list of other experts that
7 could do that for us. Mr. Gilmore may know some folks he
8 can pass along to us, but I don't know what that turnaround
9 time is like but we are, of course, happy to try to
10 accommodate.

11 JUDGE WAGONER: Well, try if it's not going
12 to cost too much money. Thank you.

13 MS. SMITH: Additional questions?

14 COMMISSIONER BRITT: I have a question.

15 JUDGE WAGONER: Yes, sir.

16 COMMISSIONER BRITT: Mr. Gilmore, the
17 question was asked earlier regarding a label being placed on
18 the photograph saying it was taken -- in essence taken in
19 Philadelphia.

20 Is there any way for you, in looking at the
21 data, to determine whether the Pix application was in use at
22 the time this photograph was taken?

23 THE WITNESS: I don't know if there's a way
24 to do that or not. I don't know if there's a logging for
25 that particular application that would show me each time it

1 was used.

2 I can without a doubt go back and
3 double-check.

4 COMMISSIONER BRITT: And the image that we've
5 been looking at -- the times, the information regarding
6 taken in Philly does not appear on that image as it was
7 captured by Cellebrite.

8 THE WITNESS: Correct. No, it does not
9 appear on the image collected.

10 COMMISSIONER BRITT: In Cellebrite, basically
11 you're using that application to, in essence, clone, if
12 that's the proper term, that data on the phone?

13 THE WITNESS: Yeah. That's a term that's
14 used a lot, clone the phone. In this particular situation,
15 I would say collect as much as data as possible from the
16 phone considering its age and how it's stored.

17 To give an analogy about the image with the
18 label on top of it, PowerPoint. You grab an image, you put
19 it in your PowerPoint, you grab a heading, you drop it over
20 the image, and you save it and you've got a PowerPoint with
21 a header on top of the picture. You shut down PowerPoint,
22 you lose PowerPoint, something goes wrong -- it inevitably
23 does -- you don't have that presentation anymore. You've
24 still got the photograph. You open up the photograph, that
25 header is not over the photograph. It was not done

1 physically to the picture; it's part of an application.

2 That's the only way I can kind of give an
3 analogy about why somebody would say it was there or done
4 and then we don't see it.

5 COMMISSIONER BRITT: Thank you.

6 THE WITNESS: Yes, sir.

7 COMMISSIONER EDWARDS: Mr. Gilmore, on report
8 number 7, I believe, when you refer to photograph 79 --

9 THE WITNESS: Yes.

10 COMMISSIONER EDWARDS: -- I would like you to
11 look at the next one, photograph 80. It looks like it was
12 captured one minute after the photograph in number 79.

13 Is that about -- is that accurate?

14 THE WITNESS: I would agree with that.

15 COMMISSIONER EDWARDS: And it appears that
16 someone is sitting in the same location with a plastic white
17 chair to his left, and I don't know if that's a -- I don't
18 know what is behind him, a pile of laundry or something -- I
19 don't know.

20 Do you know whether or not that's the same
21 person or a different person?

22 THE WITNESS: I don't know that.

23 MS. SMITH: There will be testimony as to
24 that.

25 COMMISSIONER EDWARDS: Okay.

1 JUDGE WAGONER: Sir, do you know if there
2 were -- can you recall if there were any more photographs
3 that had cloning language on them?

4 THE WITNESS: You mean the header?

5 JUDGE WAGONER: Yes, sir.

6 THE WITNESS: The only one I'm -- the only
7 reason I'm even aware of it, because what was provided to me
8 in reference to testimony in the trial. So I -- personally,
9 I didn't look for anything with labels or headings; I just
10 grabbed the pictures. And I don't know if there were other
11 images without that header on it or not.

12 If we go back and look at the data we have
13 from the phone to try and find out more about this Pix
14 application and maybe the information within that
15 application, maybe it will provide some logging of what was
16 entered that would eventually be a heading for a phone.
17 I'll be glad to look.

18 JUDGE WAGONER: Okay. I was just trying to
19 see if we had anything to compare it.

20 THE WITNESS: Yeah, no.

21 COMMISSIONER BOSWELL: Judge, may I ask him a
22 question?

23 Was there -- other than the photos, was there
24 any other data within the 28, 29, 30 range -- were there
25 videos or any other data relevant to that time frame other

1 than those photos?

2 THE WITNESS: No, sir, not that I identified.

3 COMMISSIONER BOSWELL: Okay. Thank you.

4 Sorry. Was -- did this phone have the
5 ability to capture where it was at any particular time?

6 THE WITNESS: The capability list for this
7 particular model said it had GPS capability. I did not
8 indicate or see anywhere in the phone that that was enabled
9 or active on this particular phone.

10 COMMISSIONER BOSWELL: How about knowing what
11 cell phone towers it was connecting to at any particular
12 time? Was any of that lodged on the phone?

13 THE WITNESS: If it -- I did not see cell
14 tower information, and I don't suspect this model would've
15 had cell tower information on it.

16 MS. SMITH: We have some phone records that
17 there will be testimony about that may go to that a little
18 bit.

19 COMMISSIONER BOSWELL: I just wondered if we
20 had it and wanted to see if there was anything else that
21 helped us identify -- if we assume that this picture was
22 taken, as we all -- as you testified, at the time, then the
23 relevant piece of information is, well, where was the phone
24 at that point in time?

25 And so is there anything on this phone that

1 would help you identify where it was when that picture was
2 taken?

3 THE WITNESS: Not without doing more
4 research. There are numerous photographs of outdoor areas
5 that you could attempt to try and identify where that
6 particular area is that's in that photograph of buildings
7 wherever the phone was at the time.

8 COMMISSIONER BOSWELL: But nothing on --

9 THE WITNESS: Nothing on the -- correct.

10 COMMISSIONER BOSWELL: Nothing forensically
11 from the phone?

12 THE WITNESS: No, sir. Not that I found, no,
13 sir.

14 COMMISSIONER BOSWELL: Thank you.

15 JUDGE WAGONER: Commissioner Glazier.

16 COMMISSIONER GLAZIER: Thank you.

17 I want to follow up on Mr. Gilmore's response
18 to John and I want to reframe the question. And you can cut
19 me off if you have some evidence on it; so ...

20 You said that -- as I understand, there's
21 nothing on the phone that would identify specifically where
22 it was, but more investigation into the background of the
23 pictures with identifying buildings or locations may give
24 you that answer.

25 Is that what I understand your answer to be?

1 THE WITNESS: Do I need to go down and talk
2 about the pictures and buildings?

3 MS. SMITH: Sure.

4 THE WITNESS: When we got the phone and we
5 were provided with the facts, the information surrounding
6 the matter, one of the things we noticed on some of the
7 pictures -- and you will have to bear with me as I find
8 them -- but there were pictures of buildings.

9 Are they in the first report?

10 JUDGE WAGONER: Which one?

11 THE WITNESS: Were they in the first report?

12 JUDGE WAGONER: He says page 21 --

13 COMMISSIONER BRITT: Page 21 of your second
14 report.

15 THE WITNESS: Yes. Thank you.

16 I attempted to and don't know that I
17 identified the location of the images number 83 and I want
18 to say 84. Don't know the area, but I used Google to look
19 at buildings in the general area that the phone was
20 suspected of being, and I can't say for sure what I think
21 that is, but I'm sure somebody could go back and find it
22 again.

23 Q. (By Ms. Smith) When you googled, were you able to
24 find a building that looked similar to the photo?

25 A. Yes. When I googled the area and started looking

1 for buildings with towers on them, I found several -- or I
2 found one particular that may have been a radio or a TV
3 station in the area.

4 COMMISSIONER GLAZIER: May I ask a follow-up?

5 MS. SMITH: Sure.

6 COMMISSIONER GLAZIER: In what area were you
7 looking?

8 THE WITNESS: Philadelphia.

9 COMMISSIONER GLAZIER: Thank you.

10 MS. SMITH: Any other questions at the
11 moment?

12 (No response.)

13 MS. SMITH: I wanted to clarify one thing I
14 said a moment ago to you-all. It was about the request as
15 to whether we had inquired about enhancing the phone. We
16 did -- and I think Mr. Gilmore said this, but we did request
17 that Protus3 enhance the photo if they could, and
18 Mr. Gilmore had let us know eventually that they didn't
19 believe that they could, they didn't think the photo could
20 be enhanced. So we didn't take any additional efforts to do
21 that, but I think I misstated a little bit of what path we
22 were on before with that. So I wanted to clear that up.

23 I think I've asked all of my questions of
24 Mr. Gilmore, but if other people want more, now is
25 definitely the time.

1 COMMISSIONER GLAZIER: Yes.

2 JUDGE WAGONER: Commissioner Glazier.

3 COMMISSIONER GLAZIER: Sorry. I just want to
4 follow Lindsey's comment about -- and thank you for the
5 information that you did request. And your response -- or
6 your statement was that Mr. Gilmore said that he didn't
7 think it could be enhanced.

8 That's not how I understood your testimony.
9 I understood your testimony to say it might be. That wasn't
10 what you were asked to do and that would be outside of your
11 expertise and others would have to look at that.

12 THE WITNESS: That is out of my expertise.

13 But the fact that the image -- we blew it up
14 on the screen and looked at it, and it's very grainy. And
15 being the 72-by-72 size that it is, and the small
16 640-by-480, my experience would be that it would be pretty
17 difficult to identify or enhance that image any.

18 But I'm sure somebody else can take a look at
19 it and make that determination. I mean, that's just
20 basically my experience. I would not testify or enhance a
21 photograph to bring up an image and testify about it.

22 COMMISSIONER GLAZIER: Thank you,
23 Mr. Gilmore.

24 THE WITNESS: Thank you.

25 COMMISSIONER BOSWELL: When I click on an

1 image and it says "This document is trying to connect to"
2 and it gives me a document location, then that's the place
3 where you say that the document is?

4 THE WITNESS: Yes, sir.

5 COMMISSIONER BOSWELL: If it's been provided.
6 But ours won't connect to that?

7 THE WITNESS: Yeah. If -- the way you've
8 been provided your report, if you've just been provided the
9 PDF not along with the folder that comes along with the
10 report, you will not be able to pull up that individual
11 picture.

12 MS. SMITH: And if you'll let me know which
13 pictures it is that you want over the lunch break, we'll
14 make sure you all get all of those in a format that you can
15 see larger.

16 COMMISSIONER BOSWELL: Thank you.

17 JUDGE WAGONER: Further questions?

18 (No response.)

19 JUDGE WAGONER: Okay. Thank you so much,
20 sir.

21 THE WITNESS: Thank you.

22 (Discussion off the stenographic record.)

23 (Witness stands down, 12:22 p.m.)

24 MS. SMITH: I'm going to briefly recall
25 Mr. Ziegler before we take our lunch break.

1 JUDGE WAGONER: Okay.

2 (Discussion off the stenographic record.)

3 * * * * *

4 BRIAN ZIEGLER, a witness having been
5 previously called by the Commission, was
6 recalled and testified as follows:

7 BY MS. SMITH: (12:23 p.m.)

8 Q. Mr. Ziegler, Mr. Gilmore testified that there was
9 also audio and video on the phone but that he did not
10 actually look at those.

11 Did he provide those audio and video files to
12 commission staff?

13 A. He did. There were 23 audio files and 3 video
14 files.

15 Q. And what can you tell us about those?

16 A. I listened to all 23 of the audio files. And they
17 were all short sound clips as if it were a ring tone
18 downloaded to a cell phone. They were all dated November
19 2007 except for two that were December 2, 2007.

20 Q. And what about the video? Were there videos on
21 there?

22 A. There were three videos. They would not play with
23 our software. We talked to the NC AOC IT department about
24 different software and still were unable to play those
25 videos even with the IT help. But there were -- like I

1 said, there were three videos: One was dated 11/6/07, one
2 11/9/07, and one was 11/26/07; so they were all prior to
3 this crime.

4 Q. Mr. Ziegler, looking at image 83 from Handout 7,
5 which should be up there in front of you --

6 A. Yes.

7 Q. -- there was some testimony from Mr. Gilmore that
8 he googled and found buildings with similar images in the
9 Philadelphia area.

10 Can you tell me anything more about that image?

11 A. Yes. Image 83 -- and it's hard to tell from this
12 thumbnail, but you can see on the full image -- is a
13 building with a logo on the side that appears to be the NBC
14 peacock logo and the number 10. And googling "NBC 10" shows
15 that to be the Philadelphia station.

16 MS. SMITH: Commissioners, any questions?

17 JUDGE WAGONER: Yes, ma'am.

18 COMMISSIONER COLBERT: And I think this is
19 part of the deposition, and I think we're going to get to
20 that because we keep talking about these photos.

21 Were not these photos sent -- shown -- is
22 this the photo that was shown in those depositions to the
23 folks you just deposed?

24 THE WITNESS: Yes, with the caveat that
25 different folks saw different photos. But yes, they came

1 from this batch.

2 COMMISSIONER COLBERT: And we're going to be
3 talking about -- okay. Thank you.

4 COMMISSIONER GLAZIER: Just one follow-up to
5 that question.

6 The NBC 10 station building, do you have
7 location information that would put it within the vicinity
8 of where the defendant or the defendant's brother say they
9 were located?

10 THE WITNESS: I don't have information either
11 way. I just know that it was the Philadelphia affiliate
12 station.

13 COMMISSIONER GLAZIER: Follow-up, please?

14 JUDGE WAGONER: Sure.

15 COMMISSIONER GLAZIER: Was there any attempt
16 to adduce testimony of that location in juxtaposition?

17 THE WITNESS: Are you talking about in the
18 depositions?

19 COMMISSIONER GLAZIER: In the depositions or
20 outside the depositions.

21 THE WITNESS: Not specific to the NBC
22 building, no.

23 COMMISSIONER GLAZIER: Okay. Just curious
24 about the Philadelphia. Thank you.

25 THE WITNESS: Let me correct myself a little

1 bit.

2 We did ask specifically about each photo, but
3 we didn't ask about the NBC 10 building specifically,
4 although that photo was shown to some witnesses.

5 COMMISSIONER GLAZIER: Thank you.

6 COMMISSIONER BOSWELL: Can you at some point
7 show the Google Image of the building and a bigger image of
8 this building and let us look through them?

9 THE WITNESS: Yes. I'm sure we can pull
10 something like that, yes.

11 COMMISSIONER BOSWELL: It doesn't have to be
12 right away because I'm not trying to put you in a time
13 crunch, but sometime in the next couple of days could you
14 show us what you said you went and looked at?

15 THE WITNESS: I'm sure that we can, yes.

16 JUDGE WAGONER: And the way it looked in
17 2007, if possible.

18 THE WITNESS: We will do our best on the
19 2007.

20 JUDGE WAGONER: I don't want to be too easy
21 on you.

22 (Discussion off the stenographic record.)

23 JUDGE WAGONER: Anything else?

24 MS. SMITH: Okay.

25 Commissioners, just so that you are aware,

1 several of those photos from Mr. Gilmore's first report,
2 Handout 6, were shown to individuals that were interviewed
3 and deposed by commission staff.

4 These photos were labeled by commission staff
5 as Exhibits 2 through 21 for the deposition purposes.

6 You were provided those exhibits with the
7 depositions of the claimant and codefendants, but as we move
8 forward in the hearing, we will identify several of the
9 photos and mark them as handouts as well, and we'll make
10 sure that you understand what we're talking about when we're
11 talking about it.

12 Okay. If there are no other questions, I
13 think this is an appropriate time for the lunch break.

14 JUDGE WAGONER: Okay.

15 MS. SMITH: And I would suggest we come back
16 at 1:15 but if you --

17 JUDGE WAGONER: I think we have got to eat in
18 here, don't we?

19 MS. SMITH: Yes. So we could do that off the
20 record, if you want.

21 JUDGE WAGONER: That's fine.

22 All right. We'll be in recess until 1:15
23 unless you need longer.

24 Okay.

25 (Recess taken, 12:28 to 1:35 p.m.)

1 JUDGE WAGONER: I believe we're coming back
2 to order again. Thank you-all for a very nice lunch. And
3 thank you, Jason, for whatever you did to all of the
4 computers.

5 Back to you.

6 MS. SMITH: Thank you, and thank you for
7 giving us a few extra minutes to make sure we had the
8 information requested prior to lunch ready for you-all this
9 afternoon.

10 As Judge Wagoner just alluded to, Jason did
11 put new handouts into your hearing handout folders. I'm
12 going to reference those here in just a minute.

13 Before I recall Ms. Bridenstine, there were
14 some questions earlier today about whether or not the date
15 and time stamp of the photo was allowed in at the trial. I
16 think there was a question about that.

17 Page 531 of the brief is the judge's ruling
18 on that. Essentially, the judge allowed the photo; however,
19 ruled that the day and time could not be displayed or
20 provided to the jury without additional witnesses to be
21 called. No additional witnesses were called related to that
22 information. So it's our understanding that only the photo
23 without any date and time information was presented to the
24 jury.

25 Commissioners, if you pull up in your

1 electronic hearing handout notebooks, Handout 56 is going to
2 be some of those photos from the Protus3 report, the second
3 report. And I'm going to put them on the screen as well and
4 just show them to you large.

5 This is photo 79 from that second report,
6 photo 80 from that second report.

7 JUDGE WAGONER: Would you go back one?

8 MS. SMITH: Yes, ma'am.

9 There will be additional testimony about what
10 individuals have said about these photos and the people in
11 them coming up.

12 This is 80.

13 This is 83.

14 We pulled 84, but this is just a random
15 building. It is not the news building also insomuch as it
16 was taken on a different day.

17 This is 92. Mr. Boswell requested this
18 photo.

19 JUDGE WAGONER: What does the sign say the
20 exit is?

21 COMMISSIONER BOSWELL: That's what I was
22 hoping to see.

23 JUDGE WAGONER: We can't see what the exit
24 is.

25 MS. SMITH: No. I will provide -- in a

1 moment, Ms. Bridenstine is going to testify about another
2 photo that was taken close in time to this one, and it may
3 give us some context, potentially, as to where this photo
4 is.

5 JUDGE WAGONER: Okay.

6 MS. SMITH: The Commission has submitted to
7 the crime lab, over lunch, photo 79. We are waiting to hear
8 from them today to see if they can do a one-day turnaround
9 time on trying to enhance that photo.

10 We did reach out to a private digital
11 enhancement expert as well, and they let us know that that
12 would be \$20,000, which is not in fact within the
13 Commission's budget --

14 JUDGE WAGONER: This is much better.

15 COMMISSIONER COLBERT: -- for multiple years.
16 So we'll see if we can get that a little bit better.

17 COMMISSIONER BRITT: Move back to the other
18 picture.

19 JUDGE WAGONER: 80?

20 MS. SMITH: 80.

21 JUDGE WAGONER: No, 79. This is --

22 COMMISSIONER BRITT: No, no, that picture.

23 MS. SMITH: This is 80.

24 COMMISSIONER BRITT: So is the question: Is
25 this the same person as the person in the jersey?

1 SHERIFF FRYE: No.

2 COMMISSIONER BOSWELL: Well, I asked the
3 question earlier of the expert, and he didn't know.

4 JUDGE WAGONER: Would you go back to the
5 other one in the green jersey?

6 COMMISSIONER EDWARDS: We didn't have the
7 enlarged photo at that time.

8 COMMISSIONER BRITT: Right.

9 THE STENOGRAPHER: Commissioners, I would
10 remind you that I am trying to hear you and you are muffled;
11 so speak up.

12 JUDGE WAGONER: Yes, sir.

13 COMMISSIONER GLAZIER: Just a request. If
14 you submitted that to the crime lab to try and enhance, may
15 I make a request that photo 92 we try to get the same
16 enhancement?

17 MS. SMITH: We certainly can try.

18 COMMISSIONER GLAZIER: Yeah. I'm not
19 optimistic, but it is worth a shot. Thank you so much.

20 MS. SMITH: Okay.

21 I'm going to --

22 COMMISSIONER COLBERT: My question -- so are
23 we going to talk about some of these photos, right, because
24 89, the one of the other building -- there's another
25 building in 89, is that -- and it's time stamped 12/30/07.

1 MS. SMITH: There is going to be testimony in
2 just a moment from Ms. Bridenstine as to two buildings that
3 we believe we may have identified.

4 COMMISSIONER COLBERT: Mm-hmm.

5 MS. SMITH: There -- not all of the buildings
6 can be identified.

7 COMMISSIONER COLBERT: Okay.

8 MS. SMITH: There will also be testimony
9 about phone records related to the location of the phones
10 when they're making calls on the days in question.

11 COMMISSIONER COLBERT: Thank you.

12 MS. SMITH: That is coming up.

13 Okay. I will call Julie Bridenstine.

14 * * * * *

15 JULIE BRIDENSTINE, a witness having been
16 previously called by the Commission, was
17 recalled and testified as follows:

18 JUDGE WAGONER: And you are still under oath,
19 ma'am.

20 THE WITNESS: Yes, ma'am.

21 BY MS. SMITH: (1:41 p.m.)

22 Q. Ms. Bridenstine, I'm going to turn your attention
23 to what is marked in the commissioners' notebooks as
24 Handout 57. It's not on the screen.

25 A. Okay.

1 MS. SMITH: All right. Commissioners, if you
2 want to pull up 57.

3 Q. Ms. Bridenstine, will you explain to the
4 commissioners what this handout includes?

5 A. Yes. So we went to Google and looked through
6 Google Maps for any buildings associated with NBC channel 10
7 and discovered that there is a building at the intersection
8 of Monument Avenue and City Avenue in Philadelphia that has
9 been a channel 10 NBC building since 1952. It was there
10 until 2014. Some of the operations moved to a different
11 building, and in 2018, all operations moved from this
12 building.

13 JUDGE WAGONER: Thank you.

14 MS. SMITH: Commissioners, if you'll give me
15 a moment, I'm going to try to put on the screen for you
16 again the photo in question.

17 I can't do it from there, but I've got one
18 more idea.

19 If you will look in Handout 29, and it would
20 be page 2, which is noted as Exhibit 8.

21 JUDGE WAGONER: Exhibit 3, you said?

22 MS. SMITH: Sorry. Handout 29, page 2, is
23 labeled as Commission Exhibit 8. And that is the photo of
24 the building that Ms. Bridenstine was trying to match.

25 COMMISSIONER BRITT: What was that number

1 again? Exhibit what?

2 MS. SMITH: Handout 29, page 2 of that
3 handout is labeled Exhibit 8, the photo.

4 JUDGE WAGONER: What is the Exhibit 8 sign?

5 MS. SMITH: Commission staff labeled it as
6 Exhibit 8 for our depositions.

7 THE WITNESS: It's also the third photo in
8 Handout 56 from -- and it was photo 83 from Mr. Gilmore's
9 second report.

10 Q. Ms. Bridenstine, I want to turn your attention now
11 to exhibit -- or Commission Handout 57.

12 MS. SMITH: Commissioners -- I'm sorry -- 58.
13 Commissioners, if you want to pull that handout.

14 JUDGE WAGONER: 58?

15 MS. SMITH: 58.

16 Q. Ms. Bridenstine, if you will explain what
17 Handout 58 includes.

18 A. Sure. That first photo that you're looking at
19 comes from Mr. Gilmore's report. It was photo 89. In his
20 second report, he had it listed as being taken on 12/30/2007
21 at 6:03:13 p.m. Universal Time, which would be 1:03:13 p.m.
22 Eastern Standard Time.

23 I will discuss Mr. Branch's testimony a little bit
24 later, but when I interviewed Robert Branch, he saw this
25 photo and it was labeled as Exhibit -- one of the exhibits,

1 14, and he said that he took this photo of projects in West
2 Philadelphia.

3 So when we googled "projects in West
4 Philadelphia," we came up with this article, and that's
5 included in Handout 58 with a photo of the projects that
6 were recently sold.

7 JUDGE WAGONER: What was the time you said?

8 THE WITNESS: The time on that photo in
9 photo 89 was 12/30/2007 at 6:03:13 p.m. Universal Time,
10 which would have been 1:03:13 p.m. Eastern Standard Time.

11 JUDGE WAGONER: 12/30, December 30?

12 THE WITNESS: Yes.

13 JUDGE WAGONER: Thank you.

14 Q. Ms. Bridenstine, there were questions about this
15 photo a moment ago.

16 Do you know what time it was taken in relation to
17 the photo of the projects?

18 A. I believe that that's photo 92.

19 Q. It is photo 92.

20 A. Okay. That was taken on 12/30/2007 at
21 6:04:55 p.m. Universal Time, which is 1:04:55 p.m. Eastern
22 Standard Time.

23 Q. Is that approximately one to two minutes after
24 photo 89 of what Mr. Branch described as the projects?

25 A. Yes.

1 MS. SMITH: Any additional questions about
2 the photos?

3 (No response.)

4 MS. SMITH: All right. Ms. Bridenstine, you
5 may step down.

6 (Witness stands down, 1:49 p.m.)

7 MS. SMITH: Commission calls staff attorney
8 Brian Ziegler.

9 * * * * *

10 BRIAN ZIEGLER, a witness having been
11 previously called by the Commission, was
12 recalled and testified as follows:

13 JUDGE WAGONER: And you're still under oath
14 also.

15 THE WITNESS: Okay.

16 BY MS. SMITH: (1:49 p.m.)

17 Q. Mr. Ziegler, I'm going to turn your attention now
18 to the attorneys who represented Mr. Williams in this case.

19 Has the Commission spoken to the defense
20 attorneys?

21 A. Yes.

22 Q. Why did commission staff speak to the attorneys?

23 A. We spoke to all the attorneys to make sure that we
24 had their complete files to determine what, if anything,
25 they remembered beyond the four corners of their files and

1 to see if Mr. Williams had other -- had either ever admitted
2 guilt or maintained his innocence in conversations with
3 them.

4 Q. Who represented Mr. Williams at trial during this
5 case?

6 A. At trial, he was represented by Jimmie Barnes,
7 known as Sam Barnes. Duncan McCormick represented him on
8 appeal. And he was represented for a postconviction motion
9 for appropriate relief by James Antinore, who also used a
10 private investigator named Jerry Wiggs.

11 Q. Did the Commission speak to Sam Barnes?

12 A. We did. We interviewed him by phone on July 9,
13 2020.

14 Q. Was that interview recorded and transcribed?

15 A. Yes.

16 Q. Did commission staff also obtain a copy of his
17 file?

18 A. We did. We got his file in 2017, early on in our
19 investigation of this case.

20 Q. What did Mr. Barnes recall about the case?

21 A. His recollection was limited. He did remember
22 that there were codefendants who all pled guilty. He
23 remembered that Mr. Williams asserted his innocence but that
24 he would frequently ask about the length of prison time he
25 would get if he pled guilty. And Mr. Barnes described the

1 plea offer as "decent" and described Mr. Williams' mother as
2 "begging" him to take it.

3 Q. What, if anything, did Mr. Barnes remember about
4 Mr. Williams' purported alibi?

5 A. He remembered that Mr. Williams said he was
6 somewhere else at the time of the crime, and it was his
7 memory that family members could confirm that Mr. Williams
8 was with them prior to the crime but not at the time of the
9 crime. And it was also Mr. Barnes' recollection that none
10 of the family members could come to testify at the trial.

11 Q. Did any of Mr. Williams' family members come to
12 testify at the trial?

13 A. Yes. Mr. Williams' brother and mother who lived
14 with him in Northampton County both testified that he was
15 with them on a trip to Philadelphia on the day of the crime.
16 And an aunt named Angela Taylor who lived in Philadelphia
17 also testified about the visit.

18 Q. What else did Mr. Barnes recall about
19 Mr. Williams' alibi?

20 A. He vaguely remembered discussion of video footage
21 from Pennsylvania but that it was not fruitful. He did not
22 work with a private investigator on the case and did not
23 recall any details of any efforts made to obtain the
24 potential video.

25 He also remembered learning about a cell phone and

1 a photograph of Mr. Williams in a basement in what he called
2 "the midnight hour" before trial. His memory was that the
3 time stamp on the photo was not on the date of the offense.

4 Q. Was there a time stamp on the photo Mr. Barnes
5 introduced at trial?

6 A. Yes. The trial testimony from Robert Branch
7 indicated that it is dated 2:10 p.m. on December 29, 2007,
8 although, as Mr. Gilmore testified earlier today, the expert
9 that we hired determined that it was taken at 1:05 p.m. that
10 day and the crime occurred around 10:00 p.m. or 10:15 that
11 night.

12 Q. And was the time stamp itself introduced at trial?

13 A. No. It was just the photo.

14 Q. Did Mr. Barnes say anything about phone records
15 that he could recall beyond the photo?

16 A. He didn't recall getting any phone records. And
17 he said that there would be notes in his file if he did.

18 Q. And were there any notes in his file about phone
19 records?

20 A. There were not.

21 Q. Did you ask Mr. Barnes about the trial?

22 A. Yes. His memory was vague. He remembered
23 thinking that all three codefendants were going to testify
24 against Mr. Williams and Mr. Williams being adamant that
25 none of them would. He remembered that at trial one

1 codefendant, Antonio Freeman, did actually testify.

2 Mr. Barnes did not recall any conversations with
3 Mr. Williams about testifying in his own defense but he is
4 confident that he would have advised against it.

5 And he described Mr. Williams as "going ballistic
6 about gang stuff" on the witness stand. This surprised
7 Mr. Barnes because he had no collateral information about
8 gangs prior to that moment and he never talked with
9 Mr. Williams about any gangs.

10 Mr. Barnes remembered the judge removing
11 Mr. Williams from the witness stand and telling the jury not
12 to consider any of his testimony.

13 He remembered moving for a mistrial, although that
14 is not reflected in the trial transcript. He recalled the
15 judge offering a curative instruction and allowing the jury
16 to consider Mr. Williams' testimony but Mr. Barnes did not
17 think that it cured the problem.

18 He did not recall any of Mr. Williams' family
19 members testifying about his alibi and he did not recall why
20 he didn't call any other witnesses.

21 Q. Is there anything else that Mr. Barnes was asked
22 about during the Commission's interview?

23 A. Yeah. We asked him about other pending charges
24 against Mr. Williams. He didn't recall that there were
25 other charges and he didn't recall why they were dismissed.

1 We also asked if he ever received any information
2 about what happened to the shotgun that was used in the
3 crime, and he said he did not think he ever learned what
4 happened to it.

5 Q. Did commission staff obtain an affidavit for
6 Mr. Barnes?

7 A. Yes.

8 MS. SMITH: Commissioners, Handout 9 is the
9 affidavit of Attorney Sam Barnes, if you want to take a few
10 moments to review that.

11 Q. Mr. Ziegler, after trial, was an appeal filed on
12 behalf of Mr. Williams?

13 A. Yes. He was appointed counsel who filed an appeal
14 for him.

15 Q. What was the outcome of the appeal?

16 A. The Court of Appeals found no error in part,
17 vacated it in part, and remanded for resentencing.

18 Mr. Williams received consecutive sentences for a
19 robbery charge, larceny charges, and possessing stolen
20 property when all of the stolen items came from the same
21 single continuous transaction.

22 So the larceny and possession of stolen goods
23 judgments were vacated and the higher robbery charge stood.

24 Q. Did the Commission speak to the attorney who
25 represented Mr. Williams on appeal?

1 A. Yes. We interviewed Duncan McCormick on July 14,
2 2020, which was recorded and transcribed. And we had
3 previously obtained his file on April 1st, 2020.

4 Q. What did Mr. McCormick remember about his
5 representation of Mr. Williams, if anything?

6 A. He never spoke to Mr. Williams directly. They
7 communicated through written correspondence. Mr. Williams
8 never admitted any guilt to Mr. McCormick. He could not
9 recall whether Mr. Williams explicitly claimed innocence to
10 him, but he remembered that the record reflected an
11 assertion of factual innocence.

12 Q. Was there anything in Mr. McCormick's file that
13 would indicate whether Mr. Williams claimed innocence
14 directly to him?

15 A. Yes. There is a letter from Mr. McCormick to
16 Mr. Williams that's dated January 25, 2011. In the letter,
17 Mr. McCormick explains the scope of a direct appeal and how
18 he is not permitted to conduct any investigation for new
19 evidence. He appears to be responding to a letter in which
20 Mr. Williams asked him to collect video footage from
21 tollbooths and possibly a store that would confirm the claim
22 of innocence.

23 There was no corresponding letter from
24 Mr. Williams in the file from Mr. McCormick. He said that
25 he had destroyed all copies of his case files from this

1 time.

2 MS. SMITH: Commissioners, if you will refer
3 to Handout 10 in your digital hearing handout notebook, this
4 is a letter from appellate attorney McCormick to
5 Mr. Williams.

6 If you'll take a few minutes to read that.

7 (Stenographer clarification.)

8 Q. Mr. Ziegler, was Mr. McCormick aware of any
9 efforts to obtain the video footage referenced in the
10 correspondence?

11 A. No. He stated that he had a vague recollection
12 that Mr. Williams' trial attorney made some effort to locate
13 the footage through relatives who lived in the area but was
14 not able to secure any videotape. And Mr. McCormick
15 believed that was because the tape was reused on a rotating
16 basis and had already been recorded over.

17 Q. Did commission staff obtain an affidavit from
18 Mr. McCormick?

19 A. We did.

20 MS. SMITH: Commissioners, Handout 11 is the
21 affidavit of Duncan McCormick, if you'll take just a moment
22 to review that.

23 Q. And, Mr. Ziegler, did Coatney Williams file a
24 motion for appropriate relief in this case?

25 A. Yes. He was represented by James Antinore.

1 Q. And how did Mr. Antinore get involved in the case?

2 A. North Carolina Prisoner Legal Services had a
3 conflict and they referred the case to attorney Mark
4 Montgomery, who often reviews PLS conflict cases.
5 Mr. Antinore was appointed after Mr. Montgomery's
6 recommendation.

7 Q. Did the Commission review a file from Prisoner
8 Legal Services?

9 A. No. They communicated to us that they didn't have
10 any original documents. They only had electronic copies of
11 documents from the Court of Appeals, which we had already
12 obtained through other means.

13 Q. Did Mr. Antinore conduct any investigation during
14 his investigation?

15 A. He did. Had hired private investigator Jerry
16 Wiggs who we spoke with on July 14, 2020, in a recorded and
17 transcribed interview.

18 Q. What was Mr. Wiggs' recollection of the case?

19 A. He didn't remember much beyond what was in his
20 reports. A big part of our interview with him was aimed at
21 obtaining his complete file because the electronic documents
22 that we had received appeared to be incomplete.

23 JUDGE WAGONER: Appeared to be what?

24 THE WITNESS: Incomplete.

25 JUDGE WAGONER: Thank you.

1 Q. And did the Commission obtain Mr. Wiggs' complete
2 file?

3 A. Yes. He said that at some point he had a computer
4 problem, which is why the electronic documents that we had
5 weren't his whole file. But after we spoke to him, he
6 copied his paper file for us and he was confident that that
7 was everything he had related to the case.

8 Q. What did commission staff learn from speaking with
9 Mr. Wiggs?

10 A. We confirmed that he did interview Antonio
11 Freeman. There was no report in the electronic documents
12 that we had received, but his paper file contained
13 handwritten notes of this interview which were provided to
14 the commissioners in their brief on page 628.

15 Mr. Wiggs recalled Mr. Freeman asking that if
16 signing the affidavit would affect his time reduction. And
17 the handwritten notes of that interview indicate that
18 Mr. Freeman was sentenced in the aggravated range instead of
19 the presumptive range and that he was represented by
20 postconviction attorney Bruce Cunningham on that issue.

21 Mr. Wiggs also described a meeting between
22 Mr. Antinore, the district attorney, and the judge, who
23 denied the motion for appropriate relief. Mr. Wiggs was
24 also at that meeting and he said that at trial a cell phone
25 photo had been introduced that showed Williams in a certain

1 shirt throwing up gang signs in a relative's basement out of
2 town.

3 Mr. Wiggs recalled that the time stamp on the
4 photo was not introduced so that the jury only saw a picture
5 of Williams using gang signs. He said that the meeting --
6 that at that meeting, Mr. Antinore was trying to get the
7 cell phone released for forensic evaluation but that the
8 district attorney would not agree.

9 Q. Did commission staff also speak with Jim Antinore?

10 A. We did. We interviewed him by phone on July 23,
11 2020, and that was recorded and transcribed.

12 Q. What did Mr. Antinore recall about his
13 representation of Coatney Williams?

14 A. Mr. Antinore said that Mr. Williams always
15 maintained his innocence and said that he was in
16 Philadelphia at the time of the crime and that Robert Branch
17 had taken photos on his cell phone in Philadelphia.

18 Mr. Antinore also recalled having a meeting with
19 the DA and the judge after his MAR was denied about getting
20 the cell phone analyzed.

21 Q. In addition to the cell phone, did Mr. Antinore
22 make any additional efforts to check in to Mr. Williams'
23 alibi?

24 A. No. He recalled Mr. Williams' mother had tried to
25 get security footage from out of town but stated that he

1 himself did not try to get any footage because of how
2 many years had passed.

3 Q. Has commission staff made any efforts to try to
4 get security photo -- video?

5 A. We called the Forman Mills store and spoke with a
6 manager who was unequivocal that their store did not
7 maintain any footage from 2007. She suggested that we try
8 their corporate offices. But when I called the corporate
9 office, there was just a message stating they were closed
10 due to COVID without giving any reopening date or any option
11 to leave a message.

12 Q. Did you call them more than once?

13 A. I did.

14 MS. SMITH: Commissioners, Handout 12 is the
15 transcript of the interview of Mr. Antinore with commission
16 staff from July 23, 2020, and Handout 13 is the affidavit of
17 Mr. Antinore.

18 If you'll take some time to review those. I
19 do expect that that may take a little bit of time. That's
20 Handouts 12 and 13.

21 Q. Mr. Ziegler, during his interview with commission
22 staff did Mr. Antinore remember learning that the Center on
23 Actual Innocence was conducting a concurrent investigation?

24 A. Yes. He recalled that at some point during his
25 representation he learned that the Center on Actual

1 Innocence was conducting a concurrent investigation but
2 neither knew about the other one.

3 The Center closed their investigation and provided
4 documents to Mr. Antinore and he continued to represent
5 Mr. Williams until the MAR was eventually denied.

6 Q. Did commission staff speak with anyone from the
7 Center on Actual Innocence?

8 A. We did. Based on our review of their file, we
9 wanted to clarify that Karon Moses was the only person the
10 Center interviewed and to ask a few follow-up questions
11 about the memo related to that interview.

12 We spoke to Cheryl Sullivan on September 3, 2020,
13 in a recorded and transcribed phone call.

14 Q. What did commission staff learn from that
15 interview?

16 A. We confirmed that Mr. Moses was the only person
17 interviewed by the Center. Ms. Sullivan did not
18 independently remember that but she was clear that if any
19 other interviews had been conducted, it would be documented
20 in the file.

21 MS. SMITH: Commissioners, Handout 14 is a
22 copy of Ms. Sullivan's memo about the Karon Moses interview.
23 Please take a moment to review that.

24 Q. Mr. Ziegler, why did commission staff reach out to
25 Ms. Sullivan?

1 A. We specifically wanted to ask about the part in
2 the memo that stated Ms. Sullivan thought Mr. Williams was
3 likely guilty.

4 She had no independent recollection, but she
5 believed that her impression was based on Mr. Moses
6 suggesting that the Center save its money rather than take
7 on the case. And she added that Mr. Moses' statement is not
8 the reason they closed the case.

9 Q. Why did the Center close the case?

10 A. According to a letter to Mr. Williams from the
11 Center that was dated February 20, 2013, they closed the
12 case because Mr. Williams was already represented by
13 Mr. Antinore.

14 Q. Did commission staff speak with any other defense
15 attorneys in this case?

16 A. No. Those are all the defense attorneys who had
17 been involved.

18 MS. SMITH: Commissioners, do you have
19 questions for Mr. Ziegler about any of this information
20 related to defense attorneys?

21 JUDGE WAGONER: Commissioner Glazier.

22 COMMISSIONER GLAZIER: Yes. Thank you,
23 Judge. I've just got two, and they're a little tangential,
24 but ...

25 I'm just confirming: Was there any appeal of

1 the denial of the MAR? I didn't see any.

2 THE WITNESS: No. There was nothing filed.
3 There was that meeting with the judge and the district
4 attorney and Mr. Antinore. My understanding of that meeting
5 was to ask about having a reconsideration, but that's the
6 only thing that I know of.

7 COMMISSIONER GLAZIER: So there was no appeal
8 of anything formal?

9 THE WITNESS: No, nothing formal. No.

10 COMMISSIONER GLAZIER: My other question was
11 you had mentioned early in the discussion when you were
12 talking about the trial attorney that the trial attorney had
13 given a plea offer that the DA made to Mr. Williams and his
14 mom, and his mom had said -- sort of begged him, I think was
15 the words, to take it.

16 What was the plea offer that was
17 communicated?

18 THE WITNESS: I don't know that off the top
19 of my head. I'm sure we can look that up.

20 COMMISSIONER GLAZIER: I would be curious. I
21 mean, he got a large sentence, but that might explain her
22 saying that if it was a lighter plea offer consistent with
23 the other defendants' plea offers, and I was just curious.

24 THE WITNESS: I can't answer that question
25 without looking at the records.

1 COMMISSIONER GLAZIER: Thank you.

2 COMMISSIONER BOSWELL: May I ask a question,
3 Your Honor?

4 JUDGE WAGONER: Sure.

5 COMMISSIONER BOSWELL: Did I understand you to
6 say that the district attorney said that -- when -- the
7 lawyers couldn't have the phone analyzed? Did I understand
8 you correctly?

9 THE WITNESS: Mr. Antinore was seeking the
10 release of the phone to have it analyzed by an expert, and
11 the district attorney did not consent to that. But it is my
12 understanding that that would not be a decision that is
13 entirely up to her.

14 COMMISSIONER BOSWELL: But we don't know why
15 the phone was never analyzed?

16 THE WITNESS: No.

17 MS. SMITH: Other questions related to that
18 information?

19 (No response.)

20 MS. SMITH: Commissioners, Sam Barnes, Duncan
21 McCormick, James Antinore, and Jerry Wiggs are all under
22 subpoena to provide telephone or video testimony if their
23 technology allows.

24 Do any of you want to hear from any of them
25 or can we release them from their subpoenas?

1 I'm also willing to hold them on their
2 subpoenas until later in the hearing in case you change your
3 mind.

4 JUDGE WAGONER: I would vote to hold them.

5 MS. SMITH: Okay. If at any point you decide
6 you want to hear from any, if you'll let me know, that way
7 we can communicate with them just so that they're aware.

8 JUDGE WAGONER: I was thinking to be sure
9 Mr. Antinore -- whoever filed the MAR could perhaps answer
10 the question that you asked earlier.

11 MS. SMITH: Okay. We'll let him know to plan
12 to be here. And I anticipate that that will be Wednesday
13 morning unless we move along very quickly and then it could
14 possibly be tomorrow afternoon.

15 So we've got time to decide if there are
16 others you want to hear from.

17 At this time, I would ask that Mr. Ziegler
18 step down.

19 (Witness stands down, 2:27 p.m.)

20 MS. SMITH: The Commission will recall Julie
21 Bridenstine.

22 * * * * *

23 JULIE BRIDENSTINE, a witness having been
24 previously called by the Commission, was
25 recalled and testified as follows:

1 JUDGE WAGONER: You're still under oath.

2 BY MS. SMITH: (2:27 p.m.)

3 Q. We are now going to turn our attention to the law
4 enforcement and district attorneys involved in this case.

5 Ms. Bridenstine, I want to turn your attention to
6 lead investigator for the Northampton County Sheriff's
7 Office in this case, Brenda Burnette.

8 Can you tell us who she is?

9 A. Brenda Burnette was the lead detective on this
10 case. At the time, she was at the Northampton County
11 Sheriff's Office.

12 Q. Is she still there?

13 A. She is retired.

14 Q. Did commission staff interview Ms. Burnette?

15 A. Yes. We interviewed her in person on August 17th,
16 2020. This interview was recorded and transcribed.

17 Q. What did Ms. Burnette tell commission staff about
18 her role in the case?

19 A. She told the Commission that she was the lead
20 investigator in this case starting from the time the crime
21 happened.

22 Q. Did you show her any photographs?

23 A. Yes. We first showed her photographs of all four
24 codefendants to see if she recognized them and to help
25 refresh her memory about who was involved in this case.

1 Q. Did she recognize all four codefendants?

2 A. She recognized Jamal Thomas and Coatney Williams.
3 She recognized Karon Moses and Antonio Freeman as looking
4 familiar and being codefendants in this case, but she was
5 not sure which one was Mr. Moses and which one was
6 Mr. Freeman.

7 Q. Did Ms. Burnette have any involvement with any of
8 the codefendants prior to this case?

9 A. Yes. She said that she was familiar with Jamal
10 Thomas because she was a school resource officer at his
11 school. She said she just knew of Jamal Thomas as being a
12 student at the school.

13 She also said that she knew Coatney Williams. She
14 said Mr. Williams had been involved in a lot of stuff and
15 that she knew his brothers and his mother. She said
16 Mr. Williams -- that she had been to their house for various
17 reasons, but she could not recall the specific reasons for
18 why she was called out to their house. She did not work on
19 any cases prior to this case that involved Coatney Williams
20 as a suspect.

21 And she could not recall having any interactions
22 with Karon Moses or Antonio Freeman prior to this case.

23 Q. Did commission staff show Ms. Burnette any other
24 photos?

25 A. Yes. We showed her the purported photo of Coatney

1 Williams as Exhibit 4 and the purported photo of Robert
2 Branch in Exhibit 5.

3 When Ms. Burnette was shown Exhibit 4, she said
4 that it was not a good photo and it was the first time she
5 had ever seen it. She said, "It kind of favored Coatney a
6 little bit, but I don't -- I'm not sure."

7 When Ms. Burnette was shown Exhibit 5, she said
8 that she did not really recognize the person and then said,
9 "I don't know if that's Little Robert." She then explained
10 that Little Robert is Mr. Williams' baby brother, Robert
11 Branch.

12 MS. SMITH: Commissioners, Handout 15 is
13 Exhibit 4, the purported photo of Coatney Williams, and
14 Handout 16 is Exhibit 5, the purported photo of Robert
15 Branch.

16 You're going to want to refer to those photos
17 throughout the remainder of the hearing.

18 I will also submit to you that Handout 15 is
19 the same photo that you-all were looking at, we'll use
20 Mr. Gilmore's second report, photo 79; and Handout 16, which
21 is our Exhibit 5, from Mr. Gilmore's report, that would've
22 been photo 80.

23 Q. Ms. Bridenstine, did commission staff ask
24 Ms. Burnette about this burglary of guns at Angela Williams'
25 home behind the Seaboard projects?

1 A. Yes, we did. She did not remember it. She said
2 she remembered something about a handgun involving Chief
3 Reed at the time, but she could not remember if it was
4 connected to this case.

5 Q. Can you tell commissioners why we were asking
6 about this incident?

7 A. In 2008, Mr. Williams told Ms. Burnette about a
8 phone call he received from Jamal Thomas when he was on the
9 way to Philadelphia. In this phone call, Mr. Thomas told
10 Mr. Williams that the word in Seaboard was that Mr. Williams
11 broke into a woman's -- named Angela's house and stole a
12 .38 handgun.

13 Mr. Williams also told the private investigator
14 Jerry Wiggs the same information in 2013 and said that
15 Angela's last name was Williams.

16 Q. Did the Commission staff's investigation ever
17 uncover anything else about that incident?

18 A. We asked multiple individuals about this and no
19 one was able to confirm that the incident happened.

20 Q. Did commission staff ask Ms. Burnette about a
21 robbery of the Cupboard store in Seaboard around the time of
22 this crime?

23 A. Yes.

24 Q. Tell us why.

25 A. Mr. Williams brought it up during his deposition

1 with the Commission. He testified that Jamal Thomas, Karon
2 Moses, and Antonio Freeman robbed the Cupboard store prior
3 to this crime in December 2007.

4 Mr. Williams said that they used a shotgun to
5 commit this crime at the Cupboard store and that
6 Mr. Williams stored the shotgun for Mr. Thomas for a short
7 period of time before he gave it back to Mr. Thomas prior to
8 this crime.

9 We wanted to determine if there was any
10 documentation about this case to see if there were any
11 connections between the Cupboard robbery and this crime and
12 any connections between the guns used.

13 Q. What did Ms. Burnette recall about the robbery of
14 the Cupboard store?

15 A. She said that because the store was located within
16 the city limits of Seaboard, she would not have worked on
17 any cases that happened there. She did not remember hearing
18 about a robbery that happened there either in November or
19 December of 2007.

20 Q. Did the Commission staff's investigation uncover
21 anything about the robbery at the Cupboard store?

22 A. We asked multiple individuals about this, and many
23 recalled that the Cupboard store was robbed on several
24 occasions. Chief Reed, who was working at the sheriff's
25 office at the time, he recalled the robbery in question but

1 he did not remember if any suspects were developed.

2 Rasheed Alston had a specific memory related to a
3 robbery of the Cupboard store. He said that he remembered
4 the Cupboard being robbed around this time. He said that
5 Karon Moses and Antonio Freeman came to his house because
6 the victim's family was looking for them. They left out the
7 back door and were apprehended and taken for a show-up with
8 the victim who did not identify them.

9 Q. Was the Commission able to locate a law
10 enforcement file related to the robbery of the Cupboard
11 store?

12 A. We did not get a complete file. But when the
13 sheriff's office searched, they did locate the initial
14 incident report and a supplementary report. And according
15 to the report, on December 24th, 2007, two black males
16 wearing black hoodies and masks robbed Edith Murphy of her
17 purse and a tote bag at gunpoint. Ms. Murphy told law
18 enforcement that both suspects had shotguns. The report
19 adds: "A group of males came up to the house to tell me
20 that they think it was probably was Karon Moses and Yayo."

21 And Yayo is Antonio Freeman's nickname.

22 The supplementary report is dated January 7, 2008,
23 and it reads in its entirety: "Case was turned over to
24 Chief Reed on January 7, 2008. Case closed. Leads
25 exhausted."

1 Q. Did you ask Ms. Burnette anything about gang
2 activity in the area at the time?

3 A. Yes.

4 Q. And why did you do that?

5 A. Mr. Williams' gang affiliation came up quite a bit
6 during his trial and we wanted to determine if Mr. Williams'
7 role as a gang member had anything to do with this crime.

8 Q. What did Ms. Burnette say?

9 A. She said that there were some people in the area
10 who were purportedly involved in gangs, and she mentioned
11 the Crips gang, but she said that she did not deal with
12 gangs personally and was not a gang investigator.

13 She said she heard that Coatney Williams was
14 involved in a gang. She also said that Coatney Williams was
15 displaying gang signs at Antonio Freeman while Mr. Freeman
16 was testifying and that she informed the district attorney
17 of what she observed.

18 She could not remember why Ms. Asbell asked
19 Mr. Williams questions about gang affiliation at the trial.

20 Q. And remind the commissioners who Ms. Asbell is.

21 A. Ms. Asbell was the district attorney prosecuting
22 the case.

23 Q. Focusing now on this case, what was the first day
24 that Ms. Burnette had any contact with Mr. Williams?

25 A. Ms. Burnette met with him on July 29, 2008.

1 Mr. Williams was being interviewed regarding another case.
2 She did not remember how she came to speak to Mr. Williams
3 about this case, but she did remember speaking to
4 Mr. Williams before she spoke to Cinita Long on July 29,
5 2008.

6 It was following her conversation with
7 Mr. Williams that she spoke to Cinita Long and collected the
8 diamond ring.

9 Q. What did Ms. Burnette say about collecting the
10 Timberland boots from Mr. Williams' house on July 30, 2008?

11 A. She did not remember anything about it.

12 Q. What did she say about her documentation process?

13 A. She said that she always wrote the statements, and
14 the words were what the witness was saying. She would have
15 the witness read over it and sign the statement. It was not
16 a summary. She did not record her interviews, and she said
17 she did not ask questions during her interviews.

18 She said, "I just tell them, 'I want you to tell
19 me what happened,' and that's just how I always did it for
20 all the years that I've been in investigation. And I found
21 that to be better, you know, just be honest. Tell the truth
22 tell -- you know, don't lie about it. Just tell the truth."

23 Q. Who was present during Ms. Burnette's interviews
24 in this case?

25 A. She said that during her interviews with Cinita

1 Long, Coatney Williams, Antonio Freeman, and Karon Moses,
2 she was the only one person present. She believed that ATF
3 Agent Harold McCluney might have been present during her
4 interview with Jamal Thomas. She did not recall Chief
5 George Reed being present for any of the interviews;
6 however, in our interview with Chief Reed, he recalled being
7 present for an interview with Jamal Thomas.

8 Q. What did Ms. Burnette say about when Coatney
9 Williams became a suspect and how that happened?

10 A. She said that after Mr. Williams gave her the
11 information in July 2008 about the case, she spoke to Jamal
12 Thomas and then went from there. Mr. Williams' name had not
13 come up before then. She said she did not remember telling
14 Coatney Williams that he was not a suspect.

15 Q. So is it your understanding that prior to
16 Mr. Williams providing information about this case in July
17 2008, he was not considered a suspect?

18 A. That's correct.

19 Q. Did Ms. Burnette remember telling either Robert
20 Branch or Coatney Williams the date that the crime happened
21 in this case?

22 A. She said that she did not remember telling him the
23 date of the crime. She said she just wrote down what they
24 said.

25 Q. Did you ask Ms. Burnette if she told anyone that

1 she could help them out if they implicated Coatney Williams?

2 A. Yes. She said that she did not do that.

3 Q. What did Ms. Burnette know about Agent McCluney's
4 interview of Karon Moses?

5 A. She did not remember being present and she did not
6 know when the interview happened. She did not know why
7 Agent McCluney interviewed Karon Moses about this case. She
8 said she did not remember working with Agent McCluney on the
9 case and said he was just there the day she interviewed
10 Jamal Thomas. She said her involvement with Agent McCluney
11 was usually on cases that involved guns.

12 Q. Did you ask if anyone contacted her about Coatney
13 Williams' alibi?

14 A. Yes. She said that no one contacted her and no
15 one else at the sheriff's office contacted her about
16 surveillance footage. She did not remember anything about
17 Regina Knight contacting the sheriff at the time, Wardie
18 Smith [sic], about surveillance footage.

19 Q. Was Mr. Burnette able to provide any information
20 about the .38 handgun that was stolen from the Davis home in
21 this case?

22 A. Yes. She said that Chief Reed recovered a .38
23 handgun in Seaboard that was located in March 2008 behind
24 the projects. Ms. Davis did not have the serial number for
25 the gun and they could not retrieve the records for the sale

1 of the gun to Ms. Davis' husband.

2 They were unable to connect the .38 handgun that
3 was recovered to the handgun that was taken from the
4 Davises' home.

5 Q. Was Ms. Burnette able to provide any information
6 about the shotgun that was used in this case?

7 A. She did not think it was ever recovered.

8 Q. Tell the commissioners who George Reed is.

9 A. George Reed is currently a part-time deputy with
10 the Northampton County Sheriff's Office. At the time of
11 this case, he was working as a sheriff's deputy and helped
12 to assist Ms. Burnette in some of the investigation in this
13 case.

14 In 2008, he became the chief of police at the
15 Seaboard Police Department and he was the chief there until
16 2016.

17 Q. Did commission staff interview Chief Reed?

18 A. Yes. We interviewed him in person on August 17,
19 2020. This interview was recorded and transcribed.

20 Q. What did he tell commission staff about his role
21 in the case?

22 A. He told the Commission that he worked on the case
23 with Detective Burnette. Even after he became chief of
24 police at the Seaboard Police Department, he still worked on
25 this case because some of the individuals involved also

1 lived in Seaboard. He said he was on standby to testify as
2 a gang expert at Mr. Williams' trial.

3 Q. Did commission staff show Mr. Reed any photographs
4 of the four codefendants?

5 A. We did. He recognized Jamal Thomas and Antonio
6 Freeman as codefendants. He said that Karon Moses looked
7 familiar and he recognized Coatney Williams.

8 Q. What did Mr. Reed tell commission staff he
9 remembered about Mr. Williams specifically?

10 A. He said that Mr. Williams was a gang leader who
11 was involved in several incidents in Northampton and Halifax
12 Counties. He said that many break-ins that happened in
13 Seaboard led back to Mr. Williams. He thought that
14 Mr. Williams was a member of the Bloods gang.

15 He said he knew Mr. Williams' mother, Regina, and
16 that he never felt threatened by Mr. Williams. He said that
17 if he had to talk to Mr. Williams, he would first go to
18 Mr. Williams' mother, Regina.

19 Q. Did commission staff show Mr. Reed any other
20 photos?

21 A. Yes. We showed him Exhibit 4, which is the
22 purported photo of Coatney Williams, and Exhibit 5, which is
23 the purported photo of Robert Branch. When Mr. Reed was
24 shown Exhibit 4, he said it was either Coatney Williams or
25 Robert Branch and that he could not make out the person.

1 He said that he could not make out the person in
2 Exhibit 5 but that he resembled Robert Branch.

3 MS. SMITH: Commissioners, I'll remind you
4 again that Exhibit 4 is the photo in Handout 15 and
5 Exhibit 5 is the handout in -- is the photo in Handout 16.

6 Q. Did you ask Mr. Reed about the robbery of the
7 Seaboard Police Department in 2007?

8 A. Yes.

9 Q. Tell commissioners about that and why you were
10 asking about that robbery.

11 A. We had requested documents related to Coatney
12 Williams regarding the 2008 burglary case that he was being
13 investigated for in July of 2008 from the Roanoke Rapids
14 Police Department.

15 The Roanoke Rapids Police Department produced
16 everything they had related to Coatney Williams. Included
17 in those documents were reports regarding a January 2007
18 robbery of the Seaboard Police Department. As part of that
19 robbery, a shotgun and a handgun were stolen. We wanted to
20 determine if the shotgun taken from that robbery could have
21 been the shotgun that was used in this case.

22 Q. What did Mr. Reed say about that case?

23 A. He said that they were able to retrieve the
24 shotgun that was stolen in that Seaboard Police Department
25 burglary by working with Coatney Williams' older -- oldest

1 brother, Ernest Williams. Ernest Williams told them where
2 the gun was located. Mr. Reed said the shotgun was a
3 12-gauge pistol-grip shotgun that was recovered in Roanoke
4 Rapids about a month after the burglary. He said he had
5 seen the shotgun before it was stolen. He remembered also
6 finding the safes that were stolen from the Seaboard Police
7 Department as well.

8 He could not remember if they had developed any
9 suspects in that burglary of the Seaboard Police Department
10 but Coatney Williams and his brother Ernest Williams were
11 considered persons of interest.

12 Q. Did commission staff learn anything else about the
13 shotgun stolen from the Seaboard Police Department?

14 A. Yes. In our review of the crime lab files related
15 to Coatney Williams, we learned that the shotgun was
16 submitted to the crime lab on January 30, 2007, and
17 therefore was recovered prior to this crime at the Davises'
18 house.

19 Q. Did Mr. Reed have any involvement with the
20 codefendants prior to this case?

21 A. Yes. He said that Antonio Freeman, Jamal Thomas,
22 and Karon Moses ran with Coatney Williams and that when
23 there were break-ins or assaults, they were named. He also
24 said that people would not testify against them.

25 He said that the other three codefendants were

1 affiliated with Coatney Williams' gang and they were
2 wannabes. He would see them together at the Cupboard store
3 in Seaboard along with Mr. Williams' brother, Robert Branch.
4 He said that Mr. Williams was a leader and the teenagers
5 used to follow him. He said that people did not testify or
6 provide statements against Mr. Williams because of fear of
7 retaliation.

8 Q. Did Mr. Reed recall speaking to Mr. Williams on
9 July 29, 2008?

10 A. Yes. Mr. Reed arrested Mr. Williams for a
11 burglary involving the theft of several guns in July 2008.
12 Mr. Williams was arrested on July 29, 2008. Mr. Reed then
13 questioned Mr. Williams about a robbery of the
14 Margarettsville post office. Mr. Reed recalled that Captain
15 Harmon with the Northampton County Sheriff's Office was also
16 present. He did not think that Mr. Williams knew anything
17 about the post office robbery. He did not know if
18 Mr. Williams talked to any other officer about any other
19 case that day including this case. He did not recall
20 Mr. Williams bringing up this crime.

21 Q. Did the Commission interview Mr. Harmon?

22 A. Yes. The Commission briefly interviewed him in
23 person on August 17, 2020. This interview was recorded and
24 transcribed.

25 Q. What did Mr. Harmon tell commission staff?

1 A. He said that he spoke to Mr. Williams on July 29,
2 2008. He spoke to Mr. Williams along with George Reed about
3 an unrelated case. He said that Mr. Williams mentioned
4 something about the home invasion that was being
5 investigated by Brenda Burnette. They notified Brenda
6 Burnette and she came and talked to Mr. Williams.

7 He did not remember what Mr. Williams said and he
8 did not think he was present when Ms. Burnette spoke to
9 Mr. Williams.

10 Q. I'm going to redirect your attention to your
11 interview with Mr. Reed.

12 Was Mr. Reed able to provide any information about
13 the .38 handgun that was stolen from the Davis home or the
14 shotgun that was used in this case?

15 A. He said that he did not think the shotgun was ever
16 recovered. He remembered that a pistol was found in a field
17 by the projects but he did not recall if it was ever
18 identified or matched to this case.

19 Q. Was Mr. Reed present during any of the interviews
20 in this case?

21 A. He said he thought he was present when Detective
22 Burnette spoke to Jamal Thomas but he did not recall when or
23 what Mr. Thomas said during the interview or whether he
24 asked Mr. Thomas about Mr. Williams. Reading Mr. Thomas'
25 statement did not refresh his memory.

1 Mr. Reed also said he recalled being present with
2 Detective Burnette when she collected some Timberland boots.
3 He thought the boots were collected from the girlfriend of
4 Jamal Thomas. He also remembered some jewelry that was
5 collected.

6 Q. Was Mr. Reed present during Mr. Williams' trial?

7 A. Yes. He said he was there and he remembered
8 Mr. Williams testifying about being an OG in a gang.

9 Q. Did Mr. Reed say anything about this case being
10 gang-related?

11 A. He said he could not say that the commission of
12 the crime was related to being in a gang because they never
13 validated Mr. Williams and the other codefendants as being
14 gang members.

15 Q. What, if anything, did Mr. Reed say about
16 Mr. Williams' alibi?

17 A. He said he heard about it at trial and that
18 Mr. Williams was supposed to be in Philadelphia but he was
19 not aware of Mr. Williams' mother speaking to Sheriff Wardie
20 Vincent about collecting surveillance footage.

21 Q. Did Mr. Reed recall ATF Agent Harold McCluney
22 being involved in the case in any way?

23 A. Mr. Reed said that every time they had a weapons
24 case like this one in which weapons were stolen or used,
25 they would reach out to the ATF to assist.

1 He could not recall if Agent McCluney was involved
2 in this case or if he was present when Agent McCluney
3 conducted interviews.

4 Q. Did commission staff interview Mr. McCluney?

5 A. Yes. We interviewed him on June 26th, 2020. This
6 interview was not recorded because it is ATF policy to not
7 allow recorded interviews. Mr. Ziegler and I both took
8 notes during the interview.

9 Q. Is Mr. McCluney still an agent with the ATF?

10 A. When we interviewed him, he said he was about to
11 retire so I believe he is now retired.

12 Q. What did Mr. McCluney say about his role in this
13 case?

14 A. He said that he worked in Northampton County at
15 the time. Local law enforcement knew him and would call him
16 for cases that could be charged in federal court. Many of
17 those cases were drug-related or home invasions. In order
18 to charge a case, he had to prove interstate commerce. His
19 involvement was usually to sit in on interviews. He would
20 sometimes ask questions.

21 He did not specifically recall this case but said
22 he was sure the sheriff's office called him and he sat in on
23 interviews.

24 Q. What, if anything, did he recall about this case?

25 A. After reviewing reports, he recalled that only two

1 rounds of ammunition were found in this case and no guns,
2 which was not enough to make federal charges. He did not
3 know any of the defendants prior to this case. He said that
4 the interviews were conducted by either Brenda Burnette or
5 George Reed. He usually worked with Mr. Reed and did not do
6 any interviews alone.

7 Q. Did Mr. McCluney still have a case file for this
8 case?

9 A. No. He said that it was policy to only keep files
10 for five years after a case closes. He did not have any
11 documents.

12 Q. Was Mr. McCluney able to identify any documents in
13 this case?

14 A. Yes. He identified undated notes from the
15 interview of Cinita Long as being his. He did not recall
16 exactly who else was present but said it was either Brenda
17 Burnette or George Reed.

18 He also identified undated notes concerning an
19 interview of Karon Moses as his notes. He stated he would
20 not normally give his notes to the local law enforcement
21 agency but he thought that the district attorney requested
22 them in this case and he sent everything he had via e-mail.

23 He did not write a report of the interview of
24 Cinita Long.

25 Q. What, if anything, did he say about the interview

1 of Karon Moses?

2 A. He said that he thought it took place on the same
3 day as the interview of Cinita Long. He thought it took
4 place at the sheriff's office and that Karon Moses was in
5 custody.

6 He said that either George Reed or Brenda Burnette
7 was present for this interview. He did not think that he
8 was the one asking questions. According to Mr. McCluney's
9 notes and recollection, Karon Moses said that Mr. Williams
10 was not present at the crime.

11 Q. Did Mr. McCluney say anything else about this
12 case?

13 A. Yes. He said that certain things about the case
14 did not make sense, such as whether there were three or four
15 people involved, because some people said three and some
16 people said four. He said he did not pick up on gang issues
17 in this case and he thought they were just a group of guys,
18 not Crips or Bloods.

19 He also did not ever recall recovering a firearm
20 in this case. He said that he did not have the sense that
21 Mr. Williams was a "frequent flyer" for law enforcement.

22 Q. Did the Commission interview any other law
23 enforcement officers related to this case?

24 A. Yes. We spoke with retired Sheriff Wardie Vincent
25 by phone on September 2, 2020. We reached out to him

1 because Regina Knight told private investigator Jerry Wiggs
2 that she asked him to obtain surveillance footage from out
3 of town after she was told that it would only be turned over
4 to law enforcement.

5 Q. What, if anything, did Sheriff Vincent recall
6 about that?

7 A. Almost nothing. He had a vague recollection of
8 the case but did not remember any conversations with
9 Ms. Knight. He stated that he would have relayed any
10 information from her to Detective Burnette as the lead
11 investigator and that she would've been responsible for any
12 follow-up. Detective Burnette did not recall any
13 conversations like that.

14 MS. SMITH: Commissioners, do you have
15 questions for Ms. Bridenstine about the testimony related to
16 law enforcement in this case?

17 COMMISSIONER COLBERT: So let me make sure I
18 understand -- that when you talked to Reed, he indicated
19 that they never validated Williams or the other men as being
20 gang members?

21 Did he even talk about what that validation
22 entailed? I mean -- I mean, what does that mean,
23 "validate"?

24 THE WITNESS: He did. And if I recall, he
25 said it involved taking photos of things like gang tattoos

1 and basically verifying that someone is a member of a gang.

2 COMMISSIONER COLBERT: So then if -- so there
3 was no instance that he said that there were -- none of
4 these gentlemen had tattoos in regard to -- as part of
5 validation in a gang?

6 THE WITNESS: We didn't ask him that specific
7 question, but he said that he did not validate them as gang
8 members.

9 COMMISSIONER COLBERT: But he did indicate
10 during trial -- or maybe that wasn't what I -- maybe that
11 didn't come from Reed, that he threw up -- that Williams
12 threw up a gang sign when one of -- when somebody was
13 testifying?

14 THE WITNESS: Brenda Burnette testified that
15 she saw Coatney Williams do that when Antonio Freeman was
16 testifying, and George Reed said that he was present at
17 trial because he was on call to testify as a gang expert.

18 COMMISSIONER COLBERT: But he wasn't there
19 to -- he never mentioned anything about that happening when
20 he was there when Detective Burnette was there?

21 THE WITNESS: He did not.

22 COMMISSIONER COLBERT: Thanks.

23 COMMISSIONER GLAZIER: Just a couple of
24 questions just to follow that.

25 Again, I may have missed it but I don't

1 remember anything in the trial transcript about it being put
2 in the record that the signs -- that the defendant was
3 warned not to make any signs.

4 THE WITNESS: That's correct. I didn't see
5 that in the trial transcript either.

6 COMMISSIONER GLAZIER: Okay. I just wanted
7 to make sure I didn't miss something.

8 And following Robin's question, though George
9 Reed didn't validate directly or whatever that criteria was
10 that he was in a gang, if I'm right, the Bureau -- or the
11 DPS, prison system, when he entered, did a gang assessment
12 and did find pretty significant criteria that he was
13 gang-affiliated.

14 Am I right about that?

15 THE WITNESS: That's correct. He is listed
16 as being part of the Bloods gang. He has an SRG
17 classification.

18 COMMISSIONER GLAZIER: Thank you.

19 JUDGE WAGONER: I believe you testified it
20 was Officer Reed who said that basically Williams was such a
21 bad guy that all the other guys were afraid of him and
22 wouldn't testify against him.

23 Is that what I think you said?

24 THE WITNESS: Chief Reed said something along
25 those lines, that, in general, people wouldn't testify

1 against Mr. Williams for fear of retaliation, and that -- he
2 also said that the teenagers used to follow Mr. Williams.

3 JUDGE WAGONER: Was he talking about past
4 crimes or this particular trial or did he say?

5 THE WITNESS: I don't recall him saying
6 specifically it was this case. My recollection is more in
7 general, but we can double-check the transcript for you.

8 COMMISSIONER GLAZIER: One last question, if
9 I could.

10 I know we can parcel this out so if you don't
11 have it handy, that's fine, but do you have the ages at the
12 time of the crime of the -- all the defendants?

13 THE WITNESS: Yes. I think I can do that.

14 Karon Moses was 18 -- oh, at the time -- I
15 know that at the time of arrest.

16 COMMISSIONER GLAZIER: That's fine.

17 THE WITNESS: Okay. Karon Moses was 18;
18 Coatney Williams was 22; Antonio Freeman and Jamal Thomas, I
19 believe, were 19. I will double-check that for you to make
20 sure that I'm correct.

21 COMMISSIONER GLAZIER: Can I ask a follow-up?

22 JUDGE WAGONER: Yes. Sure.

23 COMMISSIONER GLAZIER: It appears from the
24 detective's testimony that Jamal -- she was an SRO at
25 Jamal's high school. Is that what I remember?

1 THE WITNESS: Brenda Burnette was, yes.

2 COMMISSIONER GLAZIER: Right, was an SRO at
3 Jamal's high school.

4 THE WITNESS: She didn't say if it was high
5 school or junior high, but she just said she was a school
6 resource officer at Mr. Thomas' school.

7 COMMISSIONER GLAZIER: Just out of curiosity,
8 do we know -- did they all go to the same series of schools?

9 I remember there's some statement of that
10 they started in kindergarten, but I'm not clear that they --
11 at least at the middle and high school level, they were
12 still at the schools for as long as they went to school.

13 THE WITNESS: I believe that Jamal Thomas,
14 Karon Moses, and Antonio Freeman were at the same school
15 together. I don't know if that was at the same time
16 Mr. Williams was also a high school student since he's a
17 little bit older.

18 COMMISSIONER GLAZIER: Thank you.

19 JUDGE WAGONER: Yes, ma'am.

20 COMMISSIONER COLBERT: So I wanted to
21 piggyback on that.

22 So when is this SRG classification assessment
23 done? Upon entry into or -- into the prison system or
24 while -- after they have been into the system?

25 THE WITNESS: I don't know if that was part

1 of Mr. Williams' entry into prison so we'll have to check to
2 see if we can pinpoint when he received that designation.

3 We'll look at the records. He may have
4 already had that designation going in when he was convicted
5 in this case.

6 JUDGE WAGONER: Yes, sir.

7 COMMISSIONER BRITT: In response to that
8 question, generally, they do an assessment when they come --

9 (Stenographer clarification.)

10 COMMISSIONER BRITT: I'm sorry.

11 Generally, DPS will do an assessment when
12 someone enters prison whether or not they're gang
13 affiliated. And then if they receive information while they
14 are in prison, they will be able to do it.

15 COMMISSIONER COLBERT: Can you find out about
16 that, please?

17 THE WITNESS: Yes.

18 JUDGE WAGONER: Okay. Yes.

19 COMMISSIONER GLAZIER: I think this
20 exhibit -- and I think it's 47 --

21 COMMISSIONER COLBERT: 47?

22 COMMISSIONER GLAZIER: Yeah.

23 COMMISSIONER COLBERT: The summary?

24 COMMISSIONER GLAZIER: I think the summary
25 says September 3, 2010, is when the determination was made.

1 MS. SMITH: That's correct. And
2 Exhibit 47 -- or Handout 47, Commissioners, is the summary
3 of DPS records from -- related to Coatney Williams, and
4 there is a section gang involvement.

5 Q. Ms. Bridenstine, Judge Wagoner, I think, asked a
6 moment ago -- well, one of the commissioners asked --
7 whether, when Chief Reed answered that people were afraid to
8 testify against Coatney Williams, whether that was in
9 relation to this case or generally.

10 Do you have in front of you the transcript of
11 Chief Reed's interview with commission staff?

12 A. I do. Yes.

13 Q. Does that help you answer that question?

14 A. Based on his testimony, it seems like it was not
15 in specific relation to this case; it was a general comment.

16 JUDGE WAGONER: Lindsey, can she read it?

17 Q. Can you read that out loud, maybe go up to the
18 questions before -- the question before that and then read
19 his response.

20 A. Chief Reed said:

21 "A. I think Coatney basically, honestly, when they got
22 sped up, okay, when I say they got -- they get high --

23 "Q. Okay.

24 "A. -- like smoking weed laced with embalming fluid and
25 so forth, that's when they would do that crazy stuff, you

1 know, like I said, all the break-ins and stuff would happen.
2 But as far as, like, really going out, if I can remember him
3 saying, 'Yeah, Coatney did this,' you know, I couldn't
4 because people would say, 'Yeah, it was Coatney.' But when
5 it come time, you know, 'Okay, I need a statement, I need you
6 to testify, Oh, no.'

7 "Q. And what was your understanding of the reason for
8 not testifying?

9 "A. Fear, retaliation.

10 "Q. Fear of?

11 "A. Coatney and them killing them or hurting them."

12 JUDGE WAGONER: Yes, sir.

13 COMMISSIONER GLAZIER: I have another. I
14 want to follow that.

15 Was there any evidence that -- other than
16 these broad suggestions, was there any evidence from any of
17 the law enforcement that he did that; that is, that he went
18 out and threatened people directly or was engaged in that
19 activity as it related to any of his other past record or --
20 I leave it that way.

21 THE WITNESS: The only thing that I would
22 draw your attention to is that Mr. Williams sent Karon Moses
23 a letter in jail in September of 2008 that had some
24 threatening language in it.

25 COMMISSIONER GLAZIER: Yes. And follow-up, I

1 think, as I recall reading that, that that was related to
2 his being very angry at it being pinned on him when he
3 claimed he didn't do it.

4 THE WITNESS: Correct.

5 COMMISSIONER GLAZIER: Is that -- thank you.

6 JUDGE WAGONER: Anybody else?

7 (No response.)

8 Q. Ms. Bridenstine, do you now have in front of you
9 confirmation of the codefendants' and claimant's ages at
10 that time of the crime?

11 A. Yes.

12 At the time of the crime, Karon Moses was 17 years
13 old; Jamal Thomas was 18 years old; Antonio Freeman was
14 18 years old; and Coatney Williams was 22 years old.

15 COMMISSIONER GLAZIER: Thank you.

16 JUDGE WAGONER: Sheriff, do you have a
17 question? Or are you thinking?

18 SHERIFF FRYE: Robert Branch at the time, how
19 old was he at this time?

20 MS. SMITH: We'll have that answer for you
21 momentarily.

22 SHERIFF FRYE: No problem.

23 MS. TANNER: Like 19 or so.

24 SHERIFF FRYE: I think so, I just wanted to
25 be clear.

1 MS. SMITH: If you'll give us a few minutes,
2 we'll get that.

3 SHERIFF FRYE: No problem.

4 MS. SMITH: Commissioners, both Brenda
5 Burnette and George Reed are under subpoena for telephone
6 standby to testify via phone or video as technology allows
7 if commissioners would like to ask questions about them.

8 There will be some additional testimony
9 throughout the remainder of the hearing related to
10 information provided from Ms. Burnette and Mr. Reed. So if
11 you know you want to hear from them now, certainly let me
12 know, but definitely before the end of the hearing, if you
13 know you want to hear from them, let me know. They will
14 remain on standby throughout the hearing.

15 Does anybody know now, though, that they're
16 going to want to ask questions of them?

17 COMMISSIONER EDWARDS: I would say depending
18 upon other testimony, I might want to question Ms. Burnette.

19 MS. SMITH: Okay.

20 They'll be on -- we're going to leave them on
21 standby, but I just want to make sure that I don't forget to
22 circle back to that.

23 Q. Ms. Bridenstine, do you now have information in
24 front of you related to the age of Robert Branch?

25 A. Yes. He was 18 years old at the time of the

1 crime.

2 SHERIFF FRYE: Thank you.

3 Q. Ms. Bridenstine, I believe there will be testimony
4 about this later on, but can you describe the relationship
5 of Robert Branch to the codefendants?

6 A. Robert Branch was friends with three codefendants.
7 He specifically referred to Jamal Thomas as a close friend.

8 Q. Thank you. All right.

9 We're going to turn our attention now to the
10 district attorney involved in this case.

11 Can you tell the commissioners who Valerie Asbell
12 is?

13 A. Valerie Asbell is the current district attorney of
14 prosecutorial district 7, which includes Northampton County.
15 She was also the district attorney at the time of this case
16 and she represented the State at Mr. Williams' trial.

17 Q. Did commission staff interview Ms. Asbell?

18 A. No.

19 Q. Can you tell the commissioners why that did not
20 happen?

21 A. It is our practice to interview the district
22 attorneys and assistant district attorneys who tried the
23 cases we investigate along with any claimant defense
24 attorneys and private investigators who are involved in the
25 case.

1 We requested that Ms. Asbell do a recorded phone
2 interview with the Commission. Initially, she agreed to do
3 the interview and asked that we provide our questions in
4 advance to her.

5 Q. Is it commission staff's practice to provide
6 questions in advance to witnesses?

7 A. No. But as a professional courtesy, the
8 Commission provided her with the list of topics that we
9 planned to address at the interview and exhibits for her to
10 look at to help refresh her memory about this case and those
11 topics.

12 Ms. Asbell reached out to the Commission prior to
13 the scheduled interview to let us know that she was
14 declining to be interviewed.

15 Q. At that point, what did commission staff do?

16 A. The Commission's associate director reached out to
17 Ms. Asbell and let her know that the Commission intended to
18 subpoena her for a deposition. After that, Ms. Asbell
19 provided the Commission's director with a letter outlining
20 her reasons for declining an interview with commission
21 staff.

22 We subpoenaed her for a deposition. We also
23 provided her with our list of questions.

24 MS. SMITH: Commissioners, Handout 17 is the
25 letter provided to the Commission's director by District

1 Attorney Asbell on August 21st, 2020.

2 If you'll take some time to review that.

3 Q. Ms. Bridenstine, did commission staff depose
4 Ms. Asbell?

5 A. No. The attorney general's office filed an
6 objection to the deposition. The Commission filed a motion
7 to compel her to participate in the deposition in response
8 to her objection, and a hearing was held before our chair,
9 Judge Wagoner.

10 Q. What happened as a result of that hearing?

11 A. Ms. Asbell agreed to answer the majority of the
12 questions via sworn affidavit. The attorney general's
13 counsel objected to several questions on the basis of
14 attorney work product privilege. Judge Wagoner ruled that
15 several answers were protected by work product privilege and
16 held the Commission's motion to compel in abeyance pending
17 further actions of the parties.

18 Q. Did Ms. Asbell provide a sworn affidavit to
19 commission staff?

20 A. She did. She answered all of our questions except
21 for the ones that were determined to fall under attorney
22 work product privilege.

23 MS. SMITH: Commissioners, Handout 18 is
24 Ms. Asbell's sworn affidavit, if you'll take some time now
25 to review that.

1 Commissioners, do you have any questions for
2 Ms. Bridenstine related to the prosecutors in this case?

3 (No response.)

4 COMMISSIONER BOSWELL: I haven't finished
5 reading the affidavit.

6 MS. SMITH: Sure. I'll give you some more
7 time.

8 COMMISSIONER BOSWELL: Well, I mean, if I have
9 questions, I can ask them later on. I don't want to --

10 MS. SMITH: It's fine. Our next step is a
11 break so go ahead and finish.

12 Any questions?

13 (No response.)

14 (Witness stands down, 3:19 p.m.)

15 MS. SMITH: Judge Wagoner, I would think that
16 this is probably an appropriate time for our afternoon break
17 for about 15 minutes.

18 JUDGE WAGONER: 3:30.

19 MS. SMITH: 3:35? That clock is off.

20 JUDGE WAGONER: 3:33 -- 3:35.

21 MS. SMITH: Thank you.

22 (Recess taken, 3:19 to 3:36 p.m.)

23 MS. SMITH: All right.

24 Commissioners, a couple of housekeeping
25 items.

1 We've been in communication with the crime
2 lab. The analyst there says they will shoot to have
3 whatever can be done by lunch tomorrow or no later than
4 close of business tomorrow with respect to those photos; so
5 we will hopefully have something for you tomorrow to keep
6 you updated.

7 Also, during Ms. Bridenstine's testimony
8 before the break there was a question about the plea offer.
9 If you will look on your computers, over the break,
10 Handout 59 was uploaded to your computer handouts.

11 This is the plea offer documents from the
12 district attorney's file. So you can review those.

13 And then I will also point you to Handout 48,
14 page 163 of that handout. That handout is Mr. Williams'
15 deposition digest and transcript with the Commission. And
16 at the bottom of page 163 of the handout, which is actually
17 page 141 of the transcript because the digest is in front of
18 that, but 163 of the handout, he testifies about the plea
19 offer as well.

20 So if you want to look at that, you can do
21 that as well.

22 (Indiscernible commentary.)

23 THE STENOGRAPHER: I'm sorry, is this to be
24 on the record?

25 JUDGE WAGONER: No.

1 THE STENOGRAPHER: Thank you.

2 MS. SMITH: Commissioners, I believe there's
3 a question as to how long that plea would have been for. It
4 works out to 15.8 to 20.5 years. It is two sentences to run
5 concurrently, for a total of 15.8 to 20.5 years.

6 (Indiscernible commentary.)

7 COMMISSIONER GLAZIER: One question.

8 JUDGE WAGONER: Sure.

9 COMMISSIONER GLAZIER: The first document has
10 a side note, "Total time exposure, 137 to 183, rejected."
11 And the second document shows the 198 to 246.

12 What is the 137 to 183 number?

13 COMMISSIONER EDWARDS: It's the difference in
14 dates.

15 JUDGE WAGONER: Yeah.

16 COMMISSIONER EDWARDS: You can see the first
17 one was on January 10th, and he rejected that. So when they
18 were getting ready for trial on July 8 --

19 COMMISSIONER GLAZIER: Second -- a different
20 offer.

21 JUDGE WAGONER: Yeah.

22 COMMISSIONER EDWARDS: So it would be more
23 than likely that the first plea offer might have been some
24 agreement, you know, as to what range, how many months, and
25 then he rejected it so he would have got more time with the

1 next one.

2 MS. SMITH: Okay.

3 Commission recalls Staff Attorney Brian
4 Ziegler.

5 * * * * *

6 BRIAN ZIEGLER, a witness having been
7 previously called by the Commission, was
8 recalled and testified as follows:

9 JUDGE WAGONER: You remain under oath,
10 please.

11 MS. SMITH: Commissioners, we're now going to
12 turn our attention to the witnesses living in North Carolina
13 at the time of the crime.

14 Commissioners, Handout 19 is a chart of all
15 of the individuals who have viewed NCIIC Exhibits 2
16 through 6 along with a copy of Exhibits 2 through 6, which
17 are some of the photos from Robert Branch's phone.
18 Everyone's responses when they reviewed these exhibits is
19 summarized in this handout. And I want to give you time to
20 review that and then you may ask questions of Mr. Ziegler
21 about that handout.

22 JUDGE WAGONER: Exhibit Number -- did you
23 say 19?

24 MS. SMITH: This is going to be Handout
25 Number 19.

1 JUDGE WAGONER: Thank you.

2 MS. SMITH: Commissioners, Mr. Ziegler is
3 going to testify about each of these individuals in turn a
4 little bit more, but are there any questions about the
5 handout itself before we move on with testimony?

6 (No response.)

7 BY MS. SMITH: (3:47 p.m.)

8 Q. Mr. Ziegler, did the Commission speak to anyone
9 local to the Seaboard area about Mr. Williams?

10 A. Yes. We spoke to Stephanie Wheeler, Rasheed
11 Alston, April Smith, Cinita Long, and Lacey Claxton.

12 Q. Did commission staff speak to Stephanie Wheeler?

13 A. We did. We interviewed her by phone on
14 September 2, 2020, and that was recorded and transcribed.

15 Q. Who is Ms. Wheeler?

16 A. She stated that she used to date Mr. Williams,
17 although he indicates that she is still his girlfriend. She
18 met him through working with his mom around the time of this
19 crime. She described their relationship at the time as
20 "talking to each other" although they were dating when he
21 was arrested and throughout his trial.

22 MS. SMITH: Commissioners, Stephanie Wheeler
23 does not have a criminal record.

24 Q. Was Ms. Wheeler ever aware of a trip to
25 Philadelphia by Mr. Williams?

1 A. Yes. She remembered Mr. Williams going to
2 Pennsylvania, and remembered him showing her pictures when
3 he came back. She did not remember if she ever talked to
4 him while he was gone and she was not sure if he had his own
5 phone at the time because she would usually call him on his
6 mother's landline. But she also remembered him using his
7 brother's phone.

8 Ms. Wheeler told us that she remembered when
9 Mr. Williams got arrested. She said he was angry and said
10 he didn't do it. His mom always told Ms. Wheeler that if
11 she had more money to hire a better lawyer, he wouldn't be
12 in prison because he was out of town at the time of the
13 crime.

14 Q. Did commission staff ask Ms. Wheeler about the car
15 she drove?

16 A. We did. And she said that in 2007 she had a green
17 Saturn but that she got a blue Mustang sometime in 2008 or
18 2009.

19 Q. Why did you ask her about her cars?

20 A. In Jamal Thomas' statement to Detective Burnette
21 on September 3, 2008, he described Mr. Williams riding in a
22 Mustang after the crime that night to collect some of the
23 items from the robbery, and Ms. Wheeler was the only person
24 in Mr. Williams' circle that we learned of ever having a
25 Mustang, although according to both her and Mr. Williams,

1 she did not have it at the time of the crime.

2 Q. Did commission staff learn anything else from
3 Ms. Wheeler?

4 A. We showed her Exhibit 4 and Exhibit 6. She
5 identified Exhibit 4 as Coatney Williams and said she was
6 100 percent confident and that she remembered the jersey
7 worn in the photo. She identified Exhibit 6 as Robert
8 Branch with 100 percent confidence.

9 Ms. Wheeler thought that these were the pictures
10 of Mr. Williams or -- the pictures that Mr. Williams showed
11 her when he returned from his trip to Philadelphia.

12 Q. We are going to turn our attention now to Rasheed
13 Alston.

14 MS. SMITH: Commissioners, I need to make
15 one correction to --

16 JUDGE WAGONER: Questions, question.

17 COMMISSIONER GLAZIER: Can I ask a question
18 that's related?

19 MS. SMITH: Absolutely.

20 COMMISSIONER GLAZIER: So what does
21 Ms. Wheeler do now? Can you -- you've given us information
22 she has no criminal record, but can you give us more
23 information that might help us with credibility?

24 THE WITNESS: I can only relay what she said
25 in her interview, which was -- she said that she was a nurse

1 now and she said something along the lines of she didn't
2 want to -- there were certain questions that she didn't want
3 to answer based on her recollection, and she said that she
4 was afraid of saying something wrong because she was a nurse
5 now.

6 COMMISSIONER GLAZIER: Follow-up, please.

7 JUDGE WAGONER: Yes, sir.

8 COMMISSIONER GLAZIER: Did you follow up to
9 determine if she's a nurse -- truly is a nurse now?

10 THE WITNESS: I haven't followed up on that.
11 That is only what she told me.

12 COMMISSIONER GLAZIER: Any reason to doubt
13 the veracity of that?

14 THE WITNESS: No. I have no reason to doubt
15 her but I haven't independently verified what she said about
16 that.

17 COMMISSIONER GLAZIER: Thank you very much.

18 MS. SMITH: All right. Commissioners, we're
19 going to turn now to Rasheed Alston.

20 And I need to correct something that is a
21 typo in Handout 19. This is going to be on the fourth page
22 at the top, that row that's labeled Rasheed Alston looking
23 at Exhibit 6.

24 He actually says this is Robert Branch. He
25 has seen the photo before. He saw photos on Robert Branch's

1 cell phone when they returned from Philadelphia. We have a
2 typo there and have it saying that he said it was Coatney
3 Williams so I need to correct that. We will correct the
4 record and the actual handout for the official record to
5 reflect that correctly.

6 Q. Mr. Ziegler, can you tell the commissioners who
7 Rasheed Alston is.

8 A. Yes. He lived in the Seaboard projects and he
9 knew all of the defendants in this case. He gave a
10 statement to Detective Burnette on September 8, 2008,
11 regarding a conversation in which Antonio Freeman admitted
12 to the sexual assault on Ms. Davis.

13 Mr. Williams and his brother Robert Branch both
14 told law enforcement about a conversation in Mr. Alston's
15 home in which Antonio Freeman, Karon Moses, and Jamal Thomas
16 told them about this crime.

17 Q. Did commission staff speak to Rasheed Alston?

18 A. We did. We first served him with a subpoena for a
19 deposition on August of 17, 2020, in order to be sure that
20 we could speak with him in a COVID-safe way.

21 At that time, he agreed to a telephone interview
22 so we interviewed him by telephone on August 19th, 2020, and
23 released him from subpoena.

24 That interview was recorded and transcribed.

25 MS. SMITH: Commissioners, Handout 20 is the

1 criminal record of Rasheed Alston, if you want to take a
2 moment to review that.

3 Q. Mr. Ziegler, what did commission staff learn from
4 Rasheed Alston?

5 A. He knew Coatney Williams and the codefendants. He
6 said that they all hung out together with other people from
7 Seaboard as well although the codefendants were younger and
8 more friends with Robert Branch than with Coatney Williams.

9 Q. And remind the commissioners again who Robert
10 Branch is.

11 A. Robert Branch is Mr. Williams' younger brother.

12 Q. Did Mr. Alston provide any information specific to
13 Coatney Williams?

14 A. He did. He said that he has seen Mr. Williams
15 with a silver shotgun that belonged to his brother although
16 he added that they lived in the country and everyone had a
17 gun.

18 Mr. Alston did not know Mr. Williams to be in a
19 gang but said that he probably hung out with people who were
20 affiliated. He described himself as a friend of both
21 Coatney Williams and of Robert Branch, and he recalled
22 talking to Mr. Williams on the phone but did not know whose
23 phone Mr. Williams would use. And he also could not recall
24 his own phone number from the time of the crime.

25 Q. What, if anything, did Mr. Alston say about

1 Mr. Williams going to Philadelphia?

2 A. Prior to being asked any questions about that,
3 Mr. Alston independently brought up Philadelphia. He said
4 that Mr. Williams told him that he was going to go there.
5 Mr. Alston could not recall exactly when, but he remembered
6 they were smoking marijuana in his back room and
7 Mr. Williams said that he would be leaving for Philadelphia
8 with his family soon after they finished their blunt.

9 According to Mr. Alston, he asked Mr. Williams to
10 call when he arrived in Philadelphia and 7 1/2 or 8 hours
11 later Mr. Williams did call and said he was there.

12 Mr. Alston did not think that Mr. Williams was
13 picked up from his house to leave for the trip.

14 Q. Can you tell -- you testified a moment ago that
15 Mr. Alston did not know his own phone number or recall his
16 phone number from that time.

17 Why were you asking Mr. Alston about his phone
18 number?

19 A. We would compare the phone numbers that we could
20 identify from the phone records that we obtained to match
21 them with individuals.

22 Q. And you weren't able to do that with respect to
23 this potential call from Mr. Williams to Mr. Alston;
24 correct?

25 A. That is correct. We didn't have a number to

1 identify with Mr. Alston.

2 Q. Did Mr. Alston say anything else about the trip to
3 Philadelphia?

4 A. He identified the person in Exhibit 4 as Coatney
5 Williams and the person in Exhibit 6 as Robert Branch. He
6 said that he had seen these pictures before. After
7 Mr. Williams and his family came back to North Carolina,
8 Mr. Williams and Mr. Branch brought what Mr. Alston
9 described as "good weed from Philadelphia" to smoke at
10 Alston's house and they showed him pictures from their trip
11 on a cell phone.

12 Mr. Alston added that he can't say where
13 Mr. Williams was during the crime but that Mr. Williams told
14 Mr. Alston he was going to Philly, he called and said he was
15 there, and he came back with good weed and pictures on a
16 cell phone.

17 Mr. Alston believes that that was the morning
18 after Mr. Williams returned from the trip because if it were
19 any later, he thought that the weed would've already been
20 gone.

21 Mr. Alston added that he also remembered seeing a
22 picture from a gas station, a picture with girls, and a
23 picture of what he called a smoke spot in Philadelphia.

24 Q. Were you able to identify pictures like that on
25 the phone when it was analyzed by Mr. Gilmore?

1 A. There were no pictures of girls from the relevant
2 time frame and there did not appear to be any pictures of a
3 gas station. We didn't get a more detailed description of
4 what Mr. Alston meant by "smoke spot," but there were some
5 pictures of the outside of buildings and pictures of
6 individuals inside buildings as well as the person in
7 Exhibit 4 who Mr. Alston identified as Mr. Williams appears
8 to be smoking.

9 Q. What, if anything, did Mr. Alston say about this
10 crime?

11 A. He said that the people who did the crime bragged
12 about it, the same people who pled guilty. At first,
13 Mr. Alston did not want to say their names because, in his
14 words, he's "still in the streets with people."

15 He did not recall talking to Detective Burnette
16 until we read him his statement. He then said that he
17 remembered telling her -- "her" being Detective Burnette --
18 that Antonio Freeman told him about assaulting Ms. Davis.
19 We asked more about the context of that conversation and he
20 added that Jamal Thomas and Karon Moses were present, and he
21 believed the conversation took place outside in the Seaboard
22 projects. He said that Coatney Williams' name was not
23 mentioned during that conversation.

24 Q. Did Mr. Alston say anything about a conversation
25 that occurred outside of his house about the crime after it

1 had been committed?

2 A. It was his recollection that the conversation
3 happened outside. We specifically asked about a
4 conversation inside his home as was described by
5 Mr. Williams and Mr. Branch in their statements to law
6 enforcement where Antonio Freeman, Karon Moses, and Jamal
7 Thomas talked about the crime in the presence of Rasheed
8 Alston, Coatney Williams, April Smith, Robert Branch, and
9 Tiffany Brown.

10 Mr. Alston did not specifically remember this but
11 said that it might've happened. He said again that he
12 thinks the conversation he heard took place outside but that
13 he thinks Mr. Williams was there for that conversation.

14 Mr. Alston also stated that until Mr. Williams was
15 arrested, it was his impression that only three people
16 committed the crime, that Karon Moses was telling people
17 Mr. Williams was not involved.

18 Q. What did Mr. Alston say about a robbery at the
19 Cupboard store?

20 A. He remembered the Cupboard being robbed around
21 this time. He said that Karon Moses and Antonio Freeman
22 were wanted for it. According to Mr. Alston, they came to
23 his house because the victim's family was looking for them.
24 They left out the back door and were caught by law
25 enforcement who took them for a show-up with the victim but

1 she did not identify them.

2 Mr. Alston stated that he did not know anything
3 about what, if any, weapon was used in the robbery at the
4 Cupboard.

5 Q. Tell the commissioners about the initial incident
6 report from the Seaboard Police Department.

7 A. The initial report from Seaboard police tends to
8 corroborate Mr. Alston's recollection that people believed
9 Mr. Moses and Mr. Freeman were the perpetrators of a
10 December 24, 2007, robbery of Edith Murphy at the Cupboard
11 store.

12 There was not a report about a show-up, but a
13 follow-up report on January 7, 2008, indicated that the case
14 was closed and leads were exhausted.

15 Q. Why did you ask Mr. Alston about that robbery?

16 A. In his deposition, Coatney Williams said that he
17 held a shotgun for Jamal Thomas that Mr. Thomas, Mr. Moses,
18 and Mr. Freeman had used to rob Edith Murphy at the
19 Cupboard.

20 Q. What else did Mr. Alston say?

21 A. We asked him if he provided the gun that was used
22 to commit this crime, being the crime at the Davis house,
23 because of Mr. Williams' letter to Mr. Moses in jail in
24 which Mr. Williams suggested that Moses got the "double-0
25 banger" from Sheed. Mr. Alston denied providing any guns.

1 He got angry and said that he thought Mr. Williams was
2 trying to incriminate him. He said that if he had to go to
3 court he would "get amnesia" and pretend like he doesn't
4 know Mr. Williams.

5 He asked if the conversation was recorded. And
6 when he learned that it was, he said that it could get him
7 killed and started naming people that has known to die from
8 gun violence.

9 MS. SMITH: Commissioners, do you have any
10 questions about Rasheed Alston?

11 JUDGE WAGONER: Did you figure out exactly
12 who he thinks was going to kill him? I mean, did he -- he
13 didn't ever say any names?

14 THE WITNESS: He did not name names. He said
15 things like he's still out in the streets and things like
16 that but he didn't name me anyone specific, no.

17 MS. SMITH: Any other questions about Rasheed
18 Alston?

19 (No response.)

20 Q. Mr. Ziegler, I'm handing you a document.

21 Can you describe for the commissioners what that
22 document is?

23 A. Yes. This is a printout, it looks like, from a
24 website called "License Verification." It has today's date
25 on it and the name Stephanie Nicole Wheeler. And underneath

1 that it says "RN permanent license" and a license number
2 with an approval date and an expiration date a few years in
3 the future. It appears to confirm that Stephanie Wheeler is
4 a registered nurse.

5 Q. And is it your understanding that commission staff
6 cross-referenced that with LexisNexis and also found that
7 license listed in the LexisNexis report for the Stephanie
8 Wheeler that we're talking about here today?

9 A. That is my understanding.

10 JUDGE WAGONER: Thank you.

11 Q. Mr. Ziegler, did the Commission speak to April
12 Smith?

13 A. We did. We interviewed her by phone on August 18,
14 2020, which was recorded and transcribed.

15 Q. Who is April Smith?

16 A. She was married to Rasheed Alston and lived with
17 him at the time of the crime. She gave a statement to
18 Detective Burnette on September 8, 2008, in which she said
19 that she heard Antonio Freeman say that he and Karon Moses
20 held a lady at gunpoint and assaulted her.

21 Others have indicated that she may have been
22 present during a conversation in which Mr. Freeman,
23 Mr. Moses, Mr. Thomas talked about the crime which may have
24 been when Mr. Williams first learned about the crime.

25 MS. SMITH: Commissioners, Handout 21 is the

1 criminal record for April Smith if you want to take a moment
2 to look at that.

3 Q. Mr. Ziegler, what did Ms. Smith remember?

4 A. At first she didn't remember giving a statement to
5 law enforcement; however, when we read that statement to
6 her, she did remember telling Detective Burnette about
7 hearing Mr. Freeman talk about the crime.

8 She thinks that she overheard this conversation
9 outside and does not believe it took place inside her home
10 that she shared with Rasheed Alston.

11 Ms. Smith did not remember any additional
12 information beyond what was in her statement but she stated
13 that she did not hear Coatney Williams' name come up. She
14 thinks that she remembers hearing Mr. Williams' mom say that
15 he was in Philadelphia with their family.

16 Q. Did Ms. Smith have any firsthand knowledge about
17 Mr. Williams leaving for Philadelphia?

18 A. No. There was some information that he was picked
19 up from the home where Mr. Alston and Ms. Smith lived before
20 leaving for that trip but Ms. Smith said she wasn't sure.
21 She did say that she never saw him at her home with packed
22 bags.

23 Q. Did Ms. Smith remember a conversation in which
24 Mr. Freeman, Mr. Moses, and Mr. Thomas, the codefendants,
25 talked about this crime while others were present?

1 A. She said it was possible that she, Tiffany Brown,
2 Robert Branch, Coatney Williams, and Rasheed Alston were
3 present for a conversation like that but she didn't
4 specifically remember it. She knew all of those people.

5 She also remembered that when she heard about the
6 crime, she was not sure if it was true or not and she did
7 not think that she ever heard Mr. Williams' name come up in
8 relation to the crime.

9 Q. Was there anything else that Ms. Smith provided in
10 her interview with you?

11 A. She said that she had never seen Rasheed Alston,
12 Coatney Williams, or any other codefendants with a gun. We
13 tried to show her Exhibit 4 and Exhibit 6 via text message
14 following her interview, but after numerous attempts, we
15 have been unsuccessful to follow up with her about whether
16 she could identify the person in either photo.

17 MS. SMITH: Commissioners, do you have any
18 questions about April Smith?

19 COMMISSIONER GLAZIER: Can I ask the same
20 follow-up? Do you know anything about her current
21 occupation or her status or --

22 THE WITNESS: I don't know about her
23 occupation. I know that she is no longer with Mr. Alston.
24 She is engaged to another individual but I don't know about
25 her occupation.

1 COMMISSIONER GLAZIER: Thank you.

2 JUDGE WAGONER: Yes, sir.

3 COMMISSIONER JARVIS: This is just a general
4 question. On numerous criminal records, I see DWLR.

5 Does that mean driving with -- without --
6 license revoked? What does that mean?

7 THE WITNESS: Driving while license revoked,
8 yes.

9 COMMISSIONER JARVIS: Okay. Thank you.

10 Q. Mr. Ziegler, did the Commission staff speak to
11 Cinita Long?

12 A. Yes. We interviewed her by telephone on
13 August 31st, 2020, which was recorded and transcribed.

14 Q. Remind the commissioners again who Cinita Long is.

15 A. She dated Jamal Thomas at the time of the crime
16 and she gave a statement to Detective Burnette on July 29,
17 2008, saying that Mr. Thomas told her that he had a lick to
18 do with Mr. Freeman and Mr. Moses.

19 Ms. Long told Detective Burnette that she was with
20 Officer Smith when the call about the crime came over his
21 radio and he left to respond. When she asked Mr. Thomas
22 later if he did it, he denied doing so but she saw him that
23 night with shoes, hats, and jewelry in his car and she saw
24 Mr. Moses and Mr. Freeman take something from the car to
25 Mr. Freeman's house.

1 She also provided Detective Burnette with a ring
2 that was identified as belonging to Ms. Davis.

3 MS. SMITH: Commissioners, Handout 22 is the
4 criminal record of Cinita Long if you want to take just a
5 moment to take a look at that.

6 Q. Mr. Ziegler, what did Ms. Long remember?

7 A. She knew Mr. Williams and his codefendants but
8 said that she had never seen them with any guns. She said
9 that Mr. Williams "stayed in trouble."

10 And she remembered learning about the crime the
11 night that it happened. She was talking to Officer Smith
12 who was doing security at a party when a call came on his
13 scanner about the crime.

14 Q. Was commission staff able to identify Officer
15 Smith and speak with him?

16 A. We did. Sergeant Smith is with the state highway
17 patrol now, and we spoke with him on August 26th, 2020. The
18 interview was recorded but not transcribed.

19 Sergeant Smith recalled receiving a call on the
20 radio about this crime and responding to it, but he had no
21 other recollection as it relates to Cinita Long, Coatney
22 Williams, or the party that he was supposedly doing security
23 at.

24 Q. Did Ms. Long recall talking to law enforcement?

25 A. She did. Said that she talked to Detective

1 Burnette inside a law enforcement truck and that a male
2 officer was also present but she did not know who the male
3 officer was. Ms. Long was focused on Detective Burnette,
4 and she said that at the time, she was wearing jewelry that
5 Jamal Thomas gave her. She knew what Detective Burnette
6 wanted to talk to her about because she had heard a rumor
7 that Mr. Thomas did a robbery.

8 Detective Burnette was the one who told her the
9 ring was from the robbery according to Cinita Long, and she
10 gave it to Detective Burnette at that time.

11 Q. Did Ms. Long have any information about whether
12 Mr. Williams was involved in this crime?

13 A. She said that she had never heard anything about
14 him being involved and that she did not think that she saw
15 him that night because if she did, she would've told that to
16 Detective Burnette. She did not think that she saw
17 Mr. Williams at the Cupboard that day but she had seen him
18 there before because Seaboard is a small town and everyone
19 would hang out at the Cupboard.

20 Q. Why were you asking Ms. Long if she had seen
21 Mr. Williams at the Cupboard on the night of the crime?

22 A. In Jamal Thomas' statement, he described seeing
23 both Ms. Long and Mr. Williams there just before he,
24 Mr. Freeman, and Mr. Moses and Mr. Williams left to commit
25 the crime.

1 Q. Did you ask Ms. Long about Timberland boots?

2 A. We did. She said that she did not see Mr. Thomas
3 give any Timberland boots to Mr. Williams.

4 Q. Why did you ask about the boots?

5 A. Jamal Thomas told private investigator Jerry Wiggs
6 on October 23rd, 2012, that Ms. Long is the one who told law
7 enforcement that Williams had the boots, and Mr. Thomas told
8 the PI that she knew that because she was present when he
9 gave the boots to Mr. Williams.

10 Q. And is it your understanding that law enforcement
11 learned about the boots from Ms. Long?

12 A. No.

13 Q. Who did they learn that from?

14 A. My understanding is that Mr. Williams is the one
15 who mentioned having boots from this crime when he first
16 talked to Detective Burnette on July 29, 2008.

17 Q. Did Ms. Long provide any additional information to
18 commission staff?

19 A. She also thought that she recalled talking to
20 Detective Burnette twice, but she could not recall any
21 details about her second interaction. The statement that
22 she gave in the truck when she gave the ring to Detective
23 Burnette was the first time that she talked to Detective
24 Burnette.

25 She said that no one ever talked to her about the

1 possibility of testifying at Mr. Williams' trial. And she
2 looked at Exhibits 4 and 6 but stated that the pictures were
3 blurry and she could not identify them.

4 MS. SMITH: Commissioners, do you have any
5 questions for Mr. Ziegler about Cinita Long?

6 COMMISSIONER COLBERT: Did Ms. Long indicate
7 when she received that ring?

8 THE WITNESS: I do not believe she did. I
9 recall her saying that she got it from Jamal Thomas.

10 COMMISSIONER COLBERT: But she didn't say
11 when it was?

12 THE WITNESS: We can double-check the
13 transcript but I don't believe she said when she got it.

14 COMMISSIONER COLBERT: Thank you.

15 MS. SMITH: Other questions about Ms. Long?

16 JUDGE WAGONER: And the date of her interview
17 with her was, like, a couple of months ago; correct?

18 THE WITNESS: The date of that conversation
19 was August 31st of this year.

20 JUDGE WAGONER: And how long had she had this
21 ring when she was talked to by the police? A year? Six
22 months?

23 THE WITNESS: No, I think that's a pretty
24 similar question to Ms. Colbert. I don't remember her
25 saying when she got the ring but we'll check the transcript.

1 JUDGE WAGONER: Okay.

2 Q. Remind the commissioners, Mr. Ziegler, when Cinita
3 Long's interview with Detective Burnette was where she
4 provided this ring.

5 A. She provided the ring to Detective Burnette on
6 July 29th, 2008, which is when she first spoke to Detective
7 Burnette, and that is also when Coatney Williams first spoke
8 to Detective Burnette and said that Jamal's girlfriend had
9 some jewelry.

10 Q. Two follow-ups from that.

11 So, one, that's approximately eight months after
12 the crime?

13 A. Correct.

14 Q. And, two, is it clear from the law enforcement
15 file which of those interviews came first, Coatney Williams
16 or Cinita Long?

17 A. It is not clear from the file but I believe that
18 Detective Burnette told us that she talked to Coatney
19 Williams prior to talking to Cinita Long.

20 MS. SMITH: Any other questions about Cinita
21 Long?

22 (No response.)

23 Q. Who is Lacey Claxton?

24 A. Lacey Claxton dated Coatney Williams. Their
25 relationship ended around the time of the crime.

1 Q. Did commission staff speak to Ms. Claxton?

2 A. We did. We interviewed her by telephone on
3 September 1st, 2020. This was recorded and transcribed.

4 MS. SMITH: Commissioners, Ms. Claxton does
5 not have a criminal record.

6 Q. What did Ms. Claxton say about Mr. Williams'
7 alibi?

8 A. Prior to being asked any questions, she
9 volunteered that she remembered Mr. Williams going on a trip
10 with his mother. She thought the trip was to Philadelphia.
11 She remembered talking to him while he was gone and thought
12 that he was using his mother's phone.

13 She described these calls as Mr. Williams trying
14 to sweet-talk her to get back together and she said that
15 later Mr. Williams told her that the crimes he was charged
16 with happened while he was out of town.

17 Q. Did Ms. Claxton know if Mr. Williams had his own
18 phone at that time?

19 A. She wasn't sure. She said that he might have
20 sometimes had a prepaid phone but she would normally talk to
21 him on his mother's landline or possibly Robert Branch's or
22 someone else's cell phone.

23 She was clear that she would never call to speak
24 with Robert Branch, who she described as like a little
25 brother, and thought it would be disrespectful of her

1 relationship with Mr. Williams.

2 Q. Was Ms. Claxton able to remember her phone number
3 from December of 2007?

4 A. No. We asked her about the number (252)642-4955.
5 She said that number sounded familiar but she was afraid to
6 say for certain that that was her old number. This was a
7 phone number that our investigation found to be associated
8 with Ms. Claxton at some point in time, and that number does
9 appear in the phone records during this out-of-town trip.

10 Q. What else did Ms. Claxton know about this trip to
11 Philadelphia?

12 A. She remembered it was a family trip and she
13 thought that Mr. Williams' mom or stepdad would have driven.
14 She did not see Mr. Williams back in town before his family
15 came back in town. She remembered Mr. Williams bringing her
16 gifts back from Philadelphia but she did not accept them
17 because she wanted to move on from their relationship.

18 When we specifically asked her about a red outfit
19 that was either Ecco or Baby Phat brand, she said that
20 sounded familiar.

21 She did not get any shoes from Mr. Williams but
22 she remembered Mr. Williams saying that he was going to burn
23 the gifts that she did not accept. And she thinks that she
24 was about the same size as Tiffany Brown.

25 Q. Why did you ask whether she was the same size as

1 Tiffany Brown?

2 A. Regina Knight, who is Mr. Williams' mother, told
3 PI Jerry Wiggs that Williams bought an outfit for
4 Ms. Claxton but because they broke up before he gave it to
5 her, he ended up giving it to Ms. Brown.

6 And in his Commission deposition on August 7th,
7 2020, Mr. Williams said that he ultimately gave the outfit
8 that he bought for Ms. Claxton to Ms. Brown.

9 Q. What else did Ms. Claxton say about Mr. Williams?

10 A. She knew that he was in a gang but she thought
11 that that was part of his past. She had never seen him with
12 guns and did not know his codefendants. Ms. Claxton said
13 that she first learned that the crime happened when
14 Mr. Williams got arrested for it. He had always told her
15 that he was innocent and that other people were trying to
16 make it seem like he was there but he was really in
17 Philadelphia.

18 Q. Did Ms. Claxton provide any additional
19 information?

20 A. After our interview, she looked at Exhibit 6 and
21 Exhibit 4 and stated via text message that Exhibit 6 was
22 Robert Branch and Exhibit 4 looked like Coatney Williams but
23 she could not see the face clearly.

24 She also called back the following day, on
25 September 2, 2020, to express a concern that her mother,

1 Kimberly Jones, may have been on Mr. Williams' jury and not
2 given him fair consideration. But a review of the jury
3 roster in the file did not indicate that Kimberly Jones was
4 on the jury.

5 MS. SMITH: Commissioners, any questions
6 about Lacey Claxton?

7 (No response.)

8 Q. Mr. Ziegler, I want to turn your attention now to
9 cell phone records in this case.

10 Was commission staff able to obtain any cell phone
11 records?

12 A. Yes. We subpoenaed records from U.S. Cellular
13 that pertained to the account of Robert Lee Knight, who is
14 Coatney Williams' stepfather. There were three phone
15 numbers associated with the account which we understand to
16 be the numbers for Robert Knight, Regina Knight, and Robert
17 Branch. The records we received included the bill for the
18 billing cycle that ended on January 12, 2008, and covered
19 the time period of the crime.

20 Q. Can you describe for commissioners the
21 organization of those phone records?

22 A. Sure. The bill lists all of the outgoing and
23 incoming calls for each line. The call records indicate the
24 number that was dialed for each call, which means that
25 incoming calls list the U.S. Cellular subscriber number, not

1 the number that was doing the calling in. Outgoing calls
2 list the number that was dialed, the number that was called
3 out.

4 The bill also separates local calls and roaming
5 calls. The roaming calls list the locations in which the
6 phone was physically located at the time the call was made.

7 MS. SMITH: Commissioners, Handout 23 is part
8 of the local call records for each of the three lines.

9 We have zeroed in for you on a gap between
10 local calls made on December 27, 2007, and December 30,
11 2007. You will note that commission staff has added the
12 name of the person associated with each phone number in the
13 top right of each page of records and has also added
14 highlights to the records to draw your attention to specific
15 portions of the records.

16 Handout 24 -- I'm going to read through these
17 and then I'm going to give you time to look at all of them.

18 Handout 24 are the roaming calls records for
19 Robert Branch's phone line. Again, you'll note that
20 commission staff has added annotations, a color-coded key
21 and -- in the top left corner, and corresponding highlights
22 to the calls.

23 Handout 25 is the roaming calls record for
24 Regina Knight's phone line. Again, commission staff has
25 added annotations, a color-coded key in the top left corner,

1 and corresponding highlights of the calls.

2 Handout 26 is the roaming calls for Robert
3 Knight's phone line. Again, commission staff has added
4 annotations, a color-coded key in the top left corner, and
5 corresponding highlights of calls.

6 And Handout 27 is a chart of the location of
7 calls from all three phones by date.

8 I'll give you-all plenty of time to review
9 those and then allow you to ask some questions of
10 Mr. Ziegler about those.

11 COMMISSIONER BOSWELL: It's Robert Branch's
12 cell phone the pictures were on; is that right?

13 THE WITNESS: That's correct.

14 COMMISSIONER BOSWELL: And the way that this
15 Exhibit 26 -- is this actually the way that the bill looks,
16 where they're categorized by location? Or is this a
17 document that the Commission put together?

18 THE WITNESS: This is a copy of the bill.
19 What we did to it was add the highlights and that little
20 title and key at the top left.

21 But as far as the way calls are divided and
22 labeled with locations, that is how the bills arrived.

23 JUDGE WAGONER: Yes, sir.

24 COMMISSIONER BOSWELL: I'm done.

25 COMMISSIONER GLAZIER: Thank you.

1 So just because it seems to me pretty
2 important evidence, I am reading 27, and I just want to make
3 sure that I'm reading it correctly.

4 All three phones would indicate usage on the
5 27th, 28th, 29th, and 30th, and all three phones would be --
6 appear that they -- to show that the folks in all three were
7 headed towards Philadelphia in the late afternoon and
8 arrived -- or at least two of the phones suggest arrived
9 late that evening.

10 All three phones clearly indicate they were
11 in Philadelphia on Friday, and Saturday the 29th, and
12 returned during the day on Sunday, the 30th.

13 Would that be a correct summary?

14 THE WITNESS: Yes. That is a correct
15 summary.

16 MS. SMITH: Do you have additional questions
17 for Mr. Ziegler about the phone records?

18 JUDGE WAGONER: Yes.

19 COMMISSIONER EDWARDS: Mr. Ziegler, just
20 remind me -- Tiffany Brown and Lacey Claxton, what was their
21 relationship with Coatney Williams?

22 THE WITNESS: Lacey Claxton was Coatney
23 Williams' girlfriend that he broke up with sometime around
24 this time and Tiffany Brown was Robert Branch's girlfriend.

25 JUDGE WAGONER: Tiffany Brown got the

1 clothes; is that right -- supposedly?

2 THE WITNESS: The information that we have is
3 that the clothes were purchased for Lacey, Lacey did not
4 accept them, and ultimately they were given to Tiffany.

5 MS. SMITH: Other questions?

6 (No response.)

7 MS. SMITH: Okay.

8 JUDGE WAGONER: Yes, sir.

9 COMMISSIONER GLAZIER: I'm sorry.

10 So there was some testimony that was made
11 earlier, and I'm just trying to go back in my mind, about
12 the cell phone being tested and the limits on the ability to
13 do that.

14 Do you remember precisely what was said about
15 that?

16 THE WITNESS: Testimony that I said about the
17 limits of testing on the cell phone?

18 COMMISSIONER GLAZIER: Yeah.

19 THE WITNESS: I know that attorney Jim
20 Antinore, when he was preparing his MAR, had spoken with a
21 cell phone expert about what could potentially be done with
22 it but that he was never able to secure the release of the
23 phone. I'm not sure if that's what you're referencing.

24 COMMISSIONER GLAZIER: That's -- maybe that's
25 it. I was just trying to get clear in my mind.

1 A quick follow-up?

2 JUDGE WAGONER: Sure. You can follow up and
3 then it will be his turn.

4 COMMISSIONER GLAZIER: Is there any evidence
5 in the record anywhere to suggest -- well, let me back it
6 up. It may be a two-part question.

7 I think I summarized what Handout 27 is.
8 What handout 27 says to me is that the defendant was with
9 his family. If that evidence is believed, they were in
10 Philadelphia, and this pretty well shows that.

11 THE WITNESS: I can say the records indicate
12 that the phones were in Philadelphia, yes.

13 COMMISSIONER GLAZIER: The phones -- I agree
14 with you. The phones were in Philadelphia.

15 Is there any evidence to suggest the family
16 didn't go to Philadelphia? That is, did anyone testify the
17 family didn't make the trip or that they were lying about
18 the trip?

19 THE WITNESS: During the Commission's
20 investigation?

21 COMMISSIONER GLAZIER: Yes.

22 THE WITNESS: No. No one we talked to
23 suggested the trip was a lie other than Antonio Freeman,
24 codefendant, in his deposition said that he recalls seeing
25 Coatney Williams at the Cupboard store shortly before the

1 crime.

2 COMMISSIONER GLAZIER: Thank you.

3 THE WITNESS: Everyone else that we spoke
4 with -- so when I said no, that's actually incorrect.
5 Antonio Freeman told us that Coatney was in North Carolina.

6 COMMISSIONER GLAZIER: Thank you.

7 COMMISSIONER EDWARDS: Did the defendant,
8 Coatney Williams, say that he was in North Carolina in his
9 deposition but didn't just to go to the house and
10 participate in the crime?

11 THE WITNESS: No. Coatney Williams has
12 always maintained that he was in Philadelphia.

13 COMMISSIONER EDWARDS: The -- there was
14 testimony at the trial about the alibi, about going to
15 Philadelphia, and the actual phone itself was admitted into
16 evidence; correct?

17 THE WITNESS: Correct.

18 COMMISSIONER EDWARDS: And there was some
19 testimony about the picture that appeared on the phone with
20 the 49ers jersey; correct?

21 THE WITNESS: Correct.

22 COMMISSIONER EDWARDS: The cell phone
23 records, though, were not admitted at the trial?

24 THE WITNESS: That's correct.

25 COMMISSIONER EDWARDS: All right.

1 It seemed like there was some testimony that
2 this cell phone sort of came up at the ninth hour before the
3 trial. I believe I've read something from the district
4 attorney maybe that she was not aware of the cell phone in
5 existence until the defendant testified, or his -- or until
6 the defendant's case.

7 Is that accurate?

8 JUDGE WAGONER: The defendant's brother
9 might've said it. Somebody said it.

10 THE WITNESS: Something like that, at trial,
11 yes.

12 I know that Mr. Williams and his brother have
13 indicated that Sam Barnes, the defense attorney at trial,
14 knew about the phone maybe a little bit earlier but it was
15 Mr. Barnes' recollection that he only found out about it
16 very shortly before trial, and thus the DA found out about
17 it subsequent to that.

18 MS. SMITH: Other questions?

19 COMMISSIONER GLAZIER: One more. Regardless
20 of the one cell phone, we've got three different phone
21 numbers here, three different phones.

22 THE WITNESS: Correct.

23 COMMISSIONER GLAZIER: Even if there was some
24 issue on one, all three are showing the same thing, are they
25 not, in terms of location on the key dates?

1 THE WITNESS: Yeah. Handout 27 summarizes
2 the location that calls were made from each phone on those
3 dates, yes.

4 COMMISSIONER GLAZIER: So -- and I'll make
5 the argument later. It would have been an argumentative
6 question, not a factual one; so -- thanks.

7 JUDGE WAGONER: Okay. Mr. Edwards?

8 COMMISSIONER EDWARDS: So have you ever
9 developed any evidence that the defendant had a phone that
10 he used that was his phone?

11 THE WITNESS: No. Lacey Claxton said that
12 maybe he would from time to time have a prepaid phone, but
13 nothing consistent.

14 There was some indication -- and it may have
15 come from Mr. Williams himself, although I don't recall who
16 specifically said this -- that he was frequently in and out
17 of jail and didn't have a cell phone for that reason.

18 But no one has affirmatively remembered he
19 had his own phone.

20 COMMISSIONER EDWARDS: Okay.

21 JUDGE WAGONER: Okay. Moving right along.

22 Q. Mr. Ziegler, just to summarize, what do the phone
23 records show about the three phones?

24 A. They show that there were no local calls made in
25 North Carolina from any phone between 2:55 p.m. on December

1 27th, 2009, and 8:07 p.m. on December 30th, 2009.

2 Q. I'm going to correct you.

3 Is it 2007?

4 A. It is 2007, that's correct.

5 Q. Yes.

6 JUDGE WAGONER: Say that again.

7 THE WITNESS: No local calls were made on any
8 phone between 2:55 p.m. on December 27th, 2007, and
9 8:07 p.m. on December 30th, 2007.

10 The records show calls being made towards
11 Philadelphia from North Carolina on December 27th, 2007,
12 calls in Philadelphia between December 27th, 2007, and
13 December 30th, 2007, and calls being made between
14 Philadelphia heading back towards North Carolina on December
15 30th, 2007.

16 The records also show there were calls made
17 from each of the three phones to a number associated with
18 Lacey Claxton in Ahoskie, who was Mr. Williams' girlfriend
19 at the time.

20 MS. SMITH: All right, Commissioners.
21 Mr. Ziegler is about to step down so if you have any
22 additional questions for him, now would be the time before I
23 recall Ms. Bridenstine.

24 COMMISSIONER BOSWELL: May I ask a question?

25 The calls -- did Ms. Claxton indicate she

1 remembered she got calls from all three of those
2 individuals? Was that --

3 THE WITNESS: No. Her recollection was that
4 she talked to Coatney Williams while he was gone and that
5 she thought he was using his mother's cell phone but she
6 didn't say it was multiple different numbers or anything
7 like that.

8 COMMISSIONER BOSWELL: Okay. Thank you.

9 Q. All right, Mr. Ziegler. One more follow-up before
10 I have you step down.

11 A few minutes ago there were some questions from
12 the commissioners about when Cinita Long received the ring
13 from Jamal Thomas.

14 Can you tell us now what the records show related
15 to that, if anything?

16 A. Sure. Her original statement to Detective
17 Burnette, which is page 149 in the brief, is not super clear
18 but in context seems to indicate that she got the ring later
19 the night of the crime. And in her interview with the
20 Commission, we asked her where she was when she received the
21 ring but not when she received the ring, and she did not
22 recall where she was.

23 MS. SMITH: That satisfy your question?

24 Okay. All right.

25 Mr. Ziegler, you may step down.

1 (Witness stands down, 4:39 p.m.)

2 MS. SMITH: The Commission recalls staff
3 attorney Julie Bridenstine.

4 * * * * *

5 JULIE BRIDENSTINE, a witness having
6 previously been called by the Commission, was
7 recalled and testified as follows:

8 MS. SMITH: Commissioners, we're now going to
9 turn our attention now to the alibi witnesses in this case
10 which concern the claim that Mr. Williams was in
11 Philadelphia at the time of the crime.

12 BY MS. SMITH: (4:39 p.m.)

13 Q. Ms. Bridenstine, did commission staff speak to
14 Mr. Williams' brother Robert Branch?

15 A. Yes. We interviewed him on the phone on
16 August 14th, 2020. This interview was recorded and
17 transcribed.

18 MS. SMITH: Commissioners, Handout 28 is the
19 criminal record for Robert Branch, if you'll take a moment
20 to review that.

21 JUDGE WAGONER: Is he the gentleman -- oh,
22 Robert Branch is the brother? Never mind.

23 Q. Ms. Bridenstine, did commission staff provide any
24 information to Mr. Branch prior to his interview with
25 commission staff?

1 A. Yes. When we set up his interview, we asked him
2 to look at some exhibits prior to the interview, and
3 exhibits that we labeled as 2 through 21 were sent to him
4 via e-mail.

5 During the interview, he said he had not reviewed
6 the exhibits but he was able to access his e-mail from his
7 cell phone and view them during the phone interview.

8 Q. What did Mr. Branch say about the exhibits that
9 were provided to him?

10 A. Mr. Branch said that Exhibits 2, 3, 5, and 6 were
11 all photos of him at his Aunt Penny's house in Philadelphia
12 taken on the same day. He did not know the exact date of
13 the photos but he knew it was when he was in Philadelphia
14 with his mother, stepfather, and Mr. Williams. He said that
15 the cell phone data regarding what the date was would be
16 accurate.

17 In Exhibit 5, he said he was throwing up a sign
18 that meant "East side." He said that Mr. Williams took the
19 photos of him.

20 He said that Exhibit 4 was a photo that he took of
21 Mr. Williams in a hardwood classic Chicago Bulls throwback
22 jersey smoking a blunt and throwing gang signs. He said
23 that Mr. Williams always wore a red hat. Mr. Williams was
24 wearing his hair braided in cornrows. He said that they had
25 to go to the basement to smoke because they were not allowed

1 to smoke in the rest of the house.

2 Exhibit 4 was the photo that he testified about at
3 trial. He pointed out things he recognized in the photos
4 including a thermostat on the wall and a walker his aunt
5 Penny used after surgery on her leg.

6 Q. What did Mr. Branch tell you about the rest of the
7 photos in Exhibits 7 through 21?

8 A. He said that Exhibit 7 was a photo of his watch
9 that he bought at Forman Mills mall in Philadelphia. He
10 said that Exhibit 8 was a photo of a news station in
11 Philadelphia that he took because he wanted to remember it.
12 He said that he probably took the rest of the photos in
13 Exhibits 9 through 21 and that they were taken on the road
14 in Philadelphia.

15 Exhibits 13 and 14 were photos of a project
16 building in West Philadelphia.

17 He said that Mr. Williams, his mother, and his
18 stepfather were present when he took these photos.

19 MS. SMITH: Commissioners, Handout 29 is a
20 copy of Exhibits 7 through 21 which were also additional
21 photos on Robert Branch's phone that commission staff asked
22 him about during his interview. If you'll take just a few
23 minutes to look at those.

24 Q. Ms. Bridenstine --

25 MS. SMITH: First of all, Commissioners,

1 questions about those exhibits?

2 (No response.)

3 Q. Ms. Bridenstine, what did Mr. Branch tell you
4 about this case?

5 A. He said that his brother was not in North Carolina
6 when this case happened. He said that he was in his aunt's
7 basement and he had photos on his cell phone to prove it.

8 Q. What did Mr. Branch say about the trip to
9 Philadelphia?

10 A. He said that he had gone two or three times to
11 Philadelphia with his mother before this trip with
12 Mr. Williams in 2007. Mr. Branch moved to Philadelphia in
13 2012. He said that the trip in December 2007 was the first
14 time that Mr. Williams had ever gone to Philadelphia.

15 Q. What did Mr. Branch remember about the day that
16 they left for Philadelphia?

17 A. He remembered that they went in a white F-150
18 truck with his stepfather, Robert Knight, his mother, and
19 Mr. Williams. They took clothes and food. They left in the
20 afternoon. It was dark when they got to Philadelphia. He
21 could not remember the exact day that they left. He thought
22 they would have waited until his mother was paid on either
23 Thursday or Friday.

24 Q. Where did Mr. Branch and his family first go when
25 they got to Philadelphia?

1 A. He said that they first went to their aunt Angela
2 Taylor's house and then his uncle Stew took him to buy weed.
3 His aunt Pat lived with his aunt Angela. After that, they
4 went to their aunt Penny's house. His aunt Penny's house
5 was where he and his brother took the pictures.

6 He thought they were in Philadelphia for two to
7 three nights and that they spent every night at Aunt Penny's
8 house. Angela Taylor, Pat or Patricia Taylor, and Penny
9 Taylor were all sisters of Robert Lee Knight. He said his
10 aunt Pat was currently in a nursing home, that Angela Taylor
11 is deceased, and Uncle Stew is incarcerated.

12 Q. Where did Mr. Branch say that Mr. Williams was
13 during this trip to Philadelphia?

14 A. Mr. Branch said that Mr. Williams was with them
15 the entire vacation and that Mr. Williams never came back to
16 North Carolina by himself.

17 He said that his cell phone was with him during
18 the entire trip.

19 Q. Did he describe anything else that they did during
20 this trip?

21 A. He said that they rested the first day and went
22 shopping at the Forman Mills mall the next day. He bought
23 clothes. Mr. Williams bought a pair of white and red Ecco
24 shoes with beaded red diamonds on the side and red soles.
25 Mr. Branch bought his girlfriend, Tiffany Brown, a watch and

1 a bracelet and bought himself a watch.

2 Q. Who did Mr. Branch remember seeing in Philadelphia
3 on this trip?

4 A. He remembered seeing the aunts, Angela, Penny, and
5 Pat. He remembered seeing Uncle Stew. He also remembered
6 seeing Jero Taylor, who he said is the son of Angela Taylor
7 or Patricia Taylor, Arena Brown who is the daughter of
8 Angela Taylor, and DeAndre, who was the son of Penny Taylor.

9 Q. What did Mr. Branch say about when they came back
10 from Philadelphia?

11 A. He said that his mother typically worked Monday
12 through Friday at a nursing home. They left Thursday. He
13 thought they got back by Monday.

14 Q. Where was Mr. Branch living in December of 2007?

15 A. He said he was living in a trailer in Seaboard
16 that he had lived in his entire life with Mr. Williams, his
17 mother, and his stepfather. Their older brother Ernest
18 Williams was incarcerated at the time.

19 Q. Did Mr. Branch have a nickname?

20 A. He confirmed that his nickname is Little Robert.
21 He said that Mr. Williams' nickname was Tek Stone.

22 Q. Did Mr. Branch say anything about gang
23 affiliation?

24 A. Yes. He said that Mr. Williams was in the Blood
25 Stone Villains set of the Bloods gang in December of 2007.

1 He did not know what Mr. Williams' rank was. He said that
2 he himself was not in a gang. He said that the other three
3 codefendants were not in a gang.

4 Q. What did Mr. Branch say about the codefendants'
5 relationships with one another?

6 A. He said that Mr. Williams would speak to
7 Mr. Freeman and knew him but that Mr. Branch was the one to
8 associate with Mr. Freeman. He said that Mr. Williams knew
9 Karon Moses. Mr. Branch knew Mr. Moses as well and went to
10 school with him. He said that he had known Jamal Thomas
11 since he was three years old and Mr. Thomas was his best
12 friend. He said that Mr. Williams did not really have a
13 relationship with Mr. Thomas and just knew him.

14 He also said that Mr. Williams was older than
15 those three codefendants who are around the same age as
16 Mr. Branch. He described Jamal Thomas, Karon Moses, and
17 Antonio Freeman as "homies" and said that they liked to hang
18 out together. He did not know of his brother, Mr. Williams,
19 to ever hang out with the other three codefendants.

20 Q. When was the last time that Mr. Branch had any
21 contact with the other three codefendants?

22 A. He said that the last time he had contact with
23 them was when he saw Mr. Freeman in court at Mr. Williams'
24 trial. He also spoke to Mr. Moses when the judge put
25 Mr. Branch in jail during Mr. Williams' trial. He said that

1 Mr. Moses told him that he was sorry about everything. The
2 last time he saw Jamal Thomas was before Mr. Thomas went to
3 prison.

4 He said that no one in his family has had any
5 contact or communication with the three codefendants since
6 they all went to prison.

7 Q. Did Mr. Branch say anything else about Jamal
8 Thomas?

9 A. He said that Jamal Thomas liked to go
10 four-wheeling and would keep clothes in his car.

11 Q. What did Mr. Branch say about the codefendants
12 committing crimes together?

13 A. He said that Mr. Freeman, Mr. Moses, and
14 Mr. Thomas would commit break-ins together before this case.
15 He said that Mr. Williams would commit his own crimes by
16 himself.

17 Q. Did Mr. Branch know if Mr. Williams knew the
18 victims in this case?

19 A. Yes. He said that Mr. Williams did not know any
20 of the victims. Mr. Branch said that he knew Tacoma Davis,
21 Erel Jordan, and Erel's mother, Evelyn Jordan.

22 Mr. Branch said that he and Mr. Williams had never
23 been to the Davis home. He was not aware of any of the
24 codefendants or Mr. Williams to have any issues with either
25 Tacoma Davis or Erel Jordan.

1 Q. What did Mr. Branch say about Lacey Claxton?

2 A. He said that she dated Mr. Williams at the time of
3 this case and that she would know that he was out of town.

4 Q. When did Mr. Branch say he first became aware that
5 this crime had occurred?

6 A. He said he received a phone call from Jamal Thomas
7 on his cell phone when they were in Philadelphia.
8 Mr. Thomas told them that the hood was hot and they needed
9 to lay low. He did not tell them anything else and did not
10 tell them what happened. Mr. Branch told Mr. Williams what
11 Mr. Thomas said on the phone.

12 The day they got home, Rasheed Alston told him
13 that the police were looking for Mr. Williams because Jamal
14 Thomas had put Mr. Williams' name in something.

15 He said that he was present at Rasheed Alston's
16 house with Mr. Williams when Rasheed Alston told them what
17 had happened in this case. Rasheed Alston told them there
18 was a home invasion and a robbery and that Jamal Thomas,
19 Karon Moses, and Antonio Freeman committed the crime.

20 He heard from Mr. Alston that a 12-gauge shotgun
21 was used to sodomize someone.

22 He could not remember exactly who was present. He
23 said Mr. Williams and April Smith were present and there
24 were possibly others.

25 He understood that Jamal Thomas told Rasheed

1 Alston about the crime.

2 Q. Ms. Bridenstine, I want to circle back to
3 something you said a moment ago, that when they got home,
4 Rasheed Alston told him the police were looking for
5 Mr. Williams because Jamal Thomas had put Mr. Williams' name
6 in something.

7 To your knowledge, was law enforcement looking for
8 Coatney Williams right after the crime for this crime?

9 A. No.

10 Q. Do you know if they were looking for him for
11 another crime?

12 A. I would have to check the dates on the chart that
13 we did, but I don't think so.

14 Q. Okay. Thank you.

15 Did Mr. Branch say if he knew anything about the
16 crime prior to the crime happening?

17 A. Yes. He said that he did not know anything about
18 it and did not hear about the planning of it. He did not
19 know that any of the three codefendants were planning
20 anything.

21 Q. Did Mr. Branch know anything about the alleged
22 burglary happening at Angela Williams' home?

23 A. No. He did not know anything about it or about
24 Jamal Thomas asking Mr. Williams to go rob her house on the
25 day they left for Philadelphia.

1 Q. Did the Commission ask Mr. Branch about guns?

2 A. Yes. We asked if Mr. Williams had a gun in
3 December 2007. Mr. Branch said Mr. Williams did not have a
4 gun at that time, either a shotgun or a handgun. He said
5 Mr. Williams had a 12-gauge shotgun before this case and
6 went to jail for having a concealed weapon. He did not know
7 of Mr. Williams to store a gun on their property, including
8 a pack house. He said Mr. Williams did not store a gun for
9 Jamal Thomas or for any of the other codefendants.

10 Q. Did Mr. Branch know anything about the shotgun
11 that was used in this crime?

12 A. No. He said he did not know anything, including
13 where it came from. He said he had seen Jamal Thomas with
14 all types of guns before, including shotguns and handguns.
15 He saw Jamal Thomas with regular shotguns and 12-gauge
16 shotguns. The ammunition for the shotguns were Remington
17 bullets.

18 A couple of weeks before their vacation, he saw
19 Mr. Thomas with a shotgun at his grandmother's house. He
20 said he thought Mr. Thomas broke into someone's house and
21 stole it. It was a single-barrel brown and black shotgun
22 that Mr. Thomas sawed off. He said it was not that big.

23 He knew Jamal Thomas to store guns at his
24 grandmother's house in Margarettsville but never knew of him
25 to store guns at any abandoned houses.

1 Q. What did Mr. Branch say about any of the
2 codefendants having guns?

3 A. He said he thought he saw Antonio Freeman with a
4 handgun. He never saw him with a shotgun. He said he never
5 saw Karon Moses with a gun.

6 Q. Did commission staff ask Mr. Branch if he ever saw
7 other people with guns?

8 A. Yes. He said Rasheed Alston had handguns and
9 shotguns, including 12-gauge shotguns. The bullets were red
10 and green, and he did not know if the shotgun used in this
11 case came from Mr. Alston.

12 Q. Did Mr. Branch have any prior interactions with
13 Brenda Burnette?

14 A. Yes. He said that Ms. Burnette did not like his
15 mother. He said they went to school together and were
16 rivals. Ms. Burnette used to come to their house due to
17 domestic calls involving his dad.

18 Q. What did Mr. Branch say about his interview with
19 Brenda Burnette?

20 A. He did not remember speaking to her. He said she
21 was probably trying to get him locked up for the same crime
22 but she did not tell him that he was also a suspect. She
23 came to his house looking for him before he was interviewed.
24 When he spoke to the police, he said he was probably
25 accurate about the dates they went on their vacation but

1 that it would have been more accurate if he had spoken to
2 them soon after the crime.

3 After reviewing his statement, he said he
4 remembered that Karon Moses had someone hit Tacoma Davis in
5 his mouth at school and he remembered Antonio Freeman giving
6 details about the crime at Rasheed Alston's house.

7 Q. Was Mr. Branch aware of anyone else in his family
8 talking to law enforcement in this case?

9 A. No. He said he thought his mother probably did
10 but he did not know.

11 Q. According to Mr. Branch, who had cell phones in
12 his family?

13 A. He said that he had a family plan through U.S.
14 Cellular. He had a cell phone, his mother had a cell phone,
15 and his stepfather had a cell phone. He said that
16 Mr. Williams did not have a cell phone because he kept going
17 to jail. Mr. Williams would sometimes use his phone or
18 their house phone.

19 Q. When you say "his phone," do you mean Robert
20 Branch's phone?

21 A. Yes.

22 Q. What else did Mr. Branch tell you about his cell
23 phone?

24 A. He said that he got a new phone and that he
25 thought he got a new one because his mother either switched

1 plans or services because she did not want to pay the phone
2 bill. He said he lost a phone but found it in a drawer with
3 his electronics. He realized he had a photo of Mr. Williams
4 in Philadelphia on his phone after he turned it on and
5 looked through it a couple of days before court.

6 Mr. Barnes told him to bring the cell phone to
7 court. He later said that he told Mr. Barnes about the cell
8 phone a couple weeks before trial.

9 His mother had the phone records and he thought
10 she gave them to Mr. Williams' attorney, Mr. Barnes, before
11 Mr. Williams went to court.

12 He said that he is not a computer hacker and he
13 did not know how to change the date and time on photos. He
14 did not think it would be possible with cell phones from
15 that time period. He said he does not know now how to
16 change the date and time on a photo.

17 He also said he did not take his cell phone to the
18 police because Mr. Williams' attorney told him that he could
19 show the cell phone when they were in court.

20 Q. Was Mr. Branch aware of anyone in his family
21 trying to get additional evidence on behalf of Mr. Williams?

22 A. Yes. He said that his family spoke to his aunts
23 and uncle in Philadelphia. He said that his aunt Angela
24 Taylor tried to get video footage from the Forman Mills
25 mall. He said she was told that they delete video footage

1 after nine months.

2 He also thought his mother got an E-ZPass ticket
3 at a tollbooth and tried to gather information about it. He
4 did not recall where she got the ticket.

5 Q. Was Mr. Branch aware of Mr. Williams receiving
6 Timberland boots?

7 A. Yes. He said he was not aware of Mr. Williams
8 receiving anything from this crime but said that Jamal
9 Thomas gave him beige Timberland boots at his house a couple
10 of days after they got back from Philadelphia. He thought
11 Mr. Williams had a couple of pairs of wheat-colored
12 Timberland boots.

13 He later said that the transaction occurred at his
14 aunt Susie Tyson's house but denied that he gave cocaine to
15 Mr. Thomas as part of the deal. He thought his cousin Wally
16 and Rasheed Alston might have been there and Mr. Williams
17 did not give anything to Mr. Thomas.

18 Q. Is there a reason that we asked about him giving
19 cocaine to Mr. Thomas as part of the deal?

20 A. That came from the deposition of Coatney Williams.

21 Q. What did Mr. Branch say about the discrepancy
22 between his statement to Brenda Burnette and his trial
23 testimony about the dates of the trip to Philadelphia?

24 A. He said that he probably had the dates mixed up.
25 When he was in court, he was being grilled and he was

1 scared. He said that he did not know the exact date of the
2 crime and that he still does not know.

3 Q. Did the Commission point out to Mr. Branch that he
4 testified that the family went to Philadelphia in a green
5 Mountaineer but was now saying that they went a white
6 Ford F-150?

7 A. Yes. He said that he had confused the trip with
8 the year before when they went in the Mountaineer. He said
9 that his mother had just bought that green Mountaineer.

10 Q. What did Mr. Branch say about his testimony that
11 Mr. Williams' jersey was a 49ers jersey?

12 A. He said he was incorrect and that the jersey is a
13 Chicago Bulls jersey. He did not know which player was
14 number 39. He said that he did not know how baby blue 49ers
15 got in there. He said that his cousin Kevin Branch gave the
16 jersey to Mr. Williams.

17 Q. What did Robert Branch say about Mr. Williams'
18 knowledge or participation in this crime?

19 A. He said that Mr. Williams was not aware that this
20 crime was going to happen and he never admitted any
21 responsibility for the crime.

22 Q. Did commission staff interview Robert Lee Knight,
23 Mr. Williams' stepfather?

24 A. No. He is deceased.

25 Q. Did commission staff interview Regina Knight,

1 Mr. Williams' mother?

2 A. No. She's deceased. She also testified at trial.

3 MS. SMITH: Commissioners, because she
4 testified at trial but we were unable to speak with her, we
5 have pulled her criminal record, which is Handout 30, if you
6 want to take just a moment.

7 Q. Ms. Bridenstine, did commission staff interview
8 Angela Taylor?

9 A. No. She's deceased but she testified at trial.

10 Q. And remind the commissioners who Angela Taylor is
11 again.

12 A. She is one of the sisters of Robert Lee Knight,
13 and she lived at the house where there was testimony that
14 the family first went to before they went to her sister
15 Penny Taylor's house in Philadelphia.

16 MS. SMITH: Commissioners, Angela Taylor does
17 not have a criminal record.

18 Do you have any questions for Ms. Bridenstine
19 about Robert Branch?

20 COMMISSIONER EDWARDS: You touched on this.
21 In regard to Robert Branch's testimony at trial as to the
22 dates that they went to Philadelphia and returned from
23 Philadelphia, in his trial testimony, I believe he testified
24 that they came back to North Carolina and arrived back in
25 North Carolina on December 29, 2007, around 7:00 p.m.; is

1 that correct?

2 THE WITNESS: Yes.

3 COMMISSIONER EDWARDS: And obviously if he --
4 these cell phone records, if he were with his cell phone in
5 Philadelphia, then that -- the cell phone record would
6 contradict that testimony; right? Is that correct?

7 THE WITNESS: That's correct.

8 COMMISSIONER EDWARDS: But his -- his, being
9 Robert Branch's -- explanation for his trial testimony was
10 that he was just confused and under the heat of the moment
11 maybe in cross-examination he got his dates wrong or --

12 THE WITNESS: That's right. He said he was
13 probably confused. And I think he said --

14 COMMISSIONER EDWARDS: I'm sure he was
15 nervous.

16 THE WITNESS: I don't want to misconstrue
17 what he said about that.

18 He said he probably had the dates mixed up.
19 He was being grilled and he was scared when he was in court.

20 COMMISSIONER EDWARDS: But he told the
21 Commission during your investigation that he believed that
22 his mother had the cell phone records prior to the trial; is
23 that right?

24 THE WITNESS: That's correct. And we talked
25 to other people who did not think that the cell phone

1 records were provided to Mr. Barnes, the trial attorney.

2 COMMISSIONER EDWARDS: Okay. So that was
3 going to be my next question, and you read my mind in
4 regards to Mr. Barnes. His file was turned over; is that
5 correct?

6 THE WITNESS: That's correct.

7 COMMISSIONER EDWARDS: And re: cell phone
8 records, did he have any cell phone records in his file?

9 THE WITNESS: No, he did not.

10 COMMISSIONER EDWARDS: Thank you.

11 JUDGE WAGONER: Yes, sir.

12 COMMISSIONER GLAZIER: Well, the fun question
13 for the day is did you talk with Mr. Branch about the
14 difference between pro football and pro basketball?

15 THE WITNESS: I didn't.

16 MS. SMITH: Any more questions?

17 (No response.)

18 MS. SMITH: All right.

19 Before we break for the day, I want to go
20 back to the question that I asked Ms. Bridenstine a little
21 bit earlier.

22 Q. Handing you the dates of crimes that were
23 committed that law enforcement was, I guess -- considered
24 Mr. Williams a suspect.

25 Are there any crimes committed around the time of

1 this crime other than this crime where law enforcement would
2 have been looking at Mr. Williams as they got back from
3 Philadelphia as a suspect?

4 A. No, there are none.

5 MS. SMITH: Commissioners, if there are no
6 other questions today, it is the appropriate time for the
7 evening recess.

8 JUDGE WAGONER: Nice. Thank you.

9 Any other questions for now?

10 COMMISSIONER BOSWELL: Could you preview
11 what's on tap for tomorrow?

12 MS. SMITH: Sure.

13 JUDGE WAGONER: Off the record.

14 (Overnight recess taken, 5:05 p.m.)

15 (Volume 2 begins on page 214.)
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NORTH CAROLINA GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

STATE OF NORTH CAROLINA	FROM NORTHAMPTON COUNTY
	08 CRS 1057
versus	08 CRS 1059
	08 CRS 1065-1066
COATNEY WILLIAMS	09 CRS 83
	09 CRS 85

TRANSCRIPT OF HEARING, Volume 2 of 2
Tuesday, September 29, 2020

September 28, 2020, Setting of the
North Carolina Innocence Inquiry Commission
The Honorable Anna Mills Wagoner, Judge Presiding

Commissioners Attending:

John Boswell
Luther Johnson Britt, III
Robin Colbert
Seth Edwards
Sheriff Kevin Frye
Rick Glazier
Immanuel Jarvis

1 APPEARANCES:

2 Lindsey Guice Smith, Director

3 Beth Tanner, Assistant Director

4 Julie Bridenstine, Staff Attorney

5 Brian Ziegler, Staff Attorney

6 NORTH CAROLINA INNOCENCE INQUIRY COMMISSION

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1 TUESDAY, SEPTEMBER 29, 2020 (9:05 a.m.)

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

3 JUDGE WAGONER: We'll reconvene, and this is
4 Day 2 of State versus Coatney Williams.

5 MS. SMITH: All right. I will recall staff
6 attorney Julie Bridenstine.

7 * * * * *

8 JULIE BRIDENSTINE, a witness having been
9 previously called by the Commission, was
10 recalled and testified as follows:

11 BY MS. SMITH:

12 Q. Ms. Bridenstine, I just want to clarify the record
13 from yesterday.

14 Mr. Edwards asked you about Robert Branch
15 testifying that they came home from Philadelphia at
16 7:00 p.m. on December 29, 2007, and I think you answered in
17 the affirmative.

18 Was that accurate?

19 A. No. That's what he told Brenda Burnette in his
20 statement to law enforcement in 2008. He told Ms. Burnette
21 that they left on December 26th and came back to North
22 Carolina, arriving at 7:00 p.m., on December 29th.

23 When he testified at trial, he said that they left
24 December 26th and came back on December 30th.

25 Q. Can you tell the commissioners who Tiffany Brown

1 is?

2 A. She was the girlfriend of Robert Branch at the
3 time of this case. They currently are no longer together
4 but they do have a son.

5 Q. Did commission staff speak to Ms. Brown?

6 A. Yes. We interviewed her on the phone on
7 August 14, 2020. This interview was recorded and
8 transcribed.

9 MS. SMITH: Commissioners, Handout 31 is the
10 criminal record of Tiffany Brown, if you want to take a
11 moment to look at that.

12 Q. Did commission staff provide any information to
13 Ms. Brown prior to that interview?

14 A. Yes. When we set up her interview, we sent to her
15 e-mail Exhibits 2 through 6, and we asked her to look at
16 those prior to the interview.

17 During the interview, she viewed the exhibits and
18 answered questions about them.

19 Q. What did she say about the exhibits that were
20 provided to her?

21 A. She said that Exhibits 2, 3, 5, and 6 were all
22 photos of Robert Branch. In Exhibit 5, Mr. Branch is making
23 hand signs. She did not know what the signs meant.

24 She said that Exhibit 4 was a photo of
25 Mr. Williams. She said she recognized his shirt and his

1 hat. She said he was making hand signs in the photo and she
2 did not know what they meant.

3 She said that Mr. Branch took those photos when
4 they were in Philadelphia. She said she knew this because
5 she wanted to go with them to Philadelphia but there was not
6 enough room in the car and she had to work. She said that
7 Robert Branch went with Mr. Williams; Regina Knight, their
8 mother; and their stepfather, Robert Lee Knight.

9 After the trip, Mr. Branch showed her the photos
10 on his phone.

11 Q. Did Ms. Brown know the codefendants in this case?

12 A. She knew Jamal Thomas. She said she used to see
13 Mr. Thomas at Mr. Branch's cousin's house. She thought that
14 Mr. Thomas was in the Bloods gang in December 2007. She
15 heard of Mr. Thomas to have guns but she never saw him with
16 any. She thought Jamal Thomas was also a cousin of
17 Mr. Williams and Mr. Branch.

18 She said that she knew of Antonio Freeman. She
19 also thought he was in a gang but did not know which one.
20 She did not know of Antonio Freeman to have guns but she did
21 say she saw him stab someone.

22 She said she knew of Karon Moses. She was not
23 sure if Mr. Moses was in a gang back then. She heard of
24 Mr. Moses to be around or involved with guns.

25 She said that Mr. Williams would speak to the

1 other defendants but she would not say that they were
2 friends. She didn't see them hang out with each other. And
3 Mr. Williams she knew to hang out with Mr. Branch and
4 Rasheed Alston. She said that Jamal Thomas, Karon Moses,
5 and Antonio Freeman were friends with each other.

6 Q. What did Ms. Brown know about Coatney Williams in
7 2007?

8 A. She said that Mr. Williams was affiliated with the
9 Blood gang but that Robert Branch was not in a gang. She
10 said she never saw Mr. Williams with a gun. She wasn't sure
11 if Mr. Williams had a cell phone back then. She thought his
12 mother was supposed to get him one. She said that Robert
13 Branch had a cell phone.

14 Q. What did Ms. Brown know about the trip to
15 Philadelphia?

16 A. She said that they left during the day and she
17 thought they left in Robert Knight's white truck. She said
18 she knew it was before Christmas because Robert Branch gave
19 her a gift that he got in Philadelphia.

20 She said that they called her the entire time they
21 were in Philadelphia, including on the way up and when they
22 came back. She said she spoke to both Mr. Williams and
23 Mr. Branch, and she thought they used Robert Branch's cell
24 phone.

25 She had a cell phone herself at the time. She

1 thought they were gone for three nights. She knew that they
2 saw Aunt Penny and Uncle Dave, and -- who was Aunt Penny's
3 husband. She was around when Robert Knight, Regina Knight,
4 Mr. Williams, and Mr. Branch came back and she said she knew
5 Mr. Williams was with them the entire time that they were
6 gone because she spoke to them on the phone.

7 She said that they went shopping in Philadelphia
8 and she told them to bring her back something.

9 Mr. Branch brought back jewelry for her and an
10 outfit. Mr. Williams brought her a red outfit with diamond
11 shapes and a Dolce & Gabbana pocketbook. She thought the
12 clothes were Ecco brand. She said that she herself went to
13 Philadelphia two years later and she went to the same place
14 where they went shopping. She said when she went to
15 Philadelphia, she remembered meeting Aunt Penny and Uncle
16 Dave.

17 Q. Did Ms. Brown have any information about Lacey
18 Claxton?

19 A. Yes. She said that Lacey Claxton was dating
20 Mr. Williams at the time and she was not sure if
21 Mr. Williams had brought anything back for Lacey Claxton.

22 Q. When was the first time that Ms. Brown became
23 aware of this crime?

24 A. She said that she first heard about it when
25 Mr. Branch and Mr. Williams told her they had received a

1 phone call when they were in Philadelphia. During this
2 phone call, they were told to not be around. She did not
3 know if Rasheed Alston or Jamal Thomas made that call. She
4 said she thought she heard about the phone call when they
5 were on the way to Philadelphia. She did not recall being
6 present at Rasheed Alston's house and hearing about the
7 crime but said that she could have been.

8 She did remember hearing a conversation about it
9 when Mr. Branch and Mr. Williams were around but she was not
10 present when Jamal Thomas, Karon Moses, or Antonio Freeman
11 talked about it.

12 Q. Did Ms. Brown know anything about the shotgun that
13 was used in this crime?

14 A. No. She said she did not know anything about it
15 and she was not aware of Mr. Williams storing a shotgun.

16 Q. Did Ms. Brown know anything about the Timberland
17 boots?

18 A. She remembered that Mr. Williams got the boots
19 from Jamal Thomas at their cousin Wally's house. She was
20 not sure if she was present and she was not aware of
21 Mr. Williams giving Jamal Thomas anything in exchange for
22 the shoes.

23 Q. Did Ms. Brown know anything about anyone trying to
24 get evidence related to that trip to Philadelphia?

25 A. Yes. She said that they tried to get surveillance

1 footage from the Forman Mills store that they went to. She
2 was not sure if the lawyer had trouble getting the footage
3 or if it was Regina Knight who had trouble. She knew they
4 tried to get Aunt Penny to help. She thought they did this
5 after Mr. Williams was arrested.

6 She said that she never talked to the police
7 because no one ever asked her to. She said that she knew
8 Mr. Williams did not have anything to do with this because
9 he was up there, but for her to come out and say it was not
10 good enough.

11 She said that Mr. Branch might have changed phones
12 but he kept the cell phone from this trip because the
13 pictures would help his brother. She said they knew they
14 needed proof once they could not get the surveillance
15 footage and he found the photos.

16 She thought that she first learned that the family
17 had cell phone records after Mr. Williams' trial and that
18 she was the one who tried to figure out how to print those
19 records.

20 Q. At the time of your interview with her, when was
21 the last time that Ms. Brown had had contact with Robert
22 Branch?

23 A. She said that they had spoken three weeks before
24 our conversation about their son and that she had never
25 discussed the facts of Mr. Williams' case and that she had

1 not talked to Mr. Williams about the facts of the case
2 either.

3 MS. SMITH: Commissioners, do you have any
4 questions about Tiffany Brown?

5 COMMISSIONER GLAZIER: Just a follow-up.

6 Where does she live now? And second question
7 is occupation or anything that she is doing professionally
8 right now.

9 THE WITNESS: Lexis records show that she is
10 living in -- or her address is Seaboard. For some reason,
11 when I was speaking to her, I thought she lived in
12 Philadelphia but I'm not positive about that. We didn't
13 talk about her job, but she said -- when I spoke to her, she
14 said she was off work. At the time I was interviewing her,
15 she was trying to do virtual school with her 10-year-old
16 son.

17 COMMISSIONER GLAZIER: Thank you so much.

18 MS. SMITH: Any other questions?

19 (No response.)

20 Q. Ms. Bridenstine, who is Penny Taylor?

21 A. Penny Taylor is the sister of Robert Lee Knight
22 who was the stepfather of Mr. Williams and Mr. Branch, and
23 she lives in Philadelphia.

24 Q. Did the commission staff speak to Ms. Taylor?

25 A. Yes. We interviewed her on the phone on

1 September 1, 2020, and this interview was recorded and
2 transcribed.

3 Q. What did Ms. Taylor say?

4 A. After we explained to her why the Commission was
5 reaching out to her to see if she might've seen
6 Mr. Williams' family in Philadelphia and that her sister
7 Angela Taylor testified at Mr. Williams' trial, she said, "I
8 have no idea what you're talking about."

9 She said that Regina Knight never came to see her
10 or stay with her in Philadelphia and that she had no
11 recollection of Regina Knight ever coming with her son or
12 sons to stay with her. She said that she did not know who
13 Coatney Williams is. She said that she knew Robert Branch,
14 who was her brother's stepson. She said that it maybe rang
15 a bell that Regina Knight was looking for video footage from
16 Forman Mills but she did not remember any of that stuff.

17 She also said that back in December of 2000 she
18 was living at 39th and Poplar. She said this was a garage
19 and that it did not have a basement. But she did mention
20 that she was going back and forth. She did not specify the
21 addresses.

22 JUDGE WAGONER: She said she was going back
23 and forth? Where?

24 THE WITNESS: She said she was going back and
25 forth. She didn't specify where.

1 She said she was living at 39th and Poplar in
2 a garage. And she also said that her sister Angela Taylor
3 lived on Pemberton back then.

4 Q. And I think you said of December 2000. Did you
5 mean to say December 2007?

6 A. That's correct. December 2007.

7 Q. What do Lexis-Nexis records reveal about Penny
8 Taylor's address in December of 2007?

9 A. They show that she has an address of the
10 5791 Hunter Street in Philadelphia that is associated with
11 her from 2003 through 2020, and other addresses from that
12 time period include 3902 Poplar Street and also an apartment
13 at 230 North 58th Street.

14 Her sister Angela Taylor testified at
15 Mr. Williams' trial that Penny Taylor lived at 57th and
16 Hunter Street in December 2007.

17 Q. Did Lexis-Nexis records reveal anything about
18 Angela Taylor's address in December 2007?

19 A. Yes. They show Angela Taylor's address at
20 5815 Pemberton in Philadelphia from this time period. And
21 according to the transcript of Mr. Williams' trial, she
22 testified that she lived at 5815 Privington Street, but we
23 were unable to locate this address in Philadelphia.

24 Q. And you said the address in of Lexis is
25 5815 Pemberton Street?

1 A. Correct.

2 Q. And the trial transcript reflects 5815 Privington
3 Street?

4 A. Correct.

5 Q. What else did Mrs. Taylor say?

6 JUDGE WAGONER: Can you spell that, the
7 difference?

8 MS. SMITH: P-E-M-B-E-R-T-O-N is Pemberton.
9 Privington is P-R-I-V-I-N-G-T-O-N.

10 COMMISSIONER GLAZIER: Question.

11 JUDGE WAGONER: Yes.

12 COMMISSIONER GLAZIER: So I have to go back
13 and look at the transcript but is there anything in the
14 transcript that indicates that she was asked to spell the
15 name of the street or was it just the court reporter's
16 determination of what she was hearing at that point?

17 THE WITNESS: There's nothing to indicate
18 that she was asked to spell it. It just lists that.

19 COMMISSIONER GLAZIER: Okay. Thank you.

20 Q. What else did Ms. Taylor say?

21 A. She said that Robert Branch came up to
22 Philadelphia but did not stay with her. She had no
23 recollection about where he stayed.

24 JUDGE WAGONER: Could you clarify which
25 Ms. Taylor you're speaking of -- Penny? Angela?

1 THE WITNESS: This is Penny.

2 MS. SMITH: Penny.

3 THE WITNESS: Okay. Thank you.

4 A. She said that no one in her family used a walker
5 back then but her sister Angela Taylor had a cane. We asked
6 her about this because Coatney Williams said during his
7 deposition that he saw a walker in the photo and Robert
8 Branch told us that Penny Taylor used a walker.

9 Angela Taylor lived with her other sister Pat or
10 Patricia. She is now in a nursing home.

11 Ms. Taylor also told us that she has a brother
12 Stew Taylor who is currently incarcerated in Somerset
13 prison.

14 She said she had no recollection of Mr. Williams
15 or Mr. Branch ever being in her basement. She said that she
16 saw Regina Knight in Philadelphia maybe once or twice. She
17 thought they came to Thanksgiving dinner at her sister
18 Angela's house.

19 The last time she spoke to Robert Branch was last
20 year when Angela Taylor passed away.

21 She said that Coatney Williams had called her one
22 time from prison a couple of months before the interview
23 from somebody else's phone number. She did not recognize
24 the phone number. She thought he had someone else call.
25 She said that Mr. Williams mentioned the basement and his

1 coming up there. She said she had no recollection of that
2 happening, meaning she had no recollection of Mr. Williams
3 coming to Philadelphia.

4 She said that if Angela Taylor was living that she
5 would remember all of this. She said that she is the baby
6 in the family and did not know when they came up there. She
7 said Angela Taylor was like her mother as the oldest
8 sibling.

9 COMMISSIONER BRITT: How old is Penny Taylor?
10 And is there any evidence of mental illness or substance
11 abuse?

12 THE WITNESS: We did not ask her about mental
13 illness or substance abuse so I'm not aware of anything.
14 And we will have to double-check her age. I think she's in
15 her sixties.

16 COMMISSIONER BRITT: Thank you.

17 JUDGE WAGONER: Was that your question?
18 Seth, you have a question?

19 COMMISSIONER EDWARDS: I realize that Penny
20 Taylor was a witness -- or in the defendant's family, I
21 should say. I can't recall if there was any indication in
22 the brief that she was ever contacted or a statement was
23 taken from her prior to your taking the statement in
24 September of this year.

25 THE WITNESS: We're not aware of anyone

1 trying to contact her.

2 JUDGE WAGONER: Yes, sir.

3 COMMISSIONER GLAZIER: I'm sure it's in here
4 but do we have a criminal record for Ms. Taylor?

5 MS. SMITH: She does not have a criminal
6 record.

7 COMMISSIONER BOSWELL: Did she testify at
8 trial?

9 THE WITNESS: She did not. Her sister Angela
10 Taylor testified.

11 COMMISSIONER BOSWELL: Angela.

12 JUDGE WAGONER: And my question, I believe
13 you said earlier in your testimony that Penny Taylor said
14 she lived in the garage -- she lived in a garage then but
15 then later on she talked about the basement; is that right?

16 THE WITNESS: That's correct.

17 JUDGE WAGONER: So she was sort of all over
18 the place.

19 THE WITNESS: That's fair. She did mention a
20 basement later.

21 JUDGE WAGONER: Yes, ma'am.

22 COMMISSIONER COLBERT: I thought there was
23 some -- previously there had been previous testimony that
24 Pat was in a nursing home, but wasn't there some reference
25 that she had some cognitive issues, that she had dementia?

1 Does that --

2 THE WITNESS: That's Robert Lee Knight was --

3 COMMISSIONER COLBERT: Okay.

4 THE WITNESS: -- had cognitive issues.

5 COMMISSIONER COLBERT: I remembered him but
6 there was no mention of Pat having any kind of dementia
7 or --

8 THE WITNESS: That's correct.

9 COMMISSIONER COLBERT: Okay. Thank you.

10 Q. Ms. Bridenstine, did commission staff also obtain
11 DPS phone records for calls made to all numbers associated
12 with Penny Taylor in 2020?

13 A. We did. We asked for DPS to search for any call
14 from any inmate made to her cell phone, she said it was to
15 her cell phone number during our interview, and DPS
16 responded and said they had no records of any calls being
17 made to Ms. Penny Taylor's cell phone.

18 Q. Using any PIN number?

19 A. Correct.

20 Q. Did you also ask Ms. Taylor if it was possible
21 that the family was there and she didn't remember it?

22 A. Yes, we did.

23 MS. SMITH: Commissioners, Handout 32 is an
24 excerpt from the September 1, 2020, interview with Penny
25 Taylor. If you'll take a moment to review that, that

1 section is related to her memory.

2 Q. Ms. Bridenstine, did you show any exhibits to
3 Penny Taylor?

4 A. At the end of the interview, I sent her Exhibits 2
5 through 6 from our office cell phone, and she called me back
6 after she viewed them to discuss them.

7 Q. What did she say about those photos?

8 A. She said she did not recognize anything about any
9 of the photos. She asked who the person in the photo was
10 and said it all looked like the same person. We asked her
11 if she recognized anything about the room in Exhibit 5 and
12 she said no. She said nothing in the photos looked
13 familiar.

14 MS. SMITH: Commissioners, do you have any
15 additional questions?

16 (No response.)

17 Q. Ms. Bridenstine, do you have now with you any
18 information on Penny Taylor's age?

19 A. She is 56 years old.

20 COMMISSIONER GLAZIER: Could you repeat that?

21 THE WITNESS: 56.

22 COMMISSIONER EDWARDS: She's young.

23 (Discussion off the stenographic record.)

24 Q. Ms. Bridenstine, I'm going to turn your attention
25 now to William Taylor.

1 Can you tell the commissioners who William Taylor
2 is?

3 A. He's the brother of Robert Lee Knight, Penny
4 Taylor, Angela Taylor, and Patricia Taylor. He was known as
5 Uncle Stew and he lived in Philadelphia at the time of the
6 case.

7 Q. Did commission staff speak to William Taylor?

8 A. We did. We interviewed him on the phone on
9 September 22, 2020. Mr. Taylor is currently incarcerated at
10 SCI Laurel Highlands, a special-needs prison in Somerset,
11 Pennsylvania. This interview was recorded and transcribed.

12 MS. SMITH: Commissioners, William Taylor
13 does have a criminal record but because it's from out of
14 state in Pennsylvania, we were unable to confirm the actual
15 convictions.

16 Ms. Bridenstine is going to testify as to
17 what Mr. Taylor reported as his criminal history.

18 Q. What did Mr. Taylor tell commission staff?

19 A. He reported that he is slightly paralyzed on the
20 left side due to suffering a stroke. He said he has
21 suffered four strokes and the first one occurred in 2008.
22 He did not report any other medical or mental health issues.

23 Q. Did those strokes affect Mr. Taylor's memory?

24 A. Yes. We asked him if the strokes affected his
25 memory and he said they did. He agreed that they have

1 caused significant memory loss.

2 Q. Where did Mr. Taylor say he was living in December
3 of 2007?

4 A. He said that he was living with his sister Angela
5 Taylor in the basement of her home at 5815 Pemberton in
6 Philadelphia. Also living with them were Angela Taylor's
7 boyfriend, his sister Patricia Taylor, and Patricia Taylor's
8 son Jero Taylor. He said that Penny Taylor was living at
9 5791 Hunter Street at this time.

10 Q. Did Mr. Taylor say anything about basements?

11 A. Yes. We asked him about this because Penny Taylor
12 said that she wasn't living in a home with a basement at the
13 time. He said that both Penny Taylor's house and Angela
14 Taylor's house had basements.

15 Q. Did he say anything else about Angela Taylor?

16 A. He said that Angela Taylor did not allow drinking
17 at her home but she did allow smoking.

18 Q. Why did you ask him about that?

19 A. We asked about this because Coatney Williams said
20 in his deposition that he was not allowed to drink at Angela
21 Taylor's house but that they were allowed to do so at Penny
22 Taylor's house.

23 Q. What, if anything, did Mr. Taylor say about this
24 case?

25 A. He said that he did not know who Coatney Williams

1 is. He said that he met Regina Knight and Robert Branch one
2 time when they came up to Robert -- came up with Robert
3 Knight to visit Philadelphia in the early part of 2006.
4 They stayed at Angela Taylor's house and went shopping.
5 They were in Philadelphia for a week and he saw them every
6 day. He said he was not aware of them staying with anyone
7 else.

8 Q. Did he say anything about anyone in the family
9 using a walker?

10 A. Yes. He said that Angela Taylor used a walker
11 after she was hospitalized from 2006 to 2007.

12 Q. Can you remind commissioners why we were asking
13 people about a walker?

14 A. It was because Coatney Williams pointed out that
15 he could see a walker in at least one of the photos from
16 Exhibits 2 through 6 and because Robert Branch reported that
17 he believed Penny Taylor used a walker at the time.

18 Q. What else did William Taylor say?

19 A. He said he was not aware of anyone trying to get
20 video surveillance in Philadelphia for this case. He said
21 he was not aware of Angela Taylor coming to North Carolina
22 to testify at Mr. Williams' trial. He said he never heard
23 about Coatney Williams being charged with a crime and saying
24 that he was in Philadelphia at the time.

25 He also said that it was possible that someone

1 talked to him about it and that he does not remember.

2 Q. Did you show any exhibits to Mr. Taylor?

3 A. Yes. Prior to the interview, I e-mailed prison
4 staff Exhibits 2 through 6 and they printed them out for
5 Mr. Taylor to have to view during the interview.

6 He said that he did not recognize Exhibit 2, 5,
7 or 6. He said that Exhibits 3 and 4 looked like him,
8 meaning they looked like William Taylor. He did not
9 recognize anything about where the photos were taken.

10 Q. What did Mr. Taylor report about his criminal
11 history?

12 A. He said that he had convictions for murder, two
13 aggravated assaults, criminal assault, and possession of a
14 weapon. He said he came to prison in 2010 for an aggravated
15 assault that involved a stabbing. He said he did not
16 remember stabbing the victim but he did remember fighting
17 the victim and he said this was an example of something he
18 knows happened but he no longer remembers it.

19 MS. SMITH: Commissioners, do you have any
20 questions about William Taylor?

21 COMMISSIONER COLBERT: So based on what he is
22 saying, is -- about his record, is that he's been
23 incarcerated since 2010?

24 THE WITNESS: My understanding is that he was
25 incarcerated since 2010 for, I believe, an aggravated

1 assault but he mentioned that it was a stabbing as well.

2 COMMISSIONER COLBERT: So he has been in this
3 entire time?

4 THE WITNESS: Correct.

5 COMMISSIONER COLBERT: Okay. Since 2010?

6 THE WITNESS: That's right. And he also said
7 he was coming up for discharge soon.

8 COMMISSIONER COLBERT: Okay. Did he -- I
9 know you don't have a record, you couldn't get a record. Do
10 you have any -- the time, like the month? You just know
11 it's 2010 based on what he shared with you?

12 THE WITNESS: We have arrest dates but no
13 charges or convictions. So we could pull that and look at
14 it. We have very limited records for that, but that might
15 show something.

16 COMMISSIONER COLBERT: Thank you.

17 JUDGE WAGONER: Commissioner Glazier.

18 COMMISSIONER GLAZIER: Do you know his age,
19 approximate age?

20 THE WITNESS: I think he is 66.

21 COMMISSIONER GLAZIER: Thank you.

22 Q. Ms. Bridenstine, who is Jero Taylor?

23 A. Jero Taylor is the son of Patricia Taylor, who is
24 one of the sisters of Robert Knight. At the time of this
25 case, Jero Taylor was 21 years old.

1 Q. Did commission staff speak to Jero Taylor?

2 A. Yes. We interviewed him on the phone on
3 September 1, 2020. This interview was recorded and
4 transcribed.

5 MS. SMITH: Commissioners, Jero Taylor does
6 not have a criminal record.

7 Q. What did Mr. Taylor say?

8 A. Initially he said that he did not know who Coatney
9 Williams is. He did know Robert Branch. He said he only
10 saw his uncle, Robert Knight, about six times in his life.
11 He said that most of the time that they came down they
12 brought Robert Branch with them.

13 He then said that he did remember two occasions
14 when the older brother Coatney came to Philadelphia. He
15 said he was pretty confident Coatney Williams came to
16 Philadelphia twice. He said that Robert Branch came down
17 all the time. He never met any of the other siblings of
18 Robert Branch and Coatney Williams. He could not remember
19 when they came to Philadelphia but said that one time was
20 around Thanksgiving or Christmas and one time was in the
21 summer.

22 He thought that Mr. Williams wore his hair in
23 braids and he said he remembered their southern accents.

24 Q. Do you have any information that Mr. Williams wore
25 his hair in braids?

1 A. Mr. Williams reported to wear his hair in braids
2 and his brother also reported that as well.

3 Q. What else did Jero Taylor say about that visit?

4 A. He remembered one time when his mother, aunt, and
5 Robert Knight took them clothes shopping. He said they
6 stayed for a few weeks. He then said they stayed for a few
7 days with him at his place with his mother, Patricia Taylor,
8 and his aunt Angela Taylor, that they were living at Angela
9 Taylor's house, and that they then stayed a few days at his
10 aunt Penny's place.

11 He remembered taking them shopping for clothes at
12 several stores, including Forman Mills, a few times. He
13 said that a couple of people used walkers and canes in the
14 family, including his aunt Angela and his uncle Stew. And
15 he said that Angela Taylor would have remembered more
16 because she would see the family a lot.

17 Q. Did he say where Penny Taylor lived at the time of
18 the crime?

19 A. Yes. He said that Penny Taylor lived on Hunter
20 Street. Her house had a basement. He never went to his
21 aunt Penny's house with Coatney Williams or Robert Branch.
22 They came over to his house where he lived with his mother
23 and his aunt Angela. And after they went to his aunt
24 Penny's house, he would see them during the day when they
25 would come over to Aunt Angela's.

1 Q. Did Jero Taylor say anything else?

2 A. He said that he could not recall if Robert Branch
3 or Coatney Williams had a cell phone. He said that they
4 asked to use his phone a couple of times. He said that
5 Mr. Williams did not leave before his family left
6 Philadelphia during the time he saw them in the winter.
7 Mr. Williams was with his family the entire time. He said
8 he knew this because before everyone left, they said
9 goodbye.

10 He said he remembered that his aunt Angela Taylor
11 tried to get surveillance footage from Forman Mills mall but
12 they had difficulties in trying to do that.

13 He said he was aware of Angela Taylor coming to
14 North Carolina to testify that Mr. Williams was in
15 Philadelphia and was not in North Carolina during the crime.
16 He said, "I think my aunt An was just basically going down
17 there to tell her truth as far as that goes."

18 He did not know what it was for but she said it
19 was for a case for him. He said he did not recognize
20 Coatney Williams' name because he referred to it as his
21 government name.

22 JUDGE WAGONER: His what?

23 THE WITNESS: Government name.

24 JUDGE WAGONER: Okay.

25 A. He also said that he believed that the entire

1 family saw Coatney Williams when he was in Philadelphia.

2 Q. Did Jero Taylor review any exhibits?

3 A. Yes. We showed him Exhibits 2 through 6 on his
4 cell phone during the interview. He said that Exhibits 2
5 and 3 looked like Coatney Williams. He did not recognize
6 anything about Exhibit 4. He said he couldn't really see
7 the face. He said that Exhibits 5 and 6 looked like Robert
8 Branch, and Exhibit 6 looked like it was taken in his aunt
9 Penny's basement.

10 He said the back parts looked like her steps. He
11 said it also looked like his mother and aunt Angela's
12 basement. He recognized the wood studs in the ceiling and
13 said that that and the walls looked similar in both
14 basements.

15 MS. SMITH: Commissioners, do you have any
16 questions about Jero Taylor?

17 (No response.)

18 MS. SMITH: Before Ms. Bridenstine steps
19 down, do y'all have any questions related to her testimony
20 this morning?

21 (No response.)

22 MS. SMITH: I'll ask that she step down.

23 JUDGE WAGONER: All right. Thank you, ma'am.

24 (Witness stands down, 9:37 a.m.)

25 MS. SMITH: And commission staff recalls

1 staff attorney Brian Ziegler.

2 * * * * *

3 BRIAN ZIEGLER, a witness having been
4 previously called by the Commission, was
5 recalled and testified as follows:

6 MS. SMITH: Commissioners, we're now going to
7 turn our attention to Mr. Williams' codefendants in this
8 case.

9 Handout 33 is going to be an updated version
10 of Appendix F from your brief, which was the chart of the
11 defendants', all four, statements by topic. This version
12 has been updated to include the defendants' communications
13 with the Commission from their depositions.

14 So if you wanted to take some time to review
15 that.

16 JUDGE WAGONER: This is Exhibit 33, you said?

17 MS. SMITH: Yes. Handout 33.

18 And just so you're aware, the added column
19 that's in green is what is new that wasn't included in your
20 brief.

21 BY MS. SMITH: (9:43 a.m.)

22 Q. Mr. Ziegler, who were the codefendants in this
23 case?

24 A. Antonio Freeman, Karon Moses, and Jamal Thomas.

25 Q. And let's start by turning our attention to

1 Antonio Freeman.

2 MS. SMITH: Commissioners, Handout 34 is the
3 criminal record of Mr. Freeman, if you want to take just a
4 moment to look at that.

5 Q. Mr. Ziegler, did the Commission's investigation
6 reveal information that Mr. Freeman was in a gang at the
7 time of this crime?

8 A. No. He claims to have joined the Bloods after he
9 went to prison. No one else that we talked to ever
10 identified him as being in a gang at the time of the crime,
11 although Rasheed Alston said that he may have repped
12 Seaboard, which he explained to mean that Mr. Freeman may
13 have hung out with gang associates. And Tiffany Brown also
14 said that she thought he was in a gang but she did not know.

15 Q. What files did commission staff review that relate
16 specifically to Antonio Freeman?

17 A. We obtained and reviewed his file from the clerk
18 of court, his DPS records, including combined records,
19 education records, mental health records, gang records,
20 visitation, mail, and disciplinary records, and his phone
21 calls. And we also deposed Mr. Freeman on August 4, 2020.

22 Q. What did commission staff learn from Mr. Freeman's
23 court file?

24 A. His transcript of plea is dated July 12, 2010,
25 which is the same day that he gave his first detailed

1 statement about the crime and the day that Mr. Williams'
2 trial began.

3 Mr. Freeman pled guilty to a second-degree sex
4 offense, burglary, and armed robbery. And additional
5 charges of breaking and entering of a motor vehicle, two
6 larcenies, assault with a deadly weapon with intent to kill,
7 larceny of a firearm, attempted murder, a first-degree sex
8 offense, attempted first-degree rape, and discharging a
9 weapon into occupied property were all dismissed on the
10 condition that he testify truthfully against codefendants.

11 Q. Was Mr. Freeman called to testify at Coatney
12 Williams' trial?

13 A. Yes. And he testified against Mr. Williams.

14 MS. SMITH: Commissioners, that testimony was
15 provided in full in your brief beginning on pages -- on
16 page 355 and was also summarized in Appendices C, E, and F
17 of the brief.

18 Q. Mr. Ziegler, you said that commission staff also
19 reviewed DPS records related to Antonio Freeman?

20 A. That's correct.

21 MS. SMITH: Commissioners, Handout 35 is a
22 summary of Mr. Freeman's DPS records, if you'll take a
23 moment to review that judgment.

24 Judge Wagoner, in order to obtain DPS
25 records, the Commission had to obtain a court order, and the

1 records are not public record; further, mental health and
2 education records are governed by additional federal laws.

3 Because these handouts pertain to those
4 records, I would request that Your Honor consider sealing
5 Handout 35.

6 JUDGE WAGONER: I order that Exhibit 35 be
7 sealed until further orders of this Court or another court.

8 MS. SMITH: Commissioners, do you have any
9 questions for Mr. Ziegler about that handout?

10 JUDGE WAGONER: I read Mr. Freeman's
11 testimony at trial. Is it your understanding that none of
12 this animal abuse or trying to commit suicide was ever
13 brought out in cross-examination at the trial?

14 THE WITNESS: I don't believe any of that
15 came out at trial, no.

16 COMMISSIONER GLAZIER: Same kinds of
17 questions.

18 Was there evidence -- well, let me ask a
19 couple of things.

20 Was there evidence that any of that that you
21 saw or found was true; that is, what he said, that he had
22 this prior psychiatric history of these prior actions when
23 he was 11 and 12 years old?

24 Do we know whether he's making it up or
25 whether it's true or we just don't know?

1 THE WITNESS: As far as I know, that was
2 self-reported to the practitioner in the Department of
3 Public Safety and I have not independently looked for any
4 records from his childhood.

5 COMMISSIONER GLAZIER: Do we have any records
6 that would be in the DA's file or you have you gotten the
7 school records from -- during his middle or high
8 school years?

9 THE WITNESS: No, sir.

10 COMMISSIONER GLAZIER: Do we know? Was there
11 ever a request made for any mental health records that were
12 shown in the court file or in the DA's file?

13 THE WITNESS: I have not seen any such
14 request.

15 COMMISSIONER GLAZIER: Did the defense lawyer
16 in this case back in trial, to your knowledge, make a
17 Brady/Giglio request?

18 THE WITNESS: Are you referencing
19 Mr. Williams' defense attorney?

20 COMMISSIONER GLAZIER: Yes.

21 THE WITNESS: Not to my knowledge, no.

22 COMMISSIONER GLAZIER: Did not make a
23 request?

24 THE WITNESS: That's correct. That's my
25 understanding.

1 COMMISSIONER GLAZIER: Thank you.

2 Q. Mr. Ziegler, do the DPS records include any
3 indication of Mr. Williams' participation or
4 nonparticipation in this crime?

5 A. Not any of his paper records, but some of his
6 phone calls do.

7 Q. Did commission staff listen to every phone call
8 that Mr. Freeman has made from prison?

9 A. We did not. The original production of phone
10 records included recordings for 792 calls from Mr. Freeman's
11 PIN. We focused our review efforts on listening to groups
12 of calls after key events in this case, which were calls
13 following Jamal Thomas' execution of affidavit, Antonio
14 Freeman's execution of affidavit, Coatney Williams' original
15 application to the Commission, Coatney Williams' original
16 rejection, Coatney Williams' reapplication, Coatney Williams
17 executing his waiver of procedurals rights and safeguards,
18 and Coatney Williams providing his DNA sample.

19 And we also listened to all of the 19 calls from
20 Mr. Freeman's PIN that were provided in the second batch of
21 records produced which cover the time period from April 16,
22 2020, through August 19, 2020.

23 Q. And in any of those calls reviewed did Mr. Freeman
24 ever talk about Coatney Williams' involvement or lack of
25 involvement in this crime?

1 A. Yes. Two of his phone calls following the
2 execution of his own affidavit for attorney Jim Antinore,
3 who prepared Coatney Williams' MAR, on June 17, 2014 -- both
4 calls were on the date -- excuse me, June 17, 2014, is the
5 day that Mr. Freeman executed his affidavit. Two calls
6 subsequent to that reference Mr. Williams.

7 On July 3, 2014, he talked about the visit from
8 Mr. Antinore, and he was speaking with a woman that we
9 believe to be his grandmother. Mr. Freeman said that he
10 thought he was going to get a visit from his own attorney
11 until the visit actually started. The woman asked him if he
12 said the same thing he said in court, and he responded that,
13 no, he told them that Mr. Williams was not really there.
14 This is a reference to his conversation with Mr. Antinore.

15 The woman asked Mr. Freeman why he said
16 Mr. Williams was not there and he responded, "He wasn't."

17 The woman told him: "They're going to get you for
18 perjury" and she asked Mr. Freeman why he said Mr. Williams
19 was there if he was not, and he responded, "Because he said
20 I was."

21 The woman expressed misgivings about Mr. Freeman
22 talking to Mr. Williams' attorney and she asked him if he
23 was sure he did the right thing. He said he was.

24 Several times the woman advised him not to talk to
25 anyone else to avoid perjury charges.

1 Q. Were there any other calls about that?

2 A. There were.

3 The following day, on July 4, 2014, Mr. Freeman
4 had a call with who we later determined to be his mother and
5 stepfather. Mr. Freeman's mother told him that he should
6 not have talked to Mr. Williams' lawyer because Mr. Freeman
7 was himself trying to get back into court. She asked him
8 what he said to Mr. Williams' lawyer and Freeman responded
9 by saying, "I told them he wasn't there."

10 His stepfather told Mr. Freeman that he perjured
11 himself and Mr. Freeman stated that he did not sign anything
12 and it was not recorded.

13 His stepfather then told Mr. Freeman that he was
14 jeopardizing his own court date and said they should not
15 talk about it any more over the phone.

16 Mr. Freeman's mother advised him not to take
17 visits from anyone except for her and his attorney and said
18 that he needed to look out for himself first. And his
19 stepfather told Mr. Freeman that he should have told the
20 truth that Mr. Williams was there and that is what he should
21 say again if anyone else asks.

22 His mother told Mr. Freeman that he should not
23 change his testimony because of any threats and she said
24 that she will sit down and talk when she comes to visit.

25 Mr. Freeman was himself largely quiet while his

1 stepfather and mother said these things.

2 Q. Was there anything else in Mr. Freeman's DPS
3 records related to Coatney Williams participating or not
4 participating in this crime?

5 A. No.

6 MS. SMITH: Commissioners, you've had an
7 opportunity to review Mr. Freeman's complete deposition
8 prior to this hearing. That digest of the deposition
9 transcript and related exhibits are Handout 36 and the video
10 of Mr. Freeman's deposition is Handout 37.

11 Please note that commission staff found some
12 typos in our digest that we created after it was e-mailed to
13 you. We have corrected those in the official record and the
14 record that is on your digital copy now.

15 The changes were primarily typographical
16 errors; however, on page 4 of the digest, the name "Jordan"
17 has been replaced with "Thomas" to accurately reflect the
18 content of page 46 of the deposition. That corrected
19 version of the digest is what you will see on your computer
20 screens.

21 Before we continue, do you have any questions
22 so far about testimony related to Antonio Freeman?

23 (No response.)

24 Q. Mr. Ziegler, briefly remind the commissioners what
25 Mr. Freeman said in his deposition about this crime.

1 A. He described that day being picked up by Jamal
2 Thomas and Karon Moses and going to the Cupboard store. He
3 said that at the store, they met Coatney Williams and gave
4 him a ride home. And he said that in the car, he thinks
5 Mr. Moses, Mr. Freeman, and Mr. Williams were talking about
6 a robbery, but Mr. Freeman was not sure who said what
7 because he was too focused on smoking a blunt and he did not
8 participate in the conversation.

9 According to Mr. Freeman, at Mr. Williams' house,
10 Mr. Williams got out of the car, went inside, and then came
11 back to the car to talk to Mr. Thomas at the back of the
12 car. Mr. Freeman did not see Mr. Williams with anything and
13 did not know what they were talking about.

14 He said that the crime was either Mr. Moses' or
15 Mr. Thomas' idea and that he didn't know about it until
16 after they dropped off Mr. Williams and were on their way to
17 the victim's house. And he did not know a motive for
18 committing the crime.

19 Mr. Freeman also said that he did not know where
20 the shotgun they used came from. The first time he saw it
21 was when Mr. Thomas and Mr. Moses took it out of the trunk
22 of the car.

23 Mr. Freeman described going into the home with
24 Mr. Moses and Mr. Thomas. He said that Mr. Thomas cut the
25 phone line but he did not remember which one of them shot

1 the door.

2 Mr. Freeman denied being the one to sexually
3 assault Ms. Davis but he would not say which of his
4 codefendants did so. He said that he guessed it was
5 Mr. Moses who shot Erel Jordan and stated that the last time
6 he saw the shotgun it was in Mr. Moses' hands as they ran
7 from the house.

8 Mr. Freeman admitted to shooting at the car that
9 followed them as they drove back to Seaboard. He said that
10 they stopped at Mr. Thomas' house for about five minutes
11 before getting back to Seaboard but he did not know why they
12 made that stop.

13 MS. SMITH: Commissioners, you will have an
14 opportunity to question Mr. Freeman later this afternoon.

15 Any additional questions for Mr. Ziegler
16 before we move on to the next codefendant?

17 MS. COLBERT: So I just have some clarifying
18 questions.

19 When I see in the chart N/A, that just
20 means -- I'm talking about the defendants' statement
21 chart -- that just means that question wasn't asked of those
22 individuals?

23 THE WITNESS: Let me look at what you're
24 referencing. Is that Handout --

25 COMMISSIONER COLBERT: It's 33. Yeah.

1 And so each time they talk to someone,
2 there's an N/A. Does that mean that question wasn't asked,
3 like, of that particular defendant?

4 THE WITNESS: Yeah. That's correct, that
5 that specific issue wasn't addressed.

6 COMMISSIONER COLBERT: Okay.

7 So when you're referencing the woman and he
8 thought that this was his attorney and it ended up being
9 Williams' attorney, according to him, is this the person
10 from the actual innocence -- who is this woman?

11 THE WITNESS: That was a phone call.

12 COMMISSIONER COLBERT: Yes.

13 THE WITNESS: The woman -- we believe it to
14 be his grandmother.

15 COMMISSIONER COLBERT: Oh, okay.

16 THE WITNESS: I can't say 100 percent that's
17 his grandmother, but that's our understanding. That was a
18 conversation she was having with Mr. Freeman over the phone
19 and he was talking about when Mr. Williams' postconviction
20 attorney came and interviewed him. He knew that he had an
21 attorney visit and he thought it was going to be his own
22 attorney until he got in the room and realized it was
23 Mr. Williams' attorney.

24 COMMISSIONER COLBERT: So the person on the
25 phone who we believe to be his grandmother, was that the

1 very first person who brought up the issue around perjury?

2 Or was it this person or from this attorney from --

3 THE WITNESS: No. My understanding, that is
4 when he told his grandmother or who we believe to be his
5 grandmother that he said something different to the attorney
6 than what he said at trial, that the grandmother said,
7 "They're going to get you for perjury."

8 MS. COLBERT: Okay. Thank you.

9 COMMISSIONER EDWARDS: So, Mr. Ziegler, so at
10 Mr. Williams' trial, Antonio Freeman testifies that he -- he
11 implicates Mr. Williams in this crime; is that correct?

12 THE WITNESS: That's correct.

13 COMMISSIONER EDWARDS: And Freeman also
14 admits that he's the one that made Ms. Davis strip and took
15 a shotgun and pointed it -- dangled and even touched her
16 between her legs; correct -- at his trial.

17 THE WITNESS: Yes. That -- at the trial,
18 that's correct.

19 COMMISSIONER EDWARDS: So now at his
20 deposition he says, no, he didn't sexually assault that
21 lady, and he says that Williams was not present.

22 THE WITNESS: That's correct.

23 COMMISSIONER EDWARDS: Okay.

24 JUDGE WAGONER: And does he mention -- in
25 this deposition, I cannot recall -- the Jamaican accents?

1 THE WITNESS: I don't recall if we
2 specifically asked him about that but I know on multiple
3 occasions the idea that they had used fake Jamaican accents
4 came up.

5 JUDGE WAGONER: Do you recall if he has ever
6 said whose idea it was to do Jamaican accents?

7 THE WITNESS: No, I don't believe that he
8 has.

9 COMMISSIONER GLAZIER: So to follow Seth's
10 question, so he had the trial transcript pursuant to the
11 plea agreement testimony, and -- where he implicates
12 Williams.

13 Then, the deposition where he says he was
14 there before but not at the scene, and then the private
15 conversation he believes is unrecorded and nobody listening
16 but his grandmother, and then the one with his mother and
17 stepfather, right -- those two conversations, he says he
18 wasn't there. "I told them -- I told his attorney he wasn't
19 there, and the reason I told his attorney he wasn't there is
20 because he wasn't there."

21 Is that right?

22 THE WITNESS: That's what he said. I don't
23 know what he believed about whether it was recorded or not,
24 but that's what he said in those private phone calls -- or
25 those phone calls from prison, yes.

1 COMMISSIONER GLAZIER: And that occurs before
2 the deposition, obviously?

3 THE WITNESS: Correct.

4 COMMISSIONER GLAZIER: And then he's told, in
5 the conversations with grandma and ma and stepfather, "You
6 shouldn't have done that. You've subjected yourself to
7 perjury. Don't say it again. And we'll come and talk with
8 you about in person."

9 THE WITNESS: That's correct.

10 COMMISSIONER GLAZIER: And then the
11 deposition occurs where he cuts the middle ground.

12 THE WITNESS: Yes. The only thing that I
13 will clarify is that there were years between those phone
14 calls and the deposition.

15 COMMISSIONER GLAZIER: Thank you.

16 JUDGE WAGONER: Okay.

17 MS. SMITH: I'm going to turn your attention
18 now to Karon Moses.

19 Commissioners, Handout 38 in your notebooks
20 or online is the criminal record of this Karon Moses, if
21 you'll take a moment to look at that.

22 JUDGE WAGONER: Lindsey, just for
23 clarification, a number of things arise from this
24 conviction; is that correct?

25 MS. SMITH: That's correct, the top three.

1 Q. Mr. Ziegler, did the commission staff's
2 investigation reveal any information that Mr. Moses was in a
3 gang at the time of this crime?

4 A. No. Mr. Moses said that he joined the Bloods
5 after he went to prison and no one we spoke with identified
6 him as being a gang member out in the world. George Reed,
7 the former chief of Seaboard police, said that Mr. Moses
8 associated with gang members but was not validated as a
9 member.

10 Q. What files did commission staff review related
11 specifically to Mr. Moses?

12 A. We obtained and reviewed his clerk of court file
13 and his DPS records, which likewise included combined
14 records, education records, mental health, gang records,
15 visitation, mail, and disciplinary records, as well as phone
16 calls. And we, of course, deposed Mr. Moses as well on
17 August 6, 2020.

18 Q. What did commission staff learn from Mr. Moses'
19 court file?

20 A. His transcript of plea is dated July 12, 2010, the
21 day that Mr. Williams' trial started. Mr. Moses pled guilty
22 to robbery with a dangerous weapon, first-degree burglary,
23 and assault with a deadly weapon with intent to kill. The
24 transcript of plea itself does not list any dismissals but
25 Mr. Moses had charges of discharging a weapon into occupied

1 property, larceny of a firearm, assault with a deadly weapon
2 with intent to kill, and larceny after breaking and entering
3 dismissed that same day.

4 He also agreed to testify truthfully against
5 codefendants.

6 Q. Was Mr. Moses called to testify Mr. Williams'
7 trial?

8 A. He was not. And up to that point, his only
9 substantive statement about the crime was when he spoke with
10 ATF Agent McCluney and he said that he, Mr. Freeman, and
11 Mr. Thomas committed the crime and that Williams was not
12 with them.

13 Q. You said that commission staff also reviewed
14 Mr. Moses' DPS files; is that correct?

15 A. Yes.

16 MS. SMITH: Commissioners, Handout 39 is a
17 summary of Mr. Moses' DPS records, if you'll take a moment
18 to review it.

19 Judge Wagoner, again, in order to obtain DPS
20 records, commission staff had to obtain a court order and
21 the records are not public; further, mental health and
22 education records are governed by additional federal laws.
23 Because this handout pertains to those records, I would
24 request that you consider sealing Handout 39.

25 JUDGE WAGONER: These records --

1 Exhibit Handout 39, will be sealed.

2 COMMISSIONER BRITT: I have a question.

3 JUDGE WAGONER: Yes.

4 COMMISSIONER BRITT: Mr. Ziegler, can you
5 refresh my memory? Was Mr. Moses interviewed by the DA?

6 THE WITNESS: He was not, no.

7 COMMISSIONER BRITT: Even though there was a
8 truthful testimony agreement?

9 THE WITNESS: All I can say is what is in the
10 records, that his plea includes a truthful testimony
11 agreement but there is no record of any interview of him
12 with the DA.

13 JUDGE WAGONER: Was he interviewed by -- he
14 was interviewed by law enforcement, like Reed and that group
15 of people?

16 THE WITNESS: He was interviewed by Detective
17 Burnette and at that time he said something to the effect
18 of, "I don't know what you're talking about," and that was
19 it. And then we have the undated handwritten notes from
20 Agent McCluney where he goes into more detail.

21 JUDGE WAGONER: But he was not interviewed,
22 as far as you know, by the DA or anybody representing the
23 DA's office or an investigator of the DA?

24 THE WITNESS: That's my understanding, yes.

25 JUDGE WAGONER: Okay.

1 COMMISSIONER GLAZIER: Who was the DA on
2 record when he pled?

3 THE WITNESS: Valerie Asbell.

4 COMMISSIONER GLAZIER: For that plea? In the
5 courtroom?

6 THE WITNESS: I know she was the elected DA
7 at the time. It may have been an assistant district
8 attorney who signed the transcript of plea. We can
9 obviously pull that, but I don't know off the top of my
10 head.

11 COMMISSIONER GLAZIER: I would like to know.

12 JUDGE WAGONER: I believe that they were
13 picking a jury in Mr. Williams' trial at the same time these
14 pleas were going on. I was thinking it was an ADA doing it.

15 COMMISSIONER GLAZIER: Yes.

16 THE WITNESS: That's possible, and we'll
17 definitely find out.

18 MS. SMITH: Commissioners, I will also point
19 you back to Handout 18, the affidavit of District Attorney
20 Asbell, question number 12 is related to the circumstances
21 surrounding Karon Moses' plea and whether or not there was
22 an interview there. So I will let you look at that.

23 JUDGE WAGONER: What page, Lindsey?

24 MS. SMITH: It's Handout 18. It's
25 question 12, which is on page 3 of the affidavit, at the

1 bottom.

2 Q. Mr. Ziegler, did the DPS records for Mr. Moses
3 include any indication of Mr. Williams' participation or
4 nonparticipation in the crime?

5 A. Again, his paper records don't. He did make one
6 phone call on August 6, 2020, which was the date of his
7 commission deposition. This phone call was after his
8 deposition, and he told a woman that we believe to be his
9 mother that he told us Mr. Williams was not involved in the
10 crime and that Mr. Williams was in fact not involved with
11 the crime. The woman tells Mr. Moses that she would not
12 have said anything and she said that it won't let him out,
13 referring to Moses, and he agreed with her.

14 Q. Did the Commission listen to every call Mr. Moses
15 made from prison?

16 A. We listened to all 138 calls made from his PIN
17 through the production date of August 19, 2020.

18 Q. Was there anything else in the calls related to
19 Mr. Williams?

20 A. No.

21 Q. Did commission follow up -- staff follow up on any
22 information related to Mr. Moses that was in the files
23 reviewed from the original investigation of this case?

24 A. We did. As Ms. Bridenstine testified to earlier,
25 we asked the ATF agent, Harold McCluney, during his

1 June 26th, 2020, interview, about the handwritten notes of
2 the interview with Mr. Moses, and that was when he
3 identified those notes as being his notes, but he was unable
4 to provide any more information about the time, location, or
5 other people that were present for that interview. He
6 thought that George Reed or Brenda Burnette would have been
7 there while he was taking the notes.

8 Also, on August the 31st, 2020, we spoke via phone
9 to retired Major Milton Drew, who was the jail administrator
10 at the time this crime and these arrests were going on. He
11 did not recall an ATF agent interviewing Mr. Moses while in
12 jail, and thus he could not provide any more of a time frame
13 for when that interview might've occurred.

14 We also asked Major Drew about intercepting the
15 letter that Mr. Williams sent to Mr. Moses while they were
16 both in jail. And Major Drew's recollection was that
17 another officer found it in the mail and brought it to his
18 attention and he did not believe that Mr. Moses had received
19 the letter.

20 Q. Did commission staff interview anyone else
21 specifically related to Karon Moses?

22 A. Yes. On September 10, 2020, we spoke on the phone
23 with Ronnie Reeves, who was Mr. Moses' trial attorney,
24 related to interaction that Regina Knight, who's Coatney
25 Williams' mom, told private investigator Jerry Wiggs.

1 The PI report indicates that Ms. Knight told him
2 that after Mr. Williams went to jail -- excuse me -- after
3 he was convicted, that Ms. Knight saw Mr. Moses and
4 Mr. Reeves in the front of the jail. And according to the
5 report, Ms. Knight said that Mr. Moses looked up at her and
6 said he did not know why Mr. Williams was convicted because
7 he had nothing to do with it and Ms. Knight said that
8 Mr. Reeves just looked at her when his client said that.

9 When we talked to Mr. Reeves, he did not recall
10 witnessing that interaction. He did not recall Coatney
11 Williams and he did not recall Karon Moses by name. He had
12 only a vague recollection of this crime.

13 Q. Did commission staff ever speak directly with
14 Mr. Moses?

15 A. Yes. We deposed him August 6, 2020.

16 MS. SMITH: Commissioners, you have had the
17 opportunity to review Mr. Moses' complete deposition prior
18 to this hearing. Mr. Moses' deposition digest, transcript,
19 and related exhibits are Handout 40. And the video of
20 Mr. Moses' deposition is Handout 41.

21 Please note commission staff found some typos
22 on the digest after it was e-mailed to you that have been
23 corrected. These changes were primarily typos; however, on
24 page 6 of the digest, the word "not" has been added to
25 accurately reflect the content of page 46 of the deposition.

1 The corrected version of the digest is the
2 one that you have in front of you today. So that is
3 Handout 40, page 6, the word "not" has been added.

4 Q. Mr. Ziegler, can you briefly remind commissioners
5 what Mr. Moses said in his deposition to commission staff
6 about this crime?

7 A. Sure. Mr. Moses could not provide a motive for
8 the crime. He said it was not his idea. Mr. Moses said
9 that he, Antonio Freeman, and Jamal Thomas were in
10 Mr. Thomas' parked car at the Cupboard store. No one else
11 was in the car. And he did not see Mr. Williams.

12 According to Mr. Moses, he did not know about the
13 crime until they arrived at the victim's home. They noticed
14 Ms. Davis through a window, and Mr. Thomas suggested they go
15 inside anyway.

16 Mr. Moses also said that Mr. Thomas always kept
17 the shotgun in the trunk of his car, which is where he saw
18 it that night. Mr. Moses described himself as being the one
19 to cut the phone line, shoot the door, and kick in the door.
20 He said that he then gave the shotgun to Antonio Freeman who
21 made Ms. Davis take her clothes off and got on top of her.

22 Mr. Moses said that he took the shotgun back from
23 Mr. Freeman and that he and -- that he, Mr. Moses, was the
24 one who shot Erel Jordan.

25 He said that Mr. Freeman is the one who shot at

1 the car that followed them as they were leaving the crime
2 scene and he said that they stopped at Mr. Thomas' house
3 where Thomas took some things out of the car which Mr. Moses
4 believes were burned. The three of them then split the
5 money from the robbery while they were at Mr. Thomas' house.
6 Then they returned to Seaboard and went their own separate
7 ways.

8 MS. SMITH: Commissioners, you will have the
9 opportunity to question Mr. Moses later.

10 Do you have any questions for Mr. Ziegler at
11 this time?

12 (No response.)

13 MS. SMITH: I'll turn your attention now to
14 Jamal Thomas.

15 Commissioners, Handout 42 is the criminal
16 record of Jamal Thomas, if you want to take a moment to look
17 at that.

18 Q. Mr. Ziegler, did commission staff's investigation
19 reveal information that Mr. Thomas was in a gang at the time
20 of this crime?

21 A. No. He denies ever being in a gang, his DPS
22 records do not reflect gang membership, and no one that we
23 spoke with identified Mr. Thomas as being in a gang other
24 than Tiffany Brown saying she thought he was but she did not
25 know.

1 George Reed stated that Mr. Thomas hung around
2 with gang members but was not himself validated as a gang
3 member.

4 Q. What files did commission staff review related
5 specifically to Jamal Thomas?

6 A. We obtained and reviewed his file from the clerk
7 of court, his DPS records, which included combined records,
8 education records, mental health records, gang records,
9 visitation, mail, and disciplinary records, and his phone
10 call. And we also deposed him on August 4, 2020.

11 Q. What did commission staff learn from Mr. Thomas'
12 court file?

13 A. Mr. Thomas was the first codefendant to plead
14 guilty. His transcript of plea is dated on June 29th, 2010.
15 He pled guilty to robbery with a dangerous weapon and
16 first-degree burglary. Charges of larceny, assault with a
17 deadly weapon with intent to kill, larceny of a firearm,
18 attempted murder, discharging weapon into occupied property,
19 and two counts of possession of stolen goods were dismissed,
20 and Mr. Thomas agreed to testify truthfully against
21 codefendants.

22 Q. Was Mr. Thomas called to testify at Mr. Williams'
23 trial?

24 A. He was not called to testify, although his
25 statement to law enforcement on September 3rd, 2008, is the

1 first time that Coatney Williams' name came up in connection
2 to this case.

3 Mr. Thomas was subsequently interviewed by the
4 DA's office twice, and in both interviews he named Coatney
5 Williams as being involved. But, again, he did not actually
6 testify at trial.

7 Q. And you said commission staff also reviewed
8 Mr. Thomas' DPS files; is that correct?

9 A. That is correct.

10 MS. SMITH: Commissioners, Handout 43 is a
11 summary of Mr. Thomas' DPS records, if you will take a
12 moment to review it.

13 Judge Wagoner, similarly in the other
14 instances, we had to obtain a court order for these records
15 and these records are not public records, also, mental
16 health and education records that are impacted in this
17 summary, and I would just request that you consider sealing
18 Handout 43.

19 JUDGE WAGONER: I will order that these
20 records remain sealed as well.

21 One question. I was just looking at the
22 commonality report.

23 Even though it was ordered by the judge that
24 Mr. Williams and all of the defendants were not to have any
25 contact with each other after this is over, Thomas, Freeman,

1 and Moses were all placed at Polk at the same time,
2 August 9, 2010, to September 1, 2010.

3 Did Mr. Thomas indicate they ever spoke about
4 these matters when they were -- the three of them, Freeman
5 Thomas, Moses --

6 THE WITNESS: No, I don't believe he said
7 that they ever talked about the case. And it's my
8 understanding that those few days were their initial
9 processing into the prison system.

10 JUDGE WAGONER: Okay. Even though it's about
11 28 days.

12 MS. SMITH: Any other questions about that
13 handout?

14 (No response.)

15 Q. Mr. Ziegler, did the DPS records for Mr. Moses
16 include any indication related to Mr. Williams'
17 participation or nonparticipation in this crime?

18 A. No. There was no indication that he talked about
19 Mr. Williams in his paper file or in any of the calls that
20 we reviewed.

21 Q. Did commission staff listen to all of Jamal
22 Thomas' phone calls from prison?

23 A. We did not. We received a total of 1,835 calls
24 made from his PIN that spanned between for February 20,
25 2015, which was the earliest recording that they kept, and

1 August 19th, 2020.

2 We concentrated our review on clusters of calls
3 following key events in the case, which were Coatney
4 Williams' reapplication to the Commission, Coatney Williams'
5 waiver of procedural safeguards and privileges, the
6 collection of Coatney Williams' DNA sample, the time that we
7 expected Mr. Thomas would have received his notice of
8 deposition, and the actual date of Mr. Thomas' deposition.

9 Q. And did commission staff depose Mr. Thomas?

10 A. We did. On August 4th, 2020.

11 MS. SMITH: Commissioners, you have had the
12 opportunity to review Mr. Thomas' complete deposition prior
13 to this hearing. Mr. Thomas' deposition digest, transcript,
14 and related exhibits are Handout 44. And the video of
15 Mr. Thomas' deposition is Handout 45.

16 We did find some errors on the digest after
17 it was provided to you that we corrected. These were all
18 typos and nothing of substance, and that corrected version
19 is what you have in front of you as Handout 44.

20 COMMISSIONER BOSWELL: Brian, how would Jamal
21 Thomas know that Coatney Williams had given a DNA sample or
22 asked for -- you know, he filed something with the inquiry
23 commission or anything like that such that those would be
24 times when you would listen to his phone calls?

25 THE WITNESS: He would only know if there had

1 been some communication of that to him which would have
2 originated from Coatney Williams.

3 JUDGE WAGONER: Which would have
4 originated -- what?

5 THE WITNESS: From Coatney Williams.

6 COMMISSIONER BOSWELL: Were he and Coatney
7 Williams in contact with each other? Or we don't know if
8 they were or not?

9 THE WITNESS: Our investigation has not
10 indicated that they were.

11 COMMISSIONER BOSWELL: Okay. Thank you.

12 JUDGE WAGONER: He will be available for
13 questioning, I guess, this afternoon?

14 MS. SMITH: Yes.

15 Q. Mr. Ziegler, briefly remind commissioners what
16 Mr. Thomas said in his deposition about this crime.

17 A. Mr. Thomas described hanging out with Antonio
18 Freeman and Karon Moses that day when one of them suggested
19 the crime, which was motivated by a desire to get money.

20 Mr. Thomas was not sure if Moses and Freeman had
21 planned it earlier, but the first time he learned about it
22 was that evening. Mr. Thomas said that the shotgun belonged
23 to him, that he purchased it from a crack user earlier that
24 year. And according to Mr. Thomas, all three of them had
25 tried to kick in the door, but when it did not break,

1 Antonio Freeman shot the door.

2 Mr. Thomas said that Mr. Freeman is the one who
3 sexually assaulted Ms. Davis, the one who shot Erel Jordan,
4 and the one who shot at the car that followed them. And
5 according to Mr. Thomas, they split up the stolen items
6 while they were driving back to Seaboard.

7 He stated that Antonio Freeman kept both the
8 shotgun and the gun that was taken from the Davis house and
9 that once in Seaboard, he dropped off Mr. Freeman and
10 Mr. Moses and went to a party at the Elks lodge.

11 MS. SMITH: Commissioners, you will have the
12 opportunity to question Mr. Thomas later this afternoon.

13 Do you have any questions for Mr. Ziegler
14 about Jamal Thomas?

15 COMMISSIONER BRITT: It was Mr. Thomas who
16 gave Ms. Long the ring?

17 THE WITNESS: Correct. Yes.

18 COMMISSIONER BRITT: He said that ring did
19 not come from this particular crime?

20 THE WITNESS: In his deposition, he said that
21 he gave her a ring that he bought from a drug user earlier
22 that year that was not the ring from this crime, that's
23 correct.

24 COMMISSIONER BRITT: I guess my question is
25 how did the ring become relevant to Mr. Williams' trial?

1 THE WITNESS: When Mr. Williams first spoke
2 to law enforcement on July 29th, 2008, he said that Thomas
3 gave jewelry to his girlfriend, and the girlfriend was
4 Cinita Long.

5 COMMISSIONER BRITT: Did she testify in the
6 trial?

7 THE WITNESS: Ms. Long?

8 COMMISSIONER BRITT: Yes.

9 THE WITNESS: No, she did not.

10 Q. Can you remind commissioners, Mr. Ziegler, what
11 Cinita Long said to Detective Burnette when she was
12 questioned about this case and that jewelry?

13 A. When Detective Burnette questioned Ms. Long, which
14 was later, on July 29, after Coatney Williams first gave
15 that information, Ms. Long told Detective Burnette that the
16 ring she had was given to her by Jamal Thomas. And that's
17 the point when Detective Burnette collected the ring that
18 was later identified by Ms. Davis.

19 Q. And at that time did Ms. -- did Cinita Long tell
20 Detective Burnette that she knew that that ring came from
21 this crime or anything like that?

22 A. I know that she told Detective Burnette that Jamal
23 had told her he was going to do a lick and that he had given
24 her a ring. I don't recall if she specifically said she
25 knew the ring came from that lick.

1 Q. And then it's your understanding that at some
2 point later on Ms. Davis was shown this ring and identified
3 it --

4 A. That's correct.

5 Q. -- as belonging to her?

6 A. Yes.

7 It was specifically the bent prong that Ms. Davis
8 mentioned. And when we took the pictures which are
9 Exhibit 3 or 2 or 1, you could see the bent prong on the
10 ring.

11 MS. SMITH: Commissioners, the rings were
12 Handout 1 -- photos of the ring.

13 Any other questions for Mr. Ziegler?

14 (No response.)

15 MS. SMITH: I think this would be an
16 appropriate time for a morning recess if there is no more
17 questions.

18 JUDGE WAGONER: Any questions at this point?

19 I guess Mr. Williams' information is next.

20 MS. SMITH: That's correct.

21 JUDGE WAGONER: Okay. So we'll be in recess
22 how long -- 10, 15 minutes?

23 MS. SMITH: 15 would be great.

24 JUDGE WAGONER: 15 minutes. Thank you.

25 (Witness stands down, 10:29 a.m.)

1 (Recess taken, 10:29 to 10:49 a.m.)

2 JUDGE WAGONER: Back on the record.

3 If anyone wishes -- I believe you said you
4 were going to put Detective Burnette -- is that her name?

5 MS. SMITH: Yes.

6 JUDGE WAGONER: She is on standby if we need
7 her today or tomorrow; is that right?

8 MS. SMITH: Yes.

9 JUDGE WAGONER: Okay.

10 MS. SMITH: Does someone need her?

11 JUDGE WAGONER: We were just talking.

12 MS. SMITH: Okay.

13 JUDGE WAGONER: We'll decide over lunch.

14 MS. SMITH: Commission staff -- Commission
15 recalls staff attorney Julie Bridenstine.

16 JUDGE WAGONER: You are still under oath.

17 MS. SMITH: As Ms. Bridenstine is getting
18 settled, Commissioners, I want to -- there was a question by
19 me before the break to Mr. Ziegler about Cinita Long's
20 statement to Detective Burnette about the ring.

21 I was just going to point you to page 152 of
22 your brief. Mr. Ziegler couldn't remember off the top of
23 his head but we have provided that to you on page 152 of
24 your brief if you want to take a look at some point.

25 Also over the break we provided you with

1 three additional handouts.

2 Handout 60 is the plea transcript of Jamal
3 Thomas, and you will note in that handout that Ms. Asbell is
4 the prosecutor who signed that plea transcript.

5 On Handout 61, that is the plea transcript of
6 Antonio Freeman. And you will note there as well that
7 Ms. Asbell is prosecutor who signed that plea transcript.

8 And Handout 62 is the plea transcript of
9 Karon Moses, and that one is also signed by Ms. Asbell.

10 So we wanted to provide those to you since
11 there were questions about which prosecutor handled those
12 pleas.

13 JUDGE WAGONER: I understand. I just have
14 one thing. I think a lot of times with these cases, the
15 elected DA will sign the transcript, but I have had cases
16 where the ADAs come in and do it.

17 COMMISSIONER EDWARDS: Well, at least what
18 mine will do, if I happen to sign one, say, prior to that
19 court session or maybe the day before or whatever, one of my
20 ADAs will also sign it too.

21 JUDGE WAGONER: Okay. Thank you.

22 Yes, ma'am.

23 COMMISSIONER COLBERT: So that's determined
24 by each individual DA, what that process is, normally?

25 COMMISSIONER BRITT: I've never signed a plea

1 transcript which I actually didn't go into court and take
2 it.

3 COMMISSIONER EDWARDS: I would agree with
4 that too.

5 COMMISSIONER COLBERT: So you have to approve
6 whatever you're -- normally, the DA approves any plea
7 agreement? It has to be approved by the DA presented from
8 the ADA?

9 JUDGE WAGONER: No.

10 COMMISSIONER EDWARDS: No. I don't have that
11 much time.

12 JUDGE WAGONER: We're getting you more
13 confused.

14 COMMISSIONER COLBERT: Yeah. So I don't
15 understand the signatory thing.

16 JUDGE WAGONER: Just ignore us.

17 COMMISSIONER EDWARDS: I would say it's safe
18 to say if Valerie Asbell signed this transcript, she was the
19 one in court handling the plea.

20 COMMISSIONER COLBERT: Okay. That helps.

21 * * * * *

22 JULIE BRIDENSTINE, a witness having been
23 previously called by the Commission, was
24 recalled and testified as follows:

25 BY MS. SMITH: (10:52 a.m.)

1 Q. Ms. Bridenstine, I want to turn your attention
2 back to a couple of questions that we had again before the
3 break related to William Taylor who also went by "Uncle
4 Stew."

5 There was testimony by you that you believed
6 Mr. Taylor's age to be 66.

7 Were you able to confirm that over the break?

8 A. Yes. He is 66.

9 Q. And there was also some questions related to his
10 criminal record and testimony that the way that Pennsylvania
11 does their records, we don't have the actual conviction
12 dates and information, but I believe you were able to pull
13 some arrest information; is that correct?

14 A. That's correct. We reviewed DCIN records which
15 show arrests. We also looked at the PA court system on
16 PAcourts.gov. And commission staff entered his name and
17 pulled up records detailing just up through 1983. His DCIN
18 records also went through 1983.

19 Commission staff called the prison. They provided
20 that he was admitted on September 7th, 2013, on a parole
21 violation, but the underlying conviction is not public
22 information in Pennsylvania.

23 The DCIN record charges include -- and this is
24 just a summary; it's not exhaustive -- but in 1970, he had
25 charges of murder, willful killing, assault with intent to

1 kill. In 1973, his charges included burglary and theft. In
2 1974, his charges included robbery, theft, aggravated
3 assault, and threats. In 1975, his charges included
4 robbery, assault, and threats. In 1978, he had charges of
5 robbery, burglary, and theft. In 1982, he had charges of
6 burglary, theft, receiving stolen property, trespass,
7 attempted burglary, aggravated assault, and murder. And in
8 1983, he had hindering prosecution and intimidating witness
9 and terroristic threats.

10 So we only found charges through 1983, nothing
11 beyond that, but we do know he is in prison on a parole
12 violation currently.

13 (Stenographer clarification.)

14 COMMISSIONER BRITT: Who were we just talking
15 about?

16 THE WITNESS: William Taylor.

17 SHERIFF FRYE: Uncle Stew.

18 COMMISSIONER COLBERT: Uncle Stew.

19 JUDGE WAGONER: Sheriff?

20 SHERIFF FRYE: Just trying to get it in my
21 head.

22 Uncle Stew said when he looked at the
23 exhibits that you showed him of the pictures that he
24 recognized Robert Branch, but he thought the other picture
25 was him?

1 THE WITNESS: No. He only recognized two
2 photos as himself and did not recognize -- he didn't name
3 anyone else.

4 SHERIFF FRYE: The photos that he thought was
5 himself was the one in the red jersey?

6 THE WITNESS: Let me double-check and I'll
7 tell you.

8 So Exhibit 3 is not the red jersey; it's the
9 one prior to the red jersey photo. He said that was
10 himself, Exhibit 3. And Exhibit 4, which is the red jersey
11 number 39 photo, he said that that was himself as well.

12 SHERIFF FRYE: Okay.

13 So what is -- do we have a photo of Uncle
14 Stew or anything that -- for comparison between him and
15 Coatney Williams?

16 THE WITNESS: I believe there is a photo for
17 him on the online prison inmate look-up system, and maybe we
18 can pull that for you.

19 SHERIFF FRYE: That, and maybe age, physical
20 descriptors.

21 THE WITNESS: He is 66.

22 SHERIFF FRYE: So we can compare the two of
23 them.

24 THE WITNESS: Okay.

25 SHERIFF FRYE: That's the only thing I'm

1 looking at.

2 COMMISSIONER GLAZIER: So just for clarity,
3 at the time that these pictures were done, he would have
4 been 53, 54; Coatney Williams was 22. So if you look at
5 that picture, that person is not -- comment -- that person
6 is not 53 or 54, I'm just saying.

7 MS. SMITH: Commissioners, I will also remind
8 you that Handout 19 was that summary of what everyone said
9 about the various photos, if that's helpful to look back at.

10 Any additional questions about that
11 information before we move on to Coatney Williams?

12 (No response.)

13 MS. SMITH: Commissioners, Handout 46 is the
14 criminal record of Coatney Williams, if you want to take a
15 few minutes to review that.

16 JUDGE WAGONER: Which handout did you say,
17 Lindsey?

18 MS. SMITH: 46.

19 Q. Ms. Bridenstine, what files did commission staff
20 review related specifically to Coatney Williams?

21 A. We obtained and reviewed his file from the clerk
22 of court and his DPS records, which included his combined
23 records, education records, mental health records, gang
24 records, visitation, mail, and disciplinary records, and
25 also his phone calls.

1 We deposed Mr. Williams on August 7th, 2020.

2 MS. SMITH: Commissioners, Appendix G in your
3 brief, which was on pages 735 to 736, was a chart of Coatney
4 Williams' other alleged crimes.

5 A footnote in that chart details several
6 charges that were dismissed and one guilty plea and provides
7 that there will be testimony at the Commission hearing about
8 the facts of those cases.

9 Q. Ms. Bridenstine, did commission staff learn any
10 additional information about those cases that were noted in
11 the footnote?

12 A. Not too much more. They were all district court
13 dismissals with one misdemeanor plea. We could not locate
14 any law enforcement files about these cases and so we didn't
15 find out too much about the facts.

16 We learned that the second-degree burglary charge
17 with an offense date of February 8, 2007, was for an alleged
18 breaking and entering of the home Thomas Dowing Barnes and
19 that the case was dismissed for insufficient evidence.
20 Mr. Williams' older brother Ernest Williams was listed as a
21 witness.

22 Regarding the breaking and entering, Mr. Williams
23 pled guilty to with an offense date of February 26th, 2008,
24 we learned that the State's witnesses were Chief George
25 Reed, Oneisha Branch, and Alicia Shoulders.

1 We did not learn any additional information about
2 the Halifax County possession of stolen goods case with an
3 offense state of August 22nd, 2008.

4 MS. SMITH: Any questions about that,
5 Commissioners?

6 (No response.)

7 Q. Did Mr. Williams testify at trial?

8 A. Yes, he did.

9 MS. SMITH: Commissioners, that testimony was
10 provided in full in your brief beginning on page 568. It
11 was also summarized in Appendices C, E, F, and G.

12 Q. Ms. Bridenstine, you said that commission staff
13 also reviewed DPS records related to Mr. Williams; is that
14 correct?

15 A. That is.

16 MS. SMITH: Commissioners, Handout 47 is the
17 record summary from -- of DPS records.

18 Judge Wagoner, again, these records were
19 obtained with a court order and do not encompass public
20 record; they're also mental health and education records
21 that have other protections. And I would ask that you
22 consider sealing Handout 47.

23 JUDGE WAGONER: I will order that number 47
24 be sealed.

25 MS. SMITH: Commissioners, if you will take a

1 few moments to review Handout 47.

2 Q. Ms. Bridenstine, do the DPS records include any
3 indication of Mr. Williams' participation or
4 nonparticipation in the crime?

5 A. His paper records reflect two instances of
6 claiming innocence. That is also reflected in the handout.
7 In 2008, while a safekeeper awaiting trial, he said he was
8 doing time for someone else's crime.

9 In 2019, during a restrictive housing evaluation,
10 Mr. Williams said that he was wrongfully convicted. Some of
11 his phone calls reference claims of innocence. And there
12 are no instances of Mr. Williams admitting guilt in the
13 records.

14 Q. Did commission staff listen to every phone call
15 that Coatney Williams made from prison?

16 A. We listened to every call made from Mr. Williams'
17 PIN from January 1st, 2009, through August 21st, 2020, which
18 was a total of 64 calls.

19 We also listened to every call made from any
20 inmate PIN made to numbers for Robert Branch, Tiffany Brown,
21 Xavier Davis, Kasharo Hamilton, Stephanie Richardson Branch,
22 and Mr. Williams' grandmother. These were 91 calls made by
23 Mr. Williams using another person's PIN spanned from July
24 15th, 2010, when Mr. Williams was first convicted, through
25 September 18th, 2020. Additionally, there were 246 calls

1 made to Stephanie Wheeler from other PINs in this time
2 frame.

3 Because of the high volume of the calls made to
4 Ms. Wheeler, we concentrated on calls immediately following
5 the execution of Mr. Williams' waiver with the Commission on
6 October 16th, 2019; the collection of his DNA on February
7 21st, 2020; and then the 15 most recent calls through the
8 production date of September 18th, 2020.

9 Q. In any of those calls reviewed did Mr. Williams
10 ever talk about his case?

11 A. Yes. He frequently talked about his case and the
12 commission investigation. He also talked about money that
13 he anticipated getting by suing the County when he got home.
14 He often mentioned the affidavits of Mr. Freeman and
15 Mr. Thomas and how he needed an affidavit from Mr. Moses.

16 Q. Did Mr. Williams ever indicate that he had tried
17 to contact any of his codefendants?

18 A. Yes. In a call on October 28th, 2017, he told his
19 brother that he tried to contact Karon Moses but there is no
20 indication that he actually reached Mr. Moses.

21 In a call to his grandmother's house on April 6th,
22 2018, he mentioned that Mr. Moses was "in the hole" but was
23 going to help.

24 On June 17th, 2018, in another call to his
25 grandmother's house, he characterized Mr. Moses as being

1 "checked out in the hole" and says that Mr. Moses did not do
2 the right thing.

3 DPS records show that Mr. Williams and Mr. Moses
4 were both at Marion Correctional Institute -- Institution in
5 2017 and 2018.

6 Q. In any of the calls reviewed did Mr. Williams ever
7 indicate that he was involved in this crime?

8 A. No. He frequently talked about his innocence and
9 fighting for his freedom.

10 In December of 2017 and January of 2018, he asked
11 his brother Robert Branch to go to the basement at Aunt
12 Penny's house and take pictures so there would be no doubt
13 that Mr. Williams was in her basement.

14 On November 1st, 2018, he told Stephanie Wheeler
15 that he went to trial because he knew he was innocent and
16 that he would not plead guilty to something he did not do.
17 He told her that he was guilty of stealing guns but that he
18 was never charged or convicted for the things he did but was
19 convicted of something he didn't do.

20 He told Xavier Davis on August 7, 2019, "After all
21 that shit I was doing, I never thought I'd be in prison for
22 something I didn't do, though. That's real talk."

23 And in a call to his grandmother's home on
24 September 27, 2018, he said, "I'm guilty for all of that
25 other stuff they charged me with, but this crime right here

1 that I am in prison for I didn't do."

2 Q. Did commission staff learn anything else from
3 Mr. Williams' DPS phone calls?

4 A. There were some references to the cost of
5 different cell phones but Mr. Williams never stated that he
6 obtained one.

7 Q. Was there anything else in Mr. Williams' DPS
8 records related to his participating or not participating in
9 this crime?

10 A. No.

11 MS. SMITH: Commissioners, you have had the
12 opportunity to review Mr. Williams' complete deposition
13 prior to the hearing. Mr. Williams' deposition digest,
14 transcript, and related exhibits are Handout 48. And the
15 video of Mr. Williams' deposition is Handout 49.

16 Please note commission staff found some typos
17 in the digest after it was provided to you that have been
18 corrected. These changes were primarily typos; however, on
19 page 2, please note that the date of December 19th was
20 corrected to December 29th to reflect the correct date. And
21 on page 9, the word "top" was added after the word "red" to
22 reflect that Mr. Williams stated that he bought a red top,
23 red bottoms, and shoes in Philadelphia.

24 The corrected version of the digest is the
25 ones that you have on your computers today.

1 JUDGE WAGONER: There was reference in some
2 of his prison records that his mother died, maybe back in --
3 a number of years ago, and that he -- Mr. Williams thought
4 there might have been suspicious circumstances.

5 Did you hear any conversation or any
6 telephones -- telephone calls about that?

7 THE WITNESS: No. There's references to his
8 mother dying, but not that.

9 JUDGE WAGONER: Okay. I was looking at the
10 mental health things. He was talking to a mental health
11 worker about that.

12 THE WITNESS: His mother passed away August
13 7th, 2019.

14 JUDGE WAGONER: Okay. That's fine.

15 Q. Ms. Bridenstine, briefly remind the commissioners
16 what Mr. Williams said at his deposition about this crime.

17 A. He describes storing a shotgun on his property in
18 December of 2007 for Jamal Thomas before this crime for --
19 that he believed came from a robbery at the Cupboard store
20 in Seaboard.

21 He said he gave back the shotgun to Mr. Thomas two
22 days prior to this crime. He said he did not know what
23 Jamal Thomas was going to do with the shotgun but assumed it
24 was due to a "lick."

25 He said he did not know anything about the

1 planning of this crime and never heard anything about it
2 beforehand.

3 He described going to Philadelphia with his
4 brother Robert Branch; his mother, Regina Knight; and his
5 stepfather, Robert Lee Knight on either December 26th or
6 December 27th. He said that this was his first and only
7 trip to Philadelphia. He said that they stayed in
8 Philadelphia with relatives of Robert Knight until they
9 returned on either December 31st or January 1st.

10 He thought it was before New Year's because of a
11 predicted snowstorm and he missed the opportunity to go to a
12 club in Philadelphia. He said his mother did not want to
13 miss work on January 2nd.

14 He said that he was in his aunt Penny Taylor's
15 basement taking photos of himself and Robert Branch on
16 December 29th, 2007. No one else was in the basement with
17 them at the time.

18 He said that Exhibit 4 is a photo of him wearing a
19 Hugh McElhenny number 39 San Francisco 49ers jersey, and
20 Exhibits 2, 3, 5, and 6 are photos of his brother Robert
21 Branch. These photos were all taken on Robert Branch's cell
22 phone.

23 He replicated the gang signs he was displaying in
24 Exhibit 4 during the deposition.

25 Q. And was that at your request?

1 A. It was.

2 Q. Did Mr. Williams tell you that he knew Jamal
3 Thomas was going to use the shotgun that Mr. Williams gave
4 back to Mr. Thomas to commit this crime?

5 A. No.

6 Q. Did Mr. Williams tell you that he knew anything
7 about this crime prior to the crime occurring?

8 A. No.

9 Q. What did the codefendants tell you as it relates
10 to the planning of the crime?

11 A. Mr. Freeman said that the crime was either
12 Mr. Moses' or Mr. Thomas' idea and he didn't know about it
13 until after they dropped off Mr. Williams and were on their
14 way to the victim's home.

15 Mr. Thomas said that he was hanging out with
16 Antonio Freeman and Karon Moses on the day of the crime when
17 one of them suggested it. Mr. Thomas was not sure if
18 Mr. Moses and Mr. Freeman had planned the crime earlier but
19 he said he did not learn about it until that evening.

20 Mr. Moses said the crime was not his idea and that
21 he did not know about the crime until he arrived at the
22 victim's home with Mr. Freeman and Mr. Thomas. He said that
23 they noticed Ms. Davis through a window and Mr. Thomas
24 suggested that they go inside anyway.

25 Q. At the depositions by commission staff, did any of

1 the codefendants place Mr. Williams at the crime scene?

2 A. No.

3 Q. And at those depositions with commission staff,
4 did any of the codefendants indicate that Mr. Williams
5 provided a gun for this crime?

6 A. No.

7 Q. Can you remind commissioners what Antonio Freeman
8 said during his deposition about Coatney Williams' location
9 on the day of the crime.

10 A. Mr. Freeman said that he, Karon Moses, and Jamal
11 Thomas dropped Mr. Williams off at his house 15 to
12 20 minutes before he, Karon Moses, and Jamal Thomas drove to
13 the victim's house to commit the crime.

14 He said he believed they were talking about the
15 crime before they dropped Mr. Williams off but he was not
16 paying attention. He said he thought that Mr. Thomas asked
17 Mr. Williams to grab something because Mr. Williams went
18 into his house and came back out but Mr. Williams did not
19 get back in the car.

20 He said that Mr. Williams and Mr. Thomas were
21 standing near the back of the car. He did not know what
22 they were doing because he was not paying attention. He
23 said that it was on the way to the victim's house after they
24 left Mr. Williams' house that he first learned that they
25 were going to break into someone's house.

1 He thought that Mr. Thomas told him where they
2 were going and he thought that the shotgun came from the
3 trunk of Mr. Thomas' car.

4 Q. After describing seeing Mr. Williams at the trunk,
5 did Antonio Freeman say he saw Mr. Williams with a gun at
6 the back of the car?

7 A. No.

8 Q. Or the trunk?

9 A. No.

10 Q. Was there ever a time that Antonio Freeman
11 described Mr. Williams having guns during the deposition?

12 A. Yes. In his deposition, following the discussion
13 related to seeing Mr. Williams at the back of the car, he
14 described them all as generally having guns.

15 MS. SMITH: Commissioners, this discussion
16 about Coatney Williams at the trunk of the car on the day of
17 the crime can be found on pages 42 to 47 of the deposition
18 of Antonio Freeman, which is Handout 36.

19 The discussion of Mr. Williams having guns
20 generally and not related specifically to this crime can be
21 found on page 57 of the deposition of Antonio Freeman in
22 Handout 36, if you would like to take a few moments to look
23 at those sections.

24 Commissioners, Handout 50 is a still photo of
25 Mr. Williams doing hand signs that was taken from the

1 deposition video, and we've displayed in Handout 50 next to
2 Exhibit 4.

3 Q. Ms. Bridenstine, can you remind the commissioners
4 again what you asked Mr. Williams to do during that
5 deposition?

6 A. Regarding the hand signs?

7 Q. Yes.

8 A. I showed him Exhibit 4 later in the deposition and
9 I asked him to do the hand signs, and he did them, which is
10 reflected in Exhibit 50.

11 Q. Thank you.

12 Ms. Bridenstine, what else did Mr. Williams say in
13 his deposition?

14 A. He said that he bought clothes for Lacey Claxton
15 that he ended up giving to Tiffany Brown. Those clothes
16 included a red top, red bottom, and shoes that were Ecco
17 brand.

18 He said that when he got back, he first heard
19 about the crime at Rasheed Alston's house sometime during
20 the first week of January when the others were bragging
21 about what they did during the crime.

22 From conversations there, he believed that the
23 shotgun used in this crime was also used at the Cupboard
24 store robbery. He does not know where the shotgun came
25 from. He said that he later received a pair of Timberland

1 boots from Jamal Thomas that he understood to come from
2 Tacoma Davis's house.

3 Q. Did commission staff do anything to determine
4 whether there was a snowstorm in the time frame of the
5 Philadelphia trip?

6 A. We did. We pulled a weather report from the
7 Philadelphia daily for December 27th through 31st of 2007.

8 Q. Was there snow in the forecast during that time
9 period?

10 A. Yes. The report for December 29th calls for a
11 wintry mix on December 30th and the report from
12 December 30th calls for snow that evening.

13 MS. SMITH: Commissioners, Handout 51 are
14 those daily weather reports from the Philadelphia Inquirer
15 for the dates of December 27th through 31st of 2007, if you
16 will take a moment to look at those.

17 Commissioners, do you have any questions for
18 Ms. Bridenstine about the Commission's deposition of
19 Mr. Williams?

20 JUDGE WAGONER: Mr. Edwards.

21 COMMISSIONER EDWARDS: You may have said this
22 and I missed it. Regarding the shotgun, Coatney -- did he
23 admit at least a few days prior to the crime to holding the
24 shotgun for them?

25 THE WITNESS: Yes. He said that he wasn't

1 sure when in December but it was prior to this crime he
2 retrieved a shotgun for Jamal Thomas and stored it on his
3 property, Coatney Williams' property, in a pack house and
4 that he gave it back to Jamal Thomas two days before he left
5 for Philadelphia.

6 COMMISSIONER EDWARDS: And did he indicate
7 that he believed that that same shotgun was used in the
8 Cupboard robbery?

9 THE WITNESS: He did.

10 And I just want to correct one thing. He
11 either said it was two days prior to when he left or was two
12 days prior to this crime.

13 He said that he thought it could've come from
14 the Cupboard robbery. Later he said that he didn't know if
15 the -- where the shotgun in this crime came from, if that
16 was the same gun that he had stored.

17 COMMISSIONER EDWARDS: So is it his, I guess,
18 testimony now that when he returned that shotgun a few days
19 prior to either the crime or going to Philadelphia that he
20 was unaware of what they were going to do with it? He was
21 unaware of any robbery at that time?

22 THE WITNESS: That's correct. I believe he
23 made a comment that he assumed that Jamal Thomas needed it
24 to do a lick, which is a term for robbery, but he did not
25 know.

1 COMMISSIONER EDWARDS: Okay.

2 COMMISSIONER BRITT: When was the Cupboard
3 robbery in relationship to this crime?

4 THE WITNESS: We found police reports for a
5 robbery that happened of Miss Edith Murphy on December 24th,
6 2007, and those police reports list Karon Moses and Antonio
7 Freeman as the suspects.

8 JUDGE WAGONER: But nobody was ever convicted
9 of that?

10 THE WITNESS: That's correct.

11 COMMISSIONER BRITT: No one was ever charged
12 with it?

13 THE WITNESS: No. There is one report from
14 January 7 or 8, I think, that said basically the case was
15 not being pursued or something to that effect.

16 JUDGE WAGONER: That would have been the
17 Seaboard Police Department or these same officers who were
18 investigating this case?

19 THE WITNESS: It was -- yes, we got those
20 records from Seaboard Police Department.

21 JUDGE WAGONER: Okay.

22 MS. SMITH: Any other questions for
23 Ms. Bridenstine about Coatney Williams?

24 (No response.)

25 Q. Ms. Bridenstine, earlier today there were

1 questions I believe from Commissioner Glazier as to whether
2 or not Penny Taylor had any record of mental health or
3 substance abuse issues.

4 Are you aware of whether commission staff was able
5 to speak with Ms. Taylor since then?

6 A. Yes. Commission staff spoke to her today. She
7 reported that she had no substance abuse or mental health
8 issues but she just doesn't remember.

9 COMMISSIONER BOSWELL: Just out of curiosity,
10 how do you ask that question -- never mind.

11 MS. SMITH: Okay. Commissioners, if you
12 don't have any other questions for Ms. Bridenstine, I would
13 ask that she step down out at this time.

14 JUDGE WAGONER: Any other questions?

15 (No response.)

16 JUDGE WAGONER: You may step down, ma'am.

17 (Witness stands down, 11:21 a.m.)

18 MS. SMITH: You-all will have an opportunity
19 to question Mr. Williams later this afternoon.

20 Our next order of business will be having the
21 inmates on the screen. We have arranged for -- with DPS for
22 that to occur at 12:30 so we will take an early lunch today.

23 I would ask that over lunch you be thinking
24 about whether you want to hear from any of these
25 individuals. And, again, I can ask again later, but if we

1 know we want to hear from any of them at this point, it
2 would be great if we could go ahead and arrange that with
3 them, and so that would include Detective Brenda Burnette,
4 George Reed -- those were the two law enforcement officers
5 involved; Attorney Sam Barnes, who was the trial attorney
6 for Mr. Williams; Attorney Duncan McCormick, who was the
7 appellate attorney for Mr. Williams; Attorney James
8 Antinore, who was the attorney who handled the motion for
9 appropriate relief for Mr. Williams; PI Jerry Wiggs, who was
10 the private investigator during the motion for appropriate
11 relief; and Robert Branch, who is the brother of Coatney
12 Williams.

13 So if you-all know of any and you want to let
14 me know over lunch, that would be great.

15 COMMISSIONER GLAZIER: Just for the record,
16 none for me.

17 COMMISSIONER BOSWELL: None for me.

18 JUDGE WAGONER: Seth and I might be the only
19 ones.

20 COMMISSIONER JARVIS: None for me.

21 COMMISSIONER BRITT: None for me.

22 COMMISSIONER EDWARDS: I'm thinking, Your
23 Honor.

24 JUDGE WAGONER: I'm thinking too.

25 MS. SMITH: You're welcome to continue to

1 think.

2 Okay. I'll check in with you at the end of
3 lunch and see if you have any. But, again, we could do it
4 later as well.

5 JUDGE WAGONER: Could we just ask? I don't
6 want to know, but just raise your hand.

7 We think there will be questions for most of
8 these codefendants this afternoon.

9 MS. SMITH: I know I will have at least a
10 limited series of questions for all of them based on
11 information we learned after the depositions.

12 JUDGE WAGONER: I might have some questions.

13 COMMISSIONER JARVIS: I might have one as
14 well.

15 JUDGE WAGONER: Let's just think about it.
16 Starting at 12:30. Thank you.

17 (Recess taken, 11:23 a.m. to 12:37 p.m.)

18 JUDGE WAGONER: We will come back to order,
19 please. And I believe we are ready to hear from Antonio
20 Freeman, perhaps?

21 MS. SMITH: Just in one moment. I've got a
22 couple of housekeeping matters from before the lunch break.

23 Someone had requested -- I believe it was
24 Sheriff Frye -- whether we had a photo of Uncle Stew or
25 William Taylor.

1 That is Handout 63, if you want to take a
2 minute to look at that photo.

3 JUDGE WAGONER: I believe we could all
4 probably take judicial notice that he does not look like his
5 nephew.

6 MS. SMITH: And I will -- this has been heard
7 through testimony, but he is not related by blood to Coatney
8 Williams. He was the brother of Coatney Williams'
9 stepfather; so they are not blood relatives.

10 I was also asked at the beginning of the
11 break just to put on the record -- and this is in your
12 brief, but to put on the record that the Commission did have
13 this case open in early 2014 and closed it at the initial
14 review stage. Initial review is when we are just getting a
15 claimant's questionnaire that they fill out and looking at,
16 like, the Court of Appeals opinion if there is one, things
17 like that. At that time, the then-director determined that
18 there didn't appear to be any new evidence and closed the
19 case.

20 In 2016, Mr. Williams wrote back to the
21 Commission -- and our letters, our closing letters say "Do
22 not reapply unless you have new evidence," and so he wrote
23 back to the Commission and asked us to look at this case
24 again.

25 At that time, he provided additional evidence

1 which included the affidavits that you have heard testimony
2 about from two of the codefendants as well as some
3 information about the cell phone. And so at that time we
4 began obtaining files, particularly like Mr. Antinore's
5 file, to determine whether we needed to do additional
6 investigation and reopen that claim, and we did that then.

7 JUDGE WAGONER: I see. So was he
8 representing himself when he wrote back?

9 MS. SMITH: He did not have an attorney for
10 the Commission's process, just as a, you know, kind of
11 point -- clarifying point, most people who apply to the
12 Commission are applying individually and do that via letter
13 or phone call. He did not have an attorney for that and I
14 believe he may -- Mr. Antinore, I believe, was done working
15 on his case at that point, the MAR had been denied; so he
16 was just applying on his own.

17 JUDGE WAGONER: But he did have affidavits at
18 the motion for appropriate relief -- they were attached,
19 weren't they?

20 MS. SMITH: The affidavits were a part of the
21 motion for appropriate relief.

22 And then through the Commission's process, at
23 the point at which a claimant waives their procedural rights
24 and safeguards, they're entitled to counsel. Also, when the
25 case reaches a formal inquiry, they are then entitled to

1 counsel for the entirety of the formal inquiry process. And
2 so Mr. Williams currently has two attorneys representing him
3 from the public defender's office for the Commission's
4 formally inquiry.

5 JUDGE WAGONER: Okay.

6 COMMISSIONER BOSWELL: What role do the
7 lawyers have once it has gotten into the Commission?

8 MS. SMITH: So for lawyers who are appointed
9 for the waiver, it is to advise the client or the Claimant
10 about that waiver and what they're giving up and the rights
11 that they're giving up.

12 If they chose after that advice not to sign
13 the waiver, then the statute says that the case must be
14 closed by the Commission.

15 In the formal inquiry process, they're,
16 again, just there to provide them advice throughout the
17 formal inquiry. But, again, if the Claimant refuses to
18 answer any questions of the Commission or provide any
19 information that we're requesting, the statute says we must
20 close the case.

21 COMMISSIONER GLAZIER: If I could follow up.
22 So for purposes, though, of today's testimony, it would be a
23 role for those two attorneys to have advised their client,
24 apparently through this testimony, I would assume.

25 MS. SMITH: They may certainly have advised

1 him. I don't know the extent to which they may have
2 prepared him for the testimony. They are provided -- in the
3 formal inquiry, the statute requires a six-month
4 confidential case status update be given to both parties; so
5 that is through the attorney.

6 Also, the prehearing conference requires us
7 basically to lay out what we're going to present to you-all
8 to both the district attorney and defense counsel. They're
9 not prohibited from providing any of that information to
10 their client, though it is otherwise confidential. So
11 they're not supposed to provide it out to the world.

12 So yes, he may be aware of the evidence that
13 has been -- was planned to be presented this week.

14 Okay. All right. I think that takes care of
15 all of the housekeeping, and so if you will indulge us for a
16 moment, we're going to get Mr. Freeman on the screen and we
17 will call him to testify.

18 (WebEx connection initiated.)

19 MS. SMITH: Commissioners, I'm going to ask a
20 limited set of questions to Mr. Freeman.

21 For the record, we've already -- the staff
22 has, of course, deposed him and you have been provided that
23 deposition.

24 JUDGE WAGONER: I think I need to swear him.

25 MS. SMITH: You will.

1 Once I'm done, you-all will have an
2 opportunity to ask him questions, but I will ask Judge
3 Wagoner to swear him.

4 Do you have a Bible there with you?

5 THE WITNESS: No.

6 MS. SMITH: Would you prefer to affirm?

7 * * * * *

8 Thereupon, ANTONIO FREEMAN, a witness having been called by the
9 Commission, was affirmed and testified as follows:

10 BY MS. SMITH: (12:44 p.m.)

11 Q. Mr. Freeman, my name is Lindsey Guice Smith. I'm
12 the executive director of the North Carolina Innocence
13 Inquiry Commission.

14 I've got a few questions for you today, and then
15 when I'm done, all the commissioners who are sitting around
16 this room are going to potentially have questions for you as
17 well. Okay?

18 A. All right.

19 Q. If you can't hear us, please let us know.

20 Will you state your name for the record.

21 A. Antonio Freeman.

22 Q. Did you break into the Davises' home on December
23 29th, 2007?

24 A. Yes, I did.

25 Q. Was Coatney Williams present when that crime

1 occurred?

2 A. No, ma'am.

3 Q. Was Coatney Williams aware that the crime was
4 going to happen?

5 A. Yes, ma'am.

6 Q. Can you tell us about that?

7 A. Well, I don't -- I can't say if he knew that exact
8 house but he knew that a home invasion was about to happen.

9 Q. And how did he know that?

10 A. I can say only because it was talked about it.

11 Q. Where were you when it was talked about?

12 (Stenographer clarification.)

13 JUDGE WAGONER: Hold on. Just a minute. We
14 need to be sure -- people are breaking up. Probably need to
15 speak louder.

16 And, let's see, Mr. Freeman, you need to
17 answer the question after this lady has asked it. Okay?
18 Because the court reporter needs to write down everything
19 that everyone is saying.

20 Do you understand that?

21 THE WITNESS: All right.

22 JUDGE WAGONER: Okay. Thank you.

23 If you cannot hear, just raise your hand and
24 we'll talk louder.

25 Let's try again, Ms. Smith.

1 Q. Okay.

2 So the question is: How did Mr. Williams know
3 that the crime was going to happen?

4 A. It was talked about in his presence.

5 Q. Where was he when it was talked about?

6 A. We were in Jamal Thomas' car.

7 Q. And how soon in time to the crime was that?

8 A. I would say it was within a hour. I think about
9 it was within about 30 minutes, less -- about 30 minutes or
10 less.

11 Q. And what was said during that time?

12 A. I can't -- I cannot recall. That was, like, so
13 many years ago.

14 Q. How do you know that Coatney Williams was present?

15 A. Because I remember who was around that night, like
16 from the time I was picked up to that time we arrived at the
17 house.

18 Q. And do you know whether Coatney Williams had
19 specific knowledge that this crime was going to happen?

20 A. Well, as I said, as far as the exact people and
21 that exact house, no, I'm not sure.

22 Q. When you saw Coatney Williams on the day of the
23 crime, you said it was within about 30 minutes of the crime;
24 is that correct?

25 A. Yes, ma'am.

1 Q. Prior to that time, that 30-minute time that day,
2 when was the last time you had seen Coatney Williams before
3 that? Do you recall?

4 A. Probably that morning or the day before.

5 Q. You said "probably."

6 How sure are you about that?

7 A. It's within one of those days, I'm quite sure.

8 Q. Do you remember anything specific about that
9 interaction?

10 A. No. But we -- we seen each other -- we didn't
11 stay too far from each other so we seen each other on a
12 daily basis. We dealt with the same group of people and me
13 and his little brother were close.

14 Q. Did you see Robert Branch on the day of the crime?

15 A. I'm not sure if it was that day or the day before
16 but -- I didn't see him at the time that Coatney -- because
17 we was talking about it around Coatney.

18 Q. You didn't see him during that time?

19 A. No. I didn't see him during that time.

20 Q. Okay. Thank you.

21 A. But I probably seen him earlier that day or the
22 day before.

23 Q. And you said that you saw Coatney within
24 30 minutes of the crime.

25 Where was the last place that you saw him?

1 A. We dropped him off at his house.

2 Q. Did you see -- did you see anybody else at his
3 house then?

4 A. Naw. He got out of the car, then he came back to
5 the car, and him and Jamal was talking. Then Jamal got back
6 in the car and we drove off.

7 Q. And when you drove off -- sorry. Finish your --

8 A. Oh. And Coatney, he had -- I guess he had went
9 back into the house.

10 Q. When you drove off, did you go immediately to
11 Ms. Davis' house at that point?

12 A. Yes, ma'am.

13 Q. Did you make any extra stops on the way?

14 A. No, ma'am.

15 Q. Earlier you told me that Coatney Williams was not
16 present when the crime occurred; is that correct?

17 A. Yes, ma'am.

18 Q. Do you remember telling the district attorney that
19 he was involved in the crime?

20 A. Yes. I do remember telling them that.

21 Q. That he was present for the crime?

22 A. Yes. I do remember telling them that.

23 Q. Well, you told me today that he wasn't present for
24 the crime.

25 Why would you testify or tell the district

1 attorney that he was involved?

2 A. Well, basically I repeated what Jamal said.

3 JUDGE WAGONER: I'm sorry. Could you repeat
4 that again? Basically you what?

5 THE WITNESS: I repeated what Jamal said,
6 Jamal Thomas.

7 JUDGE WAGONER: You repeated what Jamal said?

8 THE WITNESS: Yes, ma'am.

9 JUDGE WAGONER: Okay.

10 Q. Why did you do that?

11 A. Because Coatney told on -- he told on all of us.

12 Q. You testified also that Coatney Williams was
13 involved in the commission of the crime; correct?

14 A. Yes, ma'am.

15 Q. That he was present during the crime?

16 A. Yes, ma'am.

17 Q. Why did you testify at his trial that he was
18 present at the crime if he wasn't?

19 A. Because that's what they asked me to do.

20 Q. Who asked you to do that?

21 A. My lawyer came and asked me will I testify.

22 Q. Your lawyer?

23 A. Yes, ma'am.

24 Q. And what did you tell him?

25 A. I told him yeah, if that's what I needed to do.

1 Q. Why did you feel like you needed to do that?

2 A. Because they -- they was -- it was a lot of crazy
3 stuff going on at that moment dealing with me and my time.
4 They had took my plea off the table, they had -- they came,
5 scaring me with Karon Moses and Jamal Thomas was going to
6 testify against me and Coatney Williams, where we -- they
7 were having Coatney Williams testify against me and Jamal --
8 I mean Robert Branch, like -- so when they was telling me
9 all this, I was asked -- it was my lawyer was telling me all
10 this extra stuff that was going to happen if I took it to
11 trial. And if I didn't testify, it was like I had no
12 guarantee on a plea. So basically I still was basically
13 going to trial.

14 Q. Were you promised anything for your testimony
15 against Coatney Williams?

16 A. Yes. But that's not what I got.

17 Q. What were you promised?

18 A. 12 to 15.

19 Q. And what did you get?

20 A. 21 to 27.

21 Q. Mr. Freeman, you're under oath today -- or you
22 have affirmed today that you're going to tell the truth, the
23 whole truth, and nothing but the truth.

24 A. Yes, ma'am.

25 Q. Was Coatney Williams present for the commission of

1 the crime at the Davis home?

2 A. As far as being at the house?

3 Q. Correct.

4 A. That's what you're asking?

5 Q. Yes.

6 A. No. He did not go with us.

7 Q. Was Coatney Williams present with you prior to the
8 crime?

9 A. Yes, ma'am.

10 Q. On the day of the crime within 30 minutes?

11 A. Yes, ma'am.

12 Q. And during that time period, was Coatney Williams
13 aware that this crime was going to occur?

14 A. As I said before, I'm not sure if anybody
15 mentioned exactly who house it was because I wasn't even
16 aware until we got there. All I knew was we was going to do
17 something. It was talked about in front of him. As far as
18 where -- what was going on and all of that, Karon and Jamal
19 was telling him what was going on and this, that, and a
20 third. I wasn't really paying them no mind; I was getting
21 high.

22 Q. You were getting high?

23 A. I was getting high. So if they mentioned the
24 exact whereabouts, I don't remember that.

25 Q. So is it your testimony today that you did not

1 know where you were going once you dropped Coatney Williams
2 off?

3 A. Yes, ma'am. I didn't know.

4 Q. A minute ago you said you knew something was going
5 to happen.

6 What did you mean by that?

7 A. I knew that a break-in was going on. We didn't
8 know anybody was going to be home or any of that -- well, I
9 didn't know that. I'm not sure Jamal and Karon knew. But I
10 was picked up from my house by Jamal and Karon and they
11 needed me to go on a mission with him.

12 Q. Mr. Freeman, are you aware of Coatney Williams
13 storing a shotgun for Jamal Thomas in December of 2007?

14 A. If I'm aware of the storing -- I'm aware of what
15 Coatney says and I'm aware of what Jamal says.

16 Q. Do you have any personal knowledge that Coatney
17 Williams stored a shotgun for Jamal Thomas in December of
18 2007?

19 A. Now, I'm not sure about that. Like, as far as
20 where the shotgun came from and who held it after that, I'm
21 not sure.

22 MS. SMITH: Commissioners, do you have
23 questions for Mr. Freeman?

24 JUDGE WAGONER: Mr. Edwards.

25 COMMISSIONER EDWARDS: Mr. Freeman, good

1 afternoon.

2 Can you hear me okay?

3 THE WITNESS: Yes, sir.

4 COMMISSIONER EDWARDS: I'm back in the
5 corner. My name is Seth Edwards. I do have a few questions
6 for you.

7 Are you aware of the allegation by Coatney
8 Williams that he was in Philadelphia when this crime went
9 down?

10 THE WITNESS: Yeah. I'm aware that he said
11 that.

12 COMMISSIONER EDWARDS: And are you aware that
13 during his actual trial where you testified and he testified
14 also that he was -- he testified that he was in
15 Philadelphia? Do you recall that?

16 THE WITNESS: I'm saying I wasn't at the
17 trial so I didn't know what he testified but I was aware
18 that he said that statement.

19 COMMISSIONER EDWARDS: All right. And so --
20 but you're saying today and you've said previous to today
21 that he was not in Philadelphia on December 29th of 2007, he
22 was in Northampton County with you and your friends; is that
23 right?

24 THE WITNESS: Yeah. He was -- yes, sir. He
25 was most definitely in Seaboard that night.

1 COMMISSIONER EDWARDS: And you just testified
2 here today that Karon and Jamal came and picked you up and
3 they needed you to go on a mission; is that right?

4 THE WITNESS: Yes, sir.

5 COMMISSIONER EDWARDS: And what mission was
6 that? Do you know? Do you recall?

7 THE WITNESS: That's what I'm saying, I
8 wasn't aware of where we were going as far as, like, exactly
9 who the person was or any of that. All I knew was Karon
10 wanted me to go on a mission with him to hand him something
11 and I was, like, all right. That was like my little brother
12 so whatever he asks, I was like, "All right, bruh, I got
13 you."

14 COMMISSIONER EDWARDS: Well, when they said
15 "mission," what did you take that to mean?

16 THE WITNESS: Anything. I knew it was a
17 crime.

18 COMMISSIONER EDWARDS: You knew it was a
19 crime, he was going to go do a lick or rob somebody; is that
20 right?

21 THE WITNESS: I mean, along those lines or
22 something else, but I knew -- after he told me he needed me
23 to go on a mission and I got in the car and we was driving
24 off that it was going to be a break-in or a robbery. But
25 when he first told me before I got -- when I first agreed to

1 go with him, I didn't know exactly what it was.

2 COMMISSIONER EDWARDS: So after they picked
3 you up, when did you first see Coatney Williams?

4 THE WITNESS: When we left out of the
5 projects and we made it down to the store.

6 COMMISSIONER EDWARDS: Is that the Cupboard?

7 THE WITNESS: Yeah. The Cupboard, yes.

8 COMMISSIONER EDWARDS: Okay. The Cupboard.
9 All right.

10 So you saw Coatney Williams at the Cupboard?

11 THE WITNESS: Yes, sir.

12 COMMISSIONER EDWARDS: Did at some point
13 Coatney get in the car with the three of you?

14 THE WITNESS: Yes, sir, I guess. I don't
15 know if Jamal got out and saw his girlfriend or something
16 and he talked to Coatney during that same time, and I don't
17 know if Coatney asked him for a ride or Jamal asked him to
18 do -- for something or whatever. But he got in the car and
19 during that time, we dropped him off at his house and he
20 went out, Jamal had got out of the car, they talked again
21 when Coatney came back out of the house, and Jamal got back
22 in the car and drove off.

23 COMMISSIONER EDWARDS: Now, when Coatney got
24 in the car with you and you drove to his house, was there
25 any discussion in the car about the mission or about the

1 lick or the break-in that you were going to do?

2 THE WITNESS: Yes, sir. I'm not sure if they
3 said names but yes, they was talked about inside the car
4 when he got into the car.

5 COMMISSIONER EDWARDS: So when --

6 THE WITNESS: When Jamal and Karon was
7 talking about it, I was still rolling my blunt to get high.

8 COMMISSIONER EDWARDS: So would it be fair to
9 say, then, that Coatney knew that something was going to be
10 going down that night?

11 THE WITNESS: Yes. He knew something was
12 about to happen.

13 COMMISSIONER EDWARDS: Right. So when you
14 get to Coatney's house, he gets out of the car and goes
15 inside his house; is that right?

16 THE WITNESS: Yes, sir.

17 COMMISSIONER EDWARDS: When he comes back
18 out -- did you actually see him walk back out of the house?

19 THE WITNESS: Yes. I -- well, I didn't,
20 like, watch him walk all the way to the car, but I seen him
21 come back out the house. And he came back to the car to
22 talk -- him and Jamal was talking outside the car.

23 COMMISSIONER EDWARDS: Did you see Coatney
24 give anything to Jamal?

25 THE WITNESS: No, sir.

1 COMMISSIONER EDWARDS: Did you notice
2 anything different about Coatney's clothes when he came back
3 out of the house?

4 THE WITNESS: No, sir. I wasn't paying that
5 much attention to him.

6 COMMISSIONER EDWARDS: Now, do you recall at
7 the trial when you testified about Coatney getting out of
8 the car, going inside the house, and when he came back out,
9 he had some different clothes on?

10 Do you remember testifying about that?

11 THE WITNESS: No, I don't remember but --
12 saying that, but I do remember saying that he came back out
13 the house and got back in the car.

14 COMMISSIONER EDWARDS: Well, I've got your --
15 I've got a written copy of your trial testimony where you
16 stated -- you were asked a question:

17 "Q. Did you again see Coatney Williams at any point?"
18 And you said:

19 "A. Yes, ma'am. He came back outside the house with
20 different clothes on."

21 And you were asked:

22 "Q. What did Coatney Williams have on when he came
23 out?"

24 And you said:

25 "A. He came out with all black on."

1 Do you remember that?

2 THE WITNESS: I'm sorry. I -- more than
3 likely I said it, if you have it sitting there. I told you
4 I repeated Jamal's statement. So if that's what was in
5 Jamal's statement, that's what I said.

6 COMMISSIONER EDWARDS: Do you recall
7 testifying before the jury that Coatney came back out and
8 actually got back inside the car with you and he pulled a
9 gun out?

10 THE WITNESS: No. I don't remember saying it
11 like that. I do remember saying that he came back out the
12 house and got in the car with us.

13 COMMISSIONER EDWARDS: Okay. But your
14 testimony today is when he came back out to the car, he and
15 Jamal had a conversation, but that Coatney did not get back
16 in the car with you; is that right?

17 THE WITNESS: Yes, sir. He didn't get back
18 inside the car.

19 COMMISSIONER EDWARDS: Just a few more
20 questions, Mr. Freeman.

21 So your testimony under oath at the trial of
22 Coatney Williams where you've indicated that he went to the
23 Davis home and participated in the break-in, in the robbery,
24 today you're saying that was not true?

25 THE WITNESS: Yeah. That's -- he was nowhere

1 near the house.

2 COMMISSIONER EDWARDS: And your reasoning for
3 testifying or for lying at the trial is that Coatney
4 Williams put your name in it so you turned around and put
5 his name in it.

6 Is that about right?

7 THE WITNESS: Yeah. That's basically about
8 right. And what they -- what they wanted.

9 COMMISSIONER EDWARDS: Could you repeat that
10 last part?

11 THE WITNESS: I said that's -- I said it's
12 the basis of it, along with what the DA and the Court
13 wanted.

14 COMMISSIONER EDWARDS: Now, of course, I'm
15 not the district attorney for Northampton County or in that
16 particular area of the state, but do you understand that for
17 each time a person tells a lie under oath, that could be
18 considered one count of perjury?

19 THE WITNESS: No, I was not.

20 COMMISSIONER EDWARDS: So in all of this
21 time, no one has advised you that for each statement that
22 you made at trial against Coatney Williams that was a lie,
23 that could be a separate count of perjury?

24 THE WITNESS: No, sir.

25 COMMISSIONER GLAZIER: Judge, can I interrupt

1 a second?

2 Do we need to give this witness Fifth
3 Amendment rights?

4 MS. SMITH: Staff can't do that.

5 JUDGE WAGONER: Let's go off the record.
6 We will be right back.

7 (Discussion off record, 1:06 to 1:13 p.m.)

8 JUDGE WAGONER: All right.

9 You are still under affirmation to tell the
10 truth. Understand that?

11 THE WITNESS: Yes, ma'am.

12 JUDGE WAGONER: Okay. Now, I believe we're
13 going to go on and I believe someone else has a few other
14 questions for you.

15 COMMISSIONER JARVIS: Hi, Mr. Freeman. My
16 name is Immanuel Jarvis. I'm a public member of this
17 commission. I have a couple questions for you myself.

18 THE WITNESS: Okay.

19 COMMISSIONER JARVIS: Today you're stating
20 that the claimant was within North Carolina, but you dropped
21 him off prior to the crime.

22 I have documentation here from 2012, a letter
23 of factual innocence that you wrote that states that he was
24 not in North Carolina.

25 (Discussion off stenographic record.)

1 JUDGE WAGONER: Mr. Jarvis, try again.

2 COMMISSIONER JARVIS: Again, my name is
3 Immanuel Jarvis. I'm a public member, and I'm going to have
4 a couple of questions for you.

5 Today you're stating in your testimony that
6 Mr. Williams was in the state of North Carolina and in fact
7 you dropped him off before the commission of the crime.

8 In 2012, there is a letter of factual
9 innocence that you wrote that stated that Mr. Williams was
10 not in North Carolina.

11 Could you give some clarity on which one
12 happens to be the truth?

13 THE WITNESS: He was in North Carolina. I
14 wrote that just to try to get the man out of prison.

15 COMMISSIONER JARVIS: Okay.

16 So Mr. Williams says that he was in
17 Philadelphia. His family says that he was in Philadelphia.
18 His girlfriend says that he was in Philadelphia. He has a
19 cell phone that has photos that state that the phone was
20 actually in Philadelphia.

21 Do you still maintain that Mr. Williams was
22 with you on the night in 2007?

23 THE WITNESS: That's what we -- yes. When we
24 pulled up at the Cupboard, we picked him up at the store.

25 COMMISSIONER JARVIS: Okay.

1 Did you -- let me ask you this question:
2 Were you smoking blunts prior to picking up Mr. Williams?

3 THE WITNESS: I was high all the time. I
4 wasn't smoking at the exact moment we pulled up on them,
5 but -- did that pick up?

6 COMMISSIONER JARVIS: You're fine.

7 THE WITNESS: Yeah. I wasn't smoking that
8 exact moment that we pulled up at the store but I know I was
9 most definitely probably high before we pulled up.

10 COMMISSIONER JARVIS: Let me ask you this
11 question: Does you being high, has that ever in the past
12 jaded your memory?

13 THE WITNESS: Naw, not marijuana.

14 COMMISSIONER JARVIS: Were you smoking
15 marijuana or was there any substance you were taking that
16 day?

17 THE WITNESS: I was -- I was just on weed at
18 that moment.

19 COMMISSIONER JARVIS: Okay.

20 THE WITNESS: That's all I was on at that
21 moment.

22 COMMISSIONER JARVIS: I have no further
23 questions. Thank you.

24 JUDGE WAGONER: All right. Mr. Boswell.

25 COMMISSIONER BOSWELL: Mr. Freeman, this is

1 John Boswell. Is there any chance you are conflating,
2 you're confusing this time with another time that you picked
3 him up?

4 And the reason I ask the question is because
5 we have pretty good scientific evidence that he was actually
6 in Philadelphia. And he couldn't be in Philadelphia and in
7 your car within a couple of hours on the same day.

8 So that's what we're all sort of trying to
9 figure out is how could the cell phone picture show him
10 definitely in Philadelphia and you be adamant that he was in
11 the car with you?

12 And so my -- the only reason I can think of
13 is that maybe you've gotten confused -- this car ride with
14 another car ride.

15 Is that possible?

16 THE WITNESS: That's his story. His story is
17 me getting two different crimes confused.

18 I never commit no crimes with Jamal. I don't
19 even trust Jamal. As far as the phone, that Jamal --

20 COMMISSIONER BOSWELL: We're talking about
21 Coatney Williams.

22 THE WITNESS: What I'm saying is, saying that
23 I -- that we have things confused with picking them up
24 before another crime, that's his -- that's what he was
25 saying. That's what -- Coatney was saying we have things

1 confused with some other -- to -- for another crime and a
2 gun from him for another crime that was committed.

3 What I'm saying is I didn't never commit
4 another crime with Jamal. So, like --

5 (Stenographer clarification.)

6 THE WITNESS: So me having it confused, I
7 don't see how I would be confused with Coatney being there
8 that night and us dropping him off when that was the only
9 robbery I ever committed with Jamal.

10 COMMISSIONER BOSWELL: Thank you. No other
11 questions.

12 JUDGE WAGONER: Okay.

13 COMMISSIONER BRITT: Mr. Freeman, my name is
14 Johnson Britt. I just have a couple of questions.

15 You said you repeated what Jamal said?

16 THE WITNESS: Yes, sir.

17 COMMISSIONER BRITT: Did you talk to Jamal
18 while you were in jail?

19 THE WITNESS: Me and Jamal was in the same
20 block, but during that time, I never knew Jamal had told. I
21 didn't know nothing about Jamal telling or Coatney telling
22 until I got my motion.

23 COMMISSIONER BRITT: Your motion for
24 discovery?

25 THE WITNESS: Yes, sir.

1 COMMISSIONER BRITT: And in that motion, you
2 read Jamal's statement?

3 THE WITNESS: Yes, sir. I read Jamal's, I
4 read everybody's statement. So when they went -- they
5 wanted a conviction of me and Coatney because I was -- I was
6 going to trial. I was going to trial. I was the last --

7 COMMISSIONER BRITT: I'm sorry, you broke up.
8 You went silent.

9 You said you were going to trial and "I
10 was" --

11 THE WITNESS: Yes. I was going to trial. I
12 was the last person to make a statement. So they wanted me
13 to basically agree with -- that what Jamal said was right.

14 COMMISSIONER BRITT: When you say "they," who
15 are you referring to?

16 THE WITNESS: The DA and my lawyer.

17 COMMISSIONER BRITT: And who interviewed you?

18 THE WITNESS: Say it again, sir.

19 COMMISSIONER BRITT: Did anyone interview you
20 the day you entered your plea?

21 THE WITNESS: I don't know their names.

22 COMMISSIONER BRITT: What do you mean you
23 don't know their names? You don't know the DA's name?

24 THE WITNESS: No, sir.

25 COMMISSIONER BRITT: And you don't remember

1 your lawyer's name?

2 THE WITNESS: I believe it was --

3 JUDGE WAGONER: We just lost you. You
4 believe it was who?

5 THE WITNESS: I believe his name Warmack.
6 Warmack. I believe that's his name.

7 COMMISSIONER BRITT: Warmack?

8 THE WITNESS: Yes, sir.

9 COMMISSIONER BRITT: And so you and
10 Mr. Williams were on the trial calendar at the same time?

11 THE WITNESS: Yes, sir. That's the day that
12 we were -- right. When the day that it was -- that we was
13 set for am I going to go to trial or am I going to take a
14 plea, we were all on that same docket.

15 COMMISSIONER BRITT: So who asked you to
16 simply repeat what Jamal's statement was?

17 THE WITNESS: It wasn't put in those words.

18 COMMISSIONER BRITT: So when did you decide
19 to simply repeat what Jamal allegedly said?

20 THE WITNESS: When I was told that for a
21 conviction of Coatney, I would get 12 to 15 years.

22 COMMISSIONER BRITT: Even though your plea
23 transcript left sentencing open? Do you know what I mean?

24 THE WITNESS: I'm -- I didn't know nothing
25 about none of that. I didn't understand none of that.

1 COMMISSIONER BRITT: You understand your plea
2 transcript says nothing about a sentence that you're to
3 receive?

4 THE WITNESS: I didn't understand none of
5 that. That was my first time going to any type of thing
6 like that.

7 COMMISSIONER BRITT: In the discovery that
8 you received, you said you received a statement that
9 Mr. Williams had put it all on y'all -- or you and Jamal and
10 Karon.

11 THE WITNESS: Yes.

12 COMMISSIONER BRITT: Did you see
13 Mr. Williams' statement that he made to the police that said
14 he knew nothing about what had happened?

15 THE WITNESS: I never seen no statement like
16 that. All I seen was his statement from July 2008 where he
17 said he got the boots from Jamal and that he knew where we
18 got them from and all of that other stuff, and then his
19 statement where he broke down everything that happened at
20 the house.

21 COMMISSIONER BRITT: What do you mean he
22 "broke down everything that happened at the house"?

23 THE WITNESS: This statement to the
24 detective -- the detective, I believe her name is
25 Burnette -- he gave her a statement saying everything that

1 that -- from his understanding of what happened in the
2 house, from his understanding of why things was done and
3 everything. Him and Robert -- he told Robert what to say,
4 he told Rasheed and April Smith what to say. Coatney told
5 all of them what to say. He even told Karon what to say.

6 COMMISSIONER BRITT: And that was in writing
7 or is that something you were told?

8 THE WITNESS: No. This is what was in my
9 motion to dismiss.

10 COMMISSIONER BRITT: Your motion. All right.
11 Let me go back -- and I don't want to confuse
12 you so let me tell you where we're going.

13 Let me go back to the night that this
14 happened.

15 You've told us that you, Karon, and Jamal met
16 Mr. Williams at the Cupboard -- is that the way you
17 pronounce it?

18 THE WITNESS: Yes. Cupboard.

19 COMMISSIONER BRITT: Okay. Was that a store?

20 THE WITNESS: That's a store.

21 COMMISSIONER BRITT: Okay.

22 THE WITNESS: That's a store in Seaboard.

23 COMMISSIONER BRITT: And he got in the car
24 with y'all?

25 THE WITNESS: Yes, sir.

1 COMMISSIONER BRITT: And then y'all drove
2 off?

3 THE WITNESS: Yes, sir.

4 COMMISSIONER BRITT: And eventually took
5 Mr. Williams to his house?

6 THE WITNESS: Yes. He stayed nothing but
7 about five minutes down the road.

8 COMMISSIONER BRITT: Okay.

9 And when you took Mr. Williams to his house,
10 were there any cars parked there?

11 THE WITNESS: I'm not sure. I'm telling you,
12 that was years ago; so things like that, I wasn't looking
13 for to register that in my mind for something to remember.

14 COMMISSIONER BRITT: Well, do you remember if
15 there were any lights on in the house that you could see
16 from outside?

17 THE WITNESS: I wasn't looking for -- I
18 wasn't looking at none of that. Like, but, you know, even
19 when people is not in the house, people leave lights on.

20 COMMISSIONER BRITT: Okay.

21 Do you know where Robert was?

22 THE WITNESS: I do not.

23 COMMISSIONER BRITT: Did you see Robert that
24 night?

25 THE WITNESS: No. I stated earlier I didn't

1 see Robert that night.

2 COMMISSIONER BRITT: So you don't know where
3 Robert was?

4 THE WITNESS: No, sir.

5 COMMISSIONER BRITT: Do you remember Robert
6 ever going to Philadelphia?

7 THE WITNESS: I don't know where Robert went.
8 I know when -- I know Jamal had called his phone earlier
9 that day.

10 COMMISSIONER BRITT: Okay.

11 And did he talk to him?

12 THE WITNESS: Jamal talked to him.

13 COMMISSIONER BRITT: That's what I'm asking.
14 Did Jamal talk to --

15 THE WITNESS: Yeah. Jamal talked to Robert.

16 COMMISSIONER BRITT: And after this crime was
17 committed or during the time, what was actually taken from
18 the house?

19 THE WITNESS: I do not know.

20 COMMISSIONER BRITT: Did you get anything?

21 THE WITNESS: Did I get anything?

22 COMMISSIONER BRITT: Yes.

23 THE WITNESS: Yeah. I got the gun. I wanted
24 the gun.

25 COMMISSIONER BRITT: And what kind of gun did

1 you get?

2 THE WITNESS: A .38 revolver.

3 COMMISSIONER BRITT: Did you get any money?

4 THE WITNESS: Yeah. There was some money was
5 split up.

6 COMMISSIONER BRITT: Between who?

7 THE WITNESS: Me, Karon, and Jamal.

8 COMMISSIONER BRITT: Was anything else taken?

9 THE WITNESS: I'm saying there was some other
10 stuff taken. They took it. I don't know of everything
11 that was taken.

12 COMMISSIONER BRITT: Okay.

13 THE WITNESS: I don't -- I didn't care about
14 none of that. All I wanted was some bread, some money.

15 COMMISSIONER BRITT: All right. Thank you.
16 I don't have any other questions.

17 JUDGE WAGONER: Yes, sir.

18 COMMISSIONER GLAZIER: Thank you, Judge.

19 Good afternoon, Mr. Freeman. My name is Rick
20 Glazier, and I just have one question for you.

21 If Karon and Jamal testified that Coatney was
22 not in the car that day, why would they be lying?

23 THE WITNESS: Say why would they be lying?
24 They in prison.

25 COMMISSIONER GLAZIER: Can you explain that

1 to me?

2 THE WITNESS: Do you trust prisoners?

3 COMMISSIONER GLAZIER: Well, you probably
4 don't want me to answer that. But go ahead.

5 I'm just asking you if their testimony is
6 different.

7 THE WITNESS: You know, I just got stabbed
8 behind this.

9 COMMISSIONER GLAZIER: I'm sorry?

10 THE WITNESS: I just got stabbed up behind
11 this. I just got stabbed up behind this whole thing that's
12 going on.

13 COMMISSIONER GLAZIER: Okay. Thank you. I
14 think you've answered it. Thank you.

15 JUDGE WAGONER: All right.

16 Mr. Freeman, I have a couple questions. You
17 said that day when all this stuff happened that night that
18 you were high, that you had been smoking weed; right?

19 THE WITNESS: Yes, ma'am.

20 JUDGE WAGONER: And you were high most of
21 that day or all of that day or what?

22 THE WITNESS: Every day.

23 JUDGE WAGONER: You were high every day.
24 Okay.

25 Do you remember what time you got up that

1 morning?

2 THE WITNESS: I don't keep track of things
3 like that. But I'm not a morning person. They came and
4 picked me up at night.

5 JUDGE WAGONER: Okay.

6 But I think you said earlier that you had
7 seen Coatney earlier that morning.

8 THE WITNESS: I said earlier -- earlier that
9 morning. I mean earlier in that day.

10 JUDGE WAGONER: Okay.

11 You saw him earlier that morning, but you're
12 not a morning person. So tell me what time you saw him that
13 morning.

14 THE WITNESS: That's what I'm saying. I
15 said, I'm -- when I mean morning, I mean daytime, before
16 night. That's why I stated earlier that morning, I mean in
17 the daytime, before nighttime.

18 JUDGE WAGONER: Okay.

19 THE WITNESS: But you're saying morning now.
20 I know you're meaning early in the morning, right. I'm not
21 an early morning person. So all of us don't go in the house
22 until about 2:00 or 3:00 o'clock at night, all out together,
23 getting high or -- and drinking all at night.

24 JUDGE WAGONER: Okay.

25 THE WITNESS: We're going out at night to

1 drink. When I'm usually getting up is like close to noon.

2 JUDGE WAGONER: Okay.

3 THE WITNESS: They come to the projects where
4 me and Karon lived at, so that's why we see them. They come
5 to the projects where me and Karon stays at.

6 JUDGE WAGONER: Okay.

7 So you hang out and have a great time from
8 6:00 o'clock in the morning -- 6:00 o'clock a.m. and then
9 sleep until at least 12 noon; right?

10 THE WITNESS: Yeah, I'd say about around to
11 noon, close to noon for me being up.

12 JUDGE WAGONER: What time that day did you
13 see Coatney?

14 THE WITNESS: That's what I'm telling you,
15 you're asking me something that happened over 10 years ago.
16 That was 12, 13 years ago. I don't know the exact time I
17 seen that man.

18 JUDGE WAGONER: Well, a minute ago you just
19 said you were sure you saw him during the daytime before
20 that stuff that night happened.

21 THE WITNESS: No, actually, what I said was I
22 seen them either earlier that morning or the day before.
23 That's what I said.

24 JUDGE WAGONER: All right.

25 So when you say "earlier that morning," you

1 mean afternoon?

2 THE WITNESS: I mean, that's -- yes. I said
3 earlier that morning or the day before. So that's not
4 exactly that morning. I said I seen him earlier that
5 morning or the day before.

6 JUDGE WAGONER: Okay. I just have one more
7 question.

8 After all these years, what made you decide
9 all of a sudden you were going to write the statement to
10 help to see -- to try to get Coatney out of prison?

11 THE WITNESS: Did you not just hear what I
12 said? I just told you I just got stabbed up behind all of
13 this. My lung collapsed.

14 JUDGE WAGONER: When you get "stabbed up,"
15 you mean people are asking you to do all sorts of different
16 kind things?

17 THE WITNESS: No. I got stabbed up behind
18 this. I was stabbed behind this eight times.

19 JUDGE WAGONER: Okay.

20 THE WITNESS: Because of this is why I was
21 stabbed. Because of this. I got stabbed because of this.

22 JUDGE WAGONER: So was somebody threatening
23 you, then, or hurt you because of this?

24 THE WITNESS: Yes, ma'am.

25 JUDGE WAGONER: So is all of this statement

1 you made to this Commission, is that all sort of made up or
2 is it true?

3 Or do you not want to answer?

4 Do you have an answer?

5 THE WITNESS: Naw.

6 JUDGE WAGONER: Okay. Thank you.

7 Anybody else?

8 (No response.)

9 JUDGE WAGONER: All right.

10 I believe -- do you have questions,
11 Ms. Smith?

12 MS. SMITH: I do not.

13 JUDGE WAGONER: All right. Mr. Freeman,
14 thank you very much. I think this concludes our
15 questioning.

16 THE WITNESS: All right.

17 JUDGE WAGONER: Thank you.

18 THE BAILIFF: Is Mr. Freeman free to go?

19 JUDGE WAGONER: He is. We're through with
20 him. Thank you.

21 (Witness stands down, 1:34 p.m.)

22 JUDGE WAGONER: Mr. Glazier?

23 COMMISSIONER GLAZIER: Was there any
24 indication to staff in any of your conversations with
25 Mr. Freeman that he had been stabbed as a result of any

1 testimony, prior or current, in this case?

2 MS. SMITH: I am going to defer to Julie.

3 MS. BRIDENSTINE: If you look at --

4 JUDGE WAGONER: I do recall reading he got
5 stabbed sometime, I read it somewhere, but I don't remember.

6 MS. BRIDENSTINE: Regarding threats, it's PDF
7 page 137 in Handout 36, which is the transcript page 123
8 that specifically talks about threats, where he said that
9 Coatney Williams was not a threat to him, that he couldn't
10 do anything to him.

11 JUDGE WAGONER: What page are you on again,
12 please?

13 MS. BRIDENSTINE: It is the PDF page 137 in
14 Handout 36, but that would be page 123 of the deposition
15 transcript.

16 He also mentioned being stabbed at the
17 beginning of his transcript, which was on page 13 of the
18 transcript, which is the PDF page 27 in Handout 36 -- in
19 Handout 36, PDF page 27.

20 So he had been assaulted last year. There
21 was a stabbing. And he listed the medications that he takes
22 for mental conditions.

23 COMMISSIONER GLAZIER: My recollection was
24 that it wasn't tied to this case. He was talking about that
25 it happened.

1 MS. BRIDENSTINE: That's correct.

2 COMMISSIONER GLAZIER: Okay. That was my
3 question before.

4 COMMISSIONER JARVIS: He explained today that
5 he was stabbed over this particular incident. But how do
6 you get stabbed by exonerating someone?

7 JUDGE WAGONER: By what?

8 COMMISSIONER JARVIS: How do you -- how would
9 you be being threatened or being stabbed or being assaulted
10 in prison for exonerating someone who had nothing to do with
11 it?

12 COMMISSIONER EDWARDS: Well, for one thing,
13 he didn't completely exonerate him, you know. He said he
14 was present in North Carolina.

15 COMMISSIONER JARVIS: He did say that he
16 didn't do the crime.

17 COMMISSIONER EDWARDS: Yeah.

18 COMMISSIONER BOSWELL: I interpreted what he
19 meant was that he'd been stabbed for falsely accusing
20 Coatney --

21 COMMISSIONER JARVIS: Oh.

22 COMMISSIONER BOSWELL: -- not for trying --
23 and that the reason -- it was in response to the question of
24 why are you coming out now, and I interpreted his answer to
25 be because "I have been stabbed for falsely accusing him and

1 so I am coming clean now."

2 COMMISSIONER JARVIS: I thought it was the
3 other way around.

4 COMMISSIONER BOSWELL: I don't know. That
5 was how I interpreted it. I can't say whether that's right
6 or not.

7 MS. SMITH: Ms. Bridenstine has one more
8 citation for you in that handout.

9 JUDGE WAGONER: Okay.

10 MS. BRIDENSTINE: On PDF page 144 in
11 Handout 36, which is transcript page 130, the question is:

12 "Q. Has Coatney Williams or anyone else threatened you
13 about this case?"

14 The answer is:

15 "A. No, ma'am. I wouldn't say that."

16 And then he goes on to say that someone
17 brought it up that knew what happened and that they had read
18 the transcript. He would not name a name.

19 He said he had no clue if that person was
20 connected to Coatney Williams, but he said that Coatney was
21 trying to get that person to stop dealing with him.

22 COMMISSIONER GLAZIER: Thank you.

23 JUDGE WAGONER: Anybody -- yes.

24 COMMISSIONER BRITT: I have a question.

25 He said that Jamal talked with Robert the

1 afternoon of the crime by phone.

2 Were we able to ever identify Jamal's
3 telephone number?

4 JUDGE WAGONER: When he was coming back from
5 Pennsylvania that afternoon?

6 MR. ZIEGLER: We did not identify Jamal's
7 telephone number. We had his grandmother's house phone
8 number, which is where Jamal lived.

9 But, again, the phone records don't show the
10 number for incoming calls.

11 COMMISSIONER BRITT: I would just note that
12 in Handout 27, the phone calls coming in to Robert's phone
13 on the date of the crime, the 27th, in Northampton County
14 there were 16 calls between 1:49 a.m. and 2:53 p.m.

15 And the next call, they're hitting a tower in
16 Emporia, Virginia, at 3:45, and it just keeps going further
17 north from there.

18 MS. SMITH: And, Mr. Britt, just a point of
19 correction, that's on the 27th. The date of the crime is
20 the 29th.

21 COMMISSIONER BRITT: Oh, I'm sorry. 29th?

22 The only calls were -- it was in
23 Philadelphia.

24 The last call would have been before the
25 crime was -- what time was the crime committed?

1 The last call is at 10:39 p.m.

2 MS. SMITH: Commissioners, we have received
3 the enhanced photos from the crime lab.

4 Would you-all like to see those before we
5 call the next witness?

6 COMMISSIONER BOSWELL: Do we have the
7 opportunity to show these witnesses the enhanced photos?

8 MS. SMITH: Yes, if we can have about a
9 10-minute break to get all of that together.

10 JUDGE WAGONER: Want us to look at them first
11 and then --

12 MS. SMITH: It's still going to take us a few
13 minutes to pull it together. We just got this from the
14 crime lab so it will take us a few minutes to get them on
15 the screen for you, if we can take just a break.

16 JUDGE WAGONER: Let's have a break for
17 10 minutes.

18 (Recess taken, 1:41 to 2:00 p.m.)

19 MS. SMITH: I'm going to recall just briefly
20 Mr. Ziegler from the commission staff just to talk about
21 what we've learned from the crime lab.

22 JUDGE WAGONER: I'll remind you you're still
23 under oath, please.

24 * * * * *

25 BRIAN ZIEGLER, a witness having been

1 previously called by the Commission, was
2 recalled and testified as follows:

3 BY MS. SMITH: (2:02 p.m.)

4 Q. Mr. Ziegler, before we do that, prior to the break
5 there was testimony from Antonio Freeman related to being
6 stabbed in prison.

7 Do you have any additional information about that?

8 A. We do. In his DPS records that we obtained --
9 this was in part of his mental health records -- there was a
10 June 25, 2019, psychiatric progress note which said that he
11 was in restrictive housing due to recently being stabbed but
12 we have no information more about the context of the
13 stabbing.

14 Q. And we do not have from DPS the actual medical
15 records of Mr. Freeman; is that correct?

16 A. That's correct.

17 Q. Okay.

18 And in relation -- you said that was in 2019.
19 What year did Mr. Freeman sign his affidavit in this case?

20 A. His affidavit was signed on June 17, 2014.

21 Q. So that was some time before this stabbing?

22 A. Almost exactly five years earlier, yes.

23 MS. SMITH: Commissioners, any questions
24 about what we know there?

25 COMMISSIONER BRITT: Does the DPS record

1 reflect whether or not Mr. Freeman cooperated with any
2 investigation into his stabbing?

3 THE WITNESS: This was a psychiatric progress
4 note; there's no information there.

5 COMMISSIONER BRITT: Okay.

6 MS. SMITH: Commissioners, you-all also asked
7 staff if we could get enhanced versions of a couple of
8 photographs that were introduced earlier in the Commission
9 hearing.

10 Handout 64 that's been provided to you is the
11 lab report related to that.

12 Q. Mr. Ziegler, was the crime lab able to enhance the
13 photos?

14 A. Yes.

15 Q. And did they say anything about the type of
16 results they were able to get?

17 A. They did. The report says -- and I will just read
18 it: "Due to the quality and the amount of compression of
19 the submitted images, the examination of items 1 and 2
20 yielded limited results."

21 MS. SMITH: Commissioners, you also have as
22 Handout 65 the two original photographs and 66 are the
23 enhanced photographs. And I'm just going to show you --
24 this is the original photograph and this is the enhanced
25 photograph.

1 The second photograph you asked for, this is
2 the original and this is the enhanced.

3 Do you have any questions about those?

4 These -- I don't know that you have any need
5 to show anyone, but the photograph in question here is
6 available to share the screen with the remaining inmates if
7 you wish for them to see that.

8 Just so you're aware, we have the capability
9 to do that -- Jason has the capability to make that happen
10 for us.

11 At this time, if you have no more questions
12 for Mr. Ziegler, I'd ask that he step down.

13 COMMISSIONER EDWARDS: That enhanced
14 photograph -- at trial, did Coatney Williams' mother testify
15 as to the location of that photograph?

16 I think Robert Branch III said that was the
17 basement in Philadelphia; right?

18 THE WITNESS: That's my recollection as well.

19 COMMISSIONER EDWARDS: Do you recall whether
20 the mother --

21 THE WITNESS: I don't believe she was asked
22 about the photo, although we can obviously double-check in
23 the transcript.

24 MS. SMITH: Any other questions?

25 (No response.)

1 MS. SMITH: Okay. Thank you, Mr. Ziegler.

2 (Witness stands down, 2:06 p.m.)

3 MS. SMITH: Commission will call Karon Moses.

4 Commissioners, while we're getting him on the
5 screen, I'm going to ask a limited set of Mr. Moses for the
6 record.

7 And as commission staff has already conducted
8 a lengthy deposition of him, I have a series of questions
9 related to some additional information that the Commission
10 learned after the deposition of Mr. Moses, and once I'm
11 done, you-all will, of course, be able to ask questions.

12 (Discussion off the stenographic record.)

13 * * * * *

14 Thereupon, KARON MOSES, a witness having been called by the
15 Commission, was affirmed and testified as follows:

16 BY MS. SMITH: (2:09 p.m.)

17 Q. Good afternoon, Mr. Moses. My name is Lindsey
18 Guice Smith. I'm the Executive Director of the North
19 Carolina Innocence Inquiry Commission. I've got some
20 questions for you today, and then when I'm done, any of the
21 commissioners around the room may also have questions for
22 you. Okay?

23 Can you state your name for the record.

24 A. Karon Moses.

25 Q. Mr. Moses, did you break into the Davises' home on

1 December 29, 2007?

2 A. Yes, ma'am.

3 Q. Was Coatney Williams present when the crime
4 occurred?

5 A. No, ma'am.

6 Q. Was he present at the home when it was broken
7 into?

8 A. No, ma'am.

9 Q. Was Coatney Williams aware that this crime was
10 going to happen?

11 A. No, ma'am.

12 Q. Did Coatney Williams have any knowledge of the
13 crime before it happened?

14 A. No, ma'am.

15 Q. Did you ever talk to him about the crime before it
16 happened?

17 A. No, ma'am.

18 Q. Are you aware that your codefendants told law
19 enforcement and the district attorney that Mr. Williams was
20 present at the crime?

21 A. Yes, ma'am.

22 Q. Do you have any knowledge of why your codefendants
23 said that if it's not true?

24 A. No, ma'am.

25 Q. Do you have any knowledge of Coatney Williams

1 storing a shotgun for Jamal Thomas in December of 2007?

2 A. No, ma'am.

3 Q. Do you have any knowledge of Coatney Williams'
4 whereabouts during the time of the crime?

5 A. No, ma'am.

6 MS. SMITH: Commissioners, do you have
7 questions for Mr. Moses?

8 JUDGE WAGONER: I'll start.

9 Mr. Moses, do you remember many years ago
10 back when someone contacted you from the Innocence -- Center
11 for Actual Innocence about this matter, and I think it was a
12 lady who contacted you and maybe came to see you, about
13 Mr. Williams possibly being not -- not responsible for these
14 crimes and you told her to "don't waste your money"?

15 Do you remember that?

16 THE WITNESS: No, ma'am.

17 JUDGE WAGONER: You don't remember that?

18 THE WITNESS: No, ma'am.

19 JUDGE WAGONER: Do you remember talking to
20 anybody else about this situation except for your lawyer a
21 long time ago and the people here and the group we have
22 today from Innocence Commission?

23 Did you talk to anybody else about this?

24 THE WITNESS: Yes, ma'am. I know the lady
25 you're talking about.

1 JUDGE WAGONER: Okay. You know the lady I'm
2 talking about?

3 THE WITNESS: Yeah.

4 JUDGE WAGONER: Okay. How long ago was that?

5 THE WITNESS: 2012, I believe.

6 JUDGE WAGONER: So do you remember if that's
7 the lady that you probably said "Don't waste your money"?
8 Is that coming back to you now?

9 THE WITNESS: Yeah.

10 JUDGE WAGONER: Okay.

11 Do you have any idea why you said that?

12 THE WITNESS: No, ma'am. I don't recall
13 saying it.

14 JUDGE WAGONER: Sir?

15 THE WITNESS: I don't recall saying it.

16 JUDGE WAGONER: And I believe you later wrote
17 an affidavit saying that Mr. Williams was not in town when
18 this incident happened with Ms. Davis; is that right?

19 THE WITNESS: Yes, ma'am.

20 JUDGE WAGONER: That's all I have right now.
21 Anybody?

22 COMMISSIONER EDWARDS: Mr. Moses, my name is
23 Seth Edwards.

24 To be more specific, we have a written
25 document that was drawn up by an attorney by the name of

1 Cheryl Sullivan on November 7 of 2012, and you correctly
2 stated that she came to see you in 2012 when you were at
3 Foothills Correctional.

4 Do you remember that?

5 THE WITNESS: Yes, sir.

6 COMMISSIONER EDWARDS: And she stated -- or
7 she wrote in this memo -- let me just see if this refreshes
8 your memory a little bit.

9 She said: "I explained to Karon that our
10 office has limited resources and we have to make sure we are
11 allocating those resources to the cases where people are
12 actually innocent."

13 And then she typed that you replied: "I can
14 tell you this, I think you should save your money."

15 That's the conversation that the judge was
16 just referencing.

17 Do you remember anything about that?

18 THE WITNESS: I remember talking to her. I
19 don't remember saying that, though. I remember talking to
20 her, though.

21 I refused to talk to her.

22 COMMISSIONER EDWARDS: Okay.

23 Antonio Freeman that was with you on this
24 night, December 29th of 2007, he's told us that just prior
25 to the lick that y'all did, that Coatney Williams was at the

1 Cupboard and that you and Jamal and Antonio picked up
2 Coatney at the Cupboard and drove to his house.

3 Is that true or not?

4 THE WITNESS: It's not true.

5 COMMISSIONER EDWARDS: Did you see Coatney
6 anywhere that day, December 29, 2007, in the Seaboard area?

7 THE WITNESS: No, sir.

8 COMMISSIONER EDWARDS: Can you think of any
9 reason why Antonio Freeman would say that Coatney was at the
10 Cupboard, he got in the car with you, drove to Coatney's
11 house, but then Coatney stayed at the house when the three
12 of you went to the Davis home?

13 Do you have any idea why he would say that
14 now?

15 THE WITNESS: They told him if he testified,
16 he would get less time.

17 COMMISSIONER EDWARDS: Who told him that?

18 THE WITNESS: The DA signing the plea. If he
19 signed the plea, they told him if he testified, they would
20 reduce the plea.

21 COMMISSIONER EDWARDS: Okay.

22 So that was prior to Coatney's trial; right?

23 THE WITNESS: Yes.

24 COMMISSIONER EDWARDS: I'm talking about now
25 at Coatney's trial, Antonio testified that not only was

1 Coatney with him in the car, but he went to the house.

2 I'm talking about now, today, present day,
3 you know -- what is today? It's September 29th, 2020 --
4 now, today, Antonio is saying that Coatney was in North
5 Carolina, the three of you saw him at the Cupboard, drove to
6 Coatney's house, but Coatney stayed at his house while the
7 three of you went to the Davis home and committed the crime.

8 Why would he say that now?

9 THE WITNESS: That's not true.

10 COMMISSIONER EDWARDS: So you're saying it's
11 not true?

12 THE WITNESS: It is not true.

13 COMMISSIONER EDWARDS: All right.

14 JUDGE WAGONER: Yes, sir.

15 COMMISSIONER GLAZIER: Mr. Moses, thank you
16 for your agreeing to testify today.

17 I just want to be clear what you're saying,
18 and that is that Coatney Williams is innocent of the crimes
19 he is charged with in this case; is that right?

20 THE WITNESS: Yes, sir.

21 COMMISSIONER GLAZIER: Thank you.

22 JUDGE WAGONER: I don't think anybody else
23 has any questions.

24 When are you scheduled to be released? Do
25 you know?

1 THE WITNESS: Sometime in 2022.

2 JUDGE WAGONER: Okay. That's not too far
3 away.

4 Are you on any kind of medicines now?

5 THE WITNESS: I am taking a mental health
6 medicine called Haldol.

7 JUDGE WAGONER: Haldol? Okay.

8 Okay. That's all we need to know. All
9 right. Thank you, sir.

10 (Witness stands down, 2:17 p.m.)

11 MS. SMITH: Commissioners, I'm going to call
12 Jamal Thomas in a few minutes. I think Mr. Fitts is going
13 to work on getting him on the screen.

14 Again, I'll have a limited set of questions
15 for him. After I'm done, you will have an opportunity to
16 ask him questions as well.

17 The Commission calls Jamal Thomas.

18 JUDGE WAGONER: Were we supposed to show that
19 picture --

20 MS. SMITH: Only if you wanted to.

21 JUDGE WAGONER: Anybody want to show this
22 picture to Mr. Thomas?

23 (No response.)

24 * * * * *

25 Thereupon, JAMAL THOMAS, a witness having been called by the

1 Commission, was affirmed and testified as follows:

2 THE WITNESS: It's the truth.

3 Can I say something before we start?

4 JUDGE WAGONER: Yes.

5 THE WITNESS: Is there any way that we can do
6 this another day? Because I'm really not feeling good
7 today.

8 JUDGE WAGONER: You don't feel good today?

9 THE WITNESS: No, ma'am.

10 JUDGE WAGONER: Do you think you're getting
11 sick?

12 THE WITNESS: No. It's just one of them
13 days. I mean, I'm not really concentrating. It's just one
14 of them days when I'm just not -- it's just not a good day
15 for me.

16 JUDGE WAGONER: Just one of those days?

17 Well, this is the only day we have scheduled
18 for the hearing.

19 Do y'all you want to go off the record for a
20 minute?

21 THE WITNESS: It was just a last-minute thing
22 for me, you understand?

23 JUDGE WAGONER: Oh, you didn't know you were
24 going to be testifying today?

25 THE WITNESS: No, ma'am.

1 MS. SMITH: Judge Wagoner, we submitted the
2 order to DPS last week; so what they did with that, I don't
3 know.

4 JUDGE WAGONER: Well, I think the Department
5 of Public Safety knew last week but I'm not sure when they
6 told you.

7 So when did you find out? This afternoon?

8 THE WITNESS: Yes, ma'am.

9 JUDGE WAGONER: If we ask about two or three
10 questions, is that -- are you sleepy? You act like you're
11 sleepy.

12 THE WITNESS: No, I'm just not feeling well.
13 I'm not sleepy, I'm just not feeling well.

14 JUDGE WAGONER: All right.

15 Can you maybe answer two questions, do you
16 think? Or do you feel too bad to do that?

17 THE WITNESS: Two questions, that's it. Two
18 questions. And I don't really know whether there's going to
19 be two, three, four, five. I'm just not feeling well right
20 now.

21 MS. SMITH: I have about 10 questions for him
22 and then whatever commissioners have; so ...

23 JUDGE WAGONER: All right.

24 Let's start and we'll see how far we get.

25 Okay?

1 THE WITNESS: I'm not feeling well. Only
2 reason why I stayed here is because I asked this man right
3 here to let y'all know that I wasn't feeling well. She said
4 she couldn't tell y'all so I stated it myself to let y'all
5 know I'm not feeling well.

6 THE COURT: Have you been to the infirmary?

7 THE WITNESS: No.

8 JUDGE WAGONER: You start and let's see what
9 happens.

10 BY MS. SMITH: (2:21 p.m.)

11 Q. Mr. Thomas, my name is Lindsey Guice Smith. I'm
12 the executive director of the North Carolina Innocence
13 Inquiry Commission. I have a few questions for you.

14 Can you state your name for the record.

15 A. Jamal Thomas.

16 Q. Did you break into the Davises' home on
17 December 29, 2007?

18 A. Yes, ma'am.

19 Q. Was Coatney Williams present when this crime
20 occurred?

21 A. No, ma'am.

22 Q. Was Coatney Williams aware that this crime was
23 going to happen?

24 A. No, ma'am.

25 Q. Did Coatney Williams have any knowledge of this

1 crime before it happened?

2 A. No, ma'am.

3 Q. Why did you tell law enforcement and the district
4 attorney that Coatney Williams was there if he wasn't?

5 A. Because the officer at the time kept asking was
6 Coatney Williams there, kept asking was Coatney Williams
7 there, and it was like, "Well, if you go ahead and put
8 Coatney Williams there" -- in other words, saying, "I can
9 get you a better deal. I know you're really worried about
10 going to prison, but I can get you a better deal."

11 Q. Did you believe that?

12 A. At the time, yes, ma'am, I did, due to the fact
13 that I was young, wasn't never really -- never in trouble
14 before for a serious crime like this; so yes, ma'am, I did.

15 Q. Did Coatney Williams ever store a shotgun for you
16 in December of 2007?

17 A. No, ma'am.

18 Q. Did you ever get a shotgun from Mr. Williams?

19 A. No, ma'am.

20 Q. If Mr. Williams has told the commission staff that
21 he stored a shotgun for you, do you know why he would say
22 that?

23 A. No.

24 Q. Did you ever have a shotgun that you didn't want
25 to keep at your house or your aunt's house and so you gave

1 it to Coatney Williams?

2 A. No. There's a shotgun that I didn't keep at the
3 house, but I never gave it to Coatney Williams.

4 Q. Did you ever have a shotgun that you were keeping
5 at an abandoned house that you wanted to get out of the
6 abandoned house and so you gave it to Coatney Williams?

7 A. No, ma'am.

8 MS. SMITH: That's all the questions I have.

9 JUDGE WAGONER: I have a couple questions,
10 let me ask you if you can remember.

11 I'm sort of confused. I think maybe Cinita
12 Long was your girlfriend back then; is that right?

13 THE WITNESS: Yes, ma'am.

14 JUDGE WAGONER: Okay.

15 And maybe you gave her a diamond ring or
16 something?

17 THE WITNESS: Yes, ma'am.

18 JUDGE WAGONER: Now, like I said, I'm
19 confused.

20 Did that ring come from Ms. Davis' house or
21 somewhere else?

22 THE WITNESS: No, ma'am. That ring did not
23 come from Ms. Davis' house.

24 JUDGE WAGONER: I believe that Ms. Davis said
25 at a later time that that was her ring.

1 THE WITNESS: Yes.

2 JUDGE WAGONER: Yes. But that ring did
3 not -- so did you get this ring from -- where?

4 (Stenographer clarification.)

5 JUDGE WAGONER: You'll have to say it again.
6 You bought it from --

7 THE WITNESS: I bought that ring from a
8 smoker, a drug user, before that incident -- before the
9 Davis incident even happened. I believe the ring incident
10 was a scare tactic that Detective Burnette used on my
11 ex-girlfriend.

12 JUDGE WAGONER: All right.

13 Anybody threaten you or promise you anything
14 if you pled guilty to all of these things?

15 THE WITNESS: Huh?

16 JUDGE WAGONER: Did anybody, back when all --
17 when you went to court, did anybody promise you anything or
18 threaten you to make you plead guilty to these crimes and/or
19 say that Coatney did it?

20 THE WITNESS: Naw. Nobody -- those are my
21 own words.

22 JUDGE WAGONER: But right after you said
23 Coatney did it, you started feeling bad about saying that?

24 THE WITNESS: Yeah. I feel bad about saying
25 it because, at the end of the day, it was like -- it was all

1 a lie. It was all a lie. And I just did what they wanted,
2 what they wanted, because at the end of the day, I didn't --
3 I'm still here. I'm here.

4 JUDGE WAGONER: When are you supposed to get
5 out?

6 THE WITNESS: A couple more days, October.

7 JUDGE WAGONER: Couple more days? All right.

8 COMMISSIONER BRITT: October 23rd.

9 JUDGE WAGONER: October 23rd. Getting
10 closer.

11 Okay. All right. Are you going to go back
12 to Seaboard?

13 THE WITNESS: Yeah.

14 JUDGE WAGONER: All right. Well, I wish you
15 good luck.

16 Anybody else have any other questions?

17 (No response.)

18 JUDGE WAGONER: Okay. Thank you so much,
19 sir. That's it.

20 (Witness stands down, 2:27 p.m.)

21 (Discussion off the stenographic record.)

22 JUDGE WAGONER: Does anybody need a break
23 before we hear from Mr. Williams?

24 (No response.)

25 JUDGE WAGONER: All right. Let's go.

1 MS. SMITH: Commissioners, I'm going to ask a
2 limited set of questions of Mr. Williams for the record as
3 we've already conducted a lengthy deposition of him.

4 You will obviously be able to ask him
5 questions when I'm done.

6 The Commission now calls Coatney Williams.

7 * * * * *

8 Thereupon, COATNEY WILLIAMS, a witness having been called by the
9 Commission, was affirmed and testified as follows:

10 BY MS. SMITH: (2:29 p.m.)

11 Q. Hi, Mr. Williams.

12 A. Hi. How you doing?

13 Q. Good. My name is Lindsey Guice Smith. I'm
14 executive director of the North Carolina Innocence Inquiry
15 Commission. I've got several questions for you today and
16 then when I'm done, all of the commissioners in the room may
17 also have questions for you. Okay?

18 A. Yes, ma'am.

19 Q. Can you state your name for the record.

20 A. Coatney Randall Williams.

21 Q. Did you give a shotgun to Jamal Thomas in December
22 of 2007?

23 A. Yes, ma'am.

24 Q. Where did you get that shotgun?

25 A. Initially I got it from Jamal Thomas from a house,

1 an abandoned house in Seaboard. I think it was in front of
2 Mayor Broadnay's house.

3 Q. Do you know about when that happened?

4 A. I don't know the exact date but it was somewhere
5 before Christmas, couple weeks before Christmas -- a couple
6 of days, somewhere between that timeline.

7 Q. And is that when you got it from the abandoned
8 house or when you gave it back to him?

9 A. When I got it from the abandoned house.

10 Q. And how long did you hold on to it for him?

11 A. I'm not 100 percent sure. I don't know if it was
12 a week or two weeks, but it was a number of days.

13 Q. On the day that you gave the shotgun back to Jamal
14 Thomas, did you know he was going to use it in a crime?

15 A. No, ma'am. Well, I actually assumed he was going
16 to use it in a crime but I didn't know specifically because
17 he told me he had a problem with somebody in Rich Square,
18 North Carolina, and he had to go see a girl. And he said he
19 had a problem so he needed his gun. But I automatically
20 assumed that he was going to do something with it because
21 people speak in codes when you in street life. They don't
22 always necessarily say, you know, "I'm going to rob
23 somebody," but you probably could just discern that from how
24 he was acting. He was acting suspicious, like he was going
25 to do something.

1 Q. When you gave it back to him, did you know he was
2 going to use it in the home invasion at the Davis home?

3 A. No, ma'am.

4 Q. Do you know for sure whether the shotgun that you
5 gave to Jamal Thomas was used in the home invasion at the
6 Davis home?

7 A. I don't know for 100 percent sure but I thought it
8 was. But then, when I start to put the pieces together, it
9 came -- became clear to me he may have got the shotgun from
10 another location.

11 Q. Did you receive a pair of Timberland boots from
12 Jamal Thomas?

13 A. Yes, ma'am.

14 Q. Is that the only pair of Timberland boots you've
15 ever received from Jamal Thomas?

16 A. Yes, ma'am.

17 Q. And did Jamal Thomas tell you where he got the
18 Timberland boots that he gave to you?

19 A. At the time, yes, ma'am. He told me had got it
20 from a lick he did and I automatically assumed because Karon
21 Moses, Jamal Thomas, and Antonio Freeman had previously told
22 me that they had robbed Ms. Davis after I came back from
23 Philadelphia.

24 Q. So when he gave you those Timberland boots, did he
25 specifically tell you they were from the Davis robbery?

1 A. No, ma'am. He said it was from a lick.

2 Q. Okay.

3 So you assumed based on some knowledge that you
4 had about a crime that was committed that that's where the
5 Timberland boots came from?

6 A. Yes, ma'am.

7 Q. Do you know for sure that the Timberland boots
8 that you have came from this specific crime?

9 A. I'm probably about 100 percent sure that actually
10 the boots they got from my house wasn't the boots that
11 was -- that I received from Jamal Thomas because I had a
12 pair of wheat Timberland boots at the time that he gave me
13 those boots, but his boots was more newer and had gold
14 fringes on it. But the boots that they got from out of my
15 house, my mother went and got those out of my room and she
16 didn't know the difference between the two boots so she just
17 got the first pair of Timberland boots that she seen.

18 Q. Okay.

19 So I think my question is the pair of boots that
20 you got from Jamal Thomas, do you know for sure that those
21 came from the crime at the Davis home?

22 A. The boots I got from Jamal Thomas -- yes. I'm a
23 hundred percent sure they came from Ms. Davis' home.

24 Q. And is that because Jamal Thomas told you they
25 came from the Davis home?

1 A. Well, he told me they came from a lick. And due
2 to my case, those boots was stolen, it was a pair of boots
3 that was stolen from a lick and I got those boots from
4 Jamal, and I know he was the one that was involved in that
5 actual case so I'm a hundred percent sure that those came
6 from Mrs. Davis' house.

7 Q. So that's just something you've put together;
8 correct?

9 A. Yes, ma'am.

10 Q. Okay.

11 But you don't think that the boots that were
12 introduced at trial that Detective Burnette took from your
13 home are actually the boots that were stolen?

14 A. No, ma'am. I don't think they are the actual
15 boots.

16 Q. Those were just some Timberland boots that you
17 already owned?

18 A. Yes, ma'am.

19 Q. Mr. Williams, did you break into the Davis home on
20 December 29, 2007?

21 A. No, ma'am.

22 Q. Were you present when the crime occurred?

23 A. No, ma'am.

24 Q. Were you aware that the crime was going to happen
25 prior to it happening?

1 A. No, ma'am.

2 Q. Did you participate in any way in the planning of
3 the crime?

4 A. No, ma'am.

5 Q. Did you ever hear anything about the crime being
6 planned?

7 A. No, ma'am.

8 Q. Did you shoot the Davises' door?

9 A. No, ma'am.

10 Q. Did you shoot Erel Jordan?

11 A. No, ma'am.

12 Q. Did you ever point a gun at Mary Davis?

13 A. No, ma'am.

14 Q. Did you ever take anything from the Davises' home?

15 A. No, ma'am.

16 Q. Did you participate in the shooting at Jennifer
17 Williams and her car after the break-in at the Davises'
18 home?

19 A. No, ma'am.

20 Q. Did you have any involvement in this crime?

21 A. No, ma'am.

22 Q. Have you ever told anyone that you committed this
23 crime?

24 A. No, ma'am.

25 MS. SMITH: Commissioners?

1 JUDGE WAGONER: Mr. Edwards.

2 COMMISSIONER EDWARDS: Mr. Williams, my name
3 is Seth Edwards.

4 Just prior to your trial, your attorney has
5 indicated to this Commission that there was a discussion
6 with you, and maybe your mother was present, just prior to
7 your trial about whether you should take a plea or not.

8 Do you remember that?

9 THE WITNESS: Yes, sir.

10 COMMISSIONER EDWARDS: The attorney indicated
11 that your mother was begging you to take a plea and not take
12 it to trial.

13 THE WITNESS: Yes.

14 COMMISSIONER EDWARDS: Is that true?

15 THE WITNESS: Yes, sir.

16 COMMISSIONER EDWARDS: Why was she begging
17 you to take a plea?

18 THE WITNESS: Well, she didn't want me -- she
19 knew I was facing 58 years. She didn't want me to get
20 sentenced to 58 years knowing that she had no faith in the
21 system. So she felt like a 5- to 7-year plea was better off
22 for me than me taking it to trial and losing. Well, in
23 actuality, she may have been right. I may have should've
24 took the 5- to 7-year plea because I lost 13 years of my
25 life. I lost my mom, my grandmother, my grandfather. I

1 don't got nobody out there in the world no more.

2 I mean, if I'd have known in retrospect that
3 I was going to lose everything due to this case, I would've
4 took that 5 to 7 years. But now I sit here with 53 years
5 for something I didn't do and it hurts me every day to have
6 to deal with that knowing that I will never see my mother
7 again and I didn't listen to her to when she told me it may
8 have been in my best interest to take that 5 to 7 years.

9 COMMISSIONER EDWARDS: That's all.

10 JUDGE WAGONER: I just have a -- are you okay
11 to go on?

12 THE WITNESS: Yes, ma'am.

13 JUDGE WAGONER: All right.

14 Just tell me a little bit about, if you can
15 remember, when you went to Philadelphia with your mom and
16 your stepfather -- and Little Robert; is that right?

17 THE WITNESS: Yes, ma'am. My little brother.

18 JUDGE WAGONER: All right.

19 So tell me about coming back from
20 Philadelphia, if you can remember, what time you think y'all
21 got home, got back to Seaboard or Northampton County?

22 THE WITNESS: It was -- it was nighttime, but
23 I don't quite remember exactly the time. It had to be at
24 least after 9:30, 10:00 o'clock.

25 JUDGE WAGONER: At night?

1 THE WITNESS: Yes, ma'am.

2 JUDGE WAGONER: Okay.

3 Did you just go home? Did you go to bed when
4 you got home that night? Do you remember? Or did you go
5 back and hang out with some friends?

6 THE WITNESS: I have no idea. I don't
7 remember. Just -- that was a long time -- I don't remember
8 what I did when I came back to North Carolina. I'm pretty
9 sure -- I may have been out. I don't know. I can't say I'm
10 100 percent sure because I don't remember. Once I got back
11 to North Carolina, I don't remember anything that I did.

12 JUDGE WAGONER: Okay.

13 And where did you stay up there in
14 Philadelphia?

15 THE WITNESS: Well, we actually stayed in two
16 different locations. Initially we stayed with my aunt
17 Angela Taylor, which is not actually my aunt, that is my
18 mother's husband's sister. And then on the 29th, we went to
19 Forman Mills mall. And later on that day, we went to Penny
20 Taylor's house.

21 JUDGE WAGONER: Okay.

22 And did you come home after that?

23 THE WITNESS: Yes, ma'am. We didn't actually
24 come home that day, though. We actually came home maybe --
25 it was before New Year's, but it was after -- I think it was

1 December the 31st or maybe the 30th.

2 JUDGE WAGONER: Okay.

3 THE WITNESS: Because my mom didn't want to
4 get caught -- she didn't want to get caught in the storm
5 that they was getting ready to have. She didn't want to get
6 caught so she wanted be at work on time so we came back
7 early. The initial plans was to stay in Philadelphia until
8 after New Year's.

9 JUDGE WAGONER: Okay.

10 I think that's it for now.

11 Anybody have any other questions?

12 (No response.)

13 JUDGE WAGONER: Okay. Thank you.

14 (Witness stands down, 2:40 p.m.)

15 MS. SMITH: All right.

16 Commissioners, there was a question a while
17 ago related to whether Regina Knight testified about the
18 photo in court. I believe this came from Mr. Edwards. That
19 testimony is provided beginning on page 489 of your brief,
20 and in a review of that, she doesn't discuss the photo in
21 her trial testimony. So if you want to look back at that,
22 you may.

23 JUDGE WAGONER: Before we move -- leave
24 Mr. Williams, I have a question about when he -- and I'm not
25 sure who interviewed him.

1 When he had the meltdown in court when he was
2 asked about the gangs and all that stuff by Mrs. Asbell, did
3 he give y'all an explanation?

4 I've read a little bit about why he got so
5 upset and wouldn't answer questions, all that kind of stuff.

6 MS. BRIDENSTINE: Yes. He wouldn't name the
7 person who beat him into the gang at trial.

8 JUDGE WAGONER: That's it.

9 MS. BRIDENSTINE: And he said during our
10 deposition that he felt that if he named that person in open
11 court, it would put his life at risk.

12 JUDGE WAGONER: Did he admit to you that he
13 was beaten into the gang? Because I thought Ms. Asbell
14 asked him if he was beaten into the gang, and he wouldn't
15 answer it. Maybe I'm wrong.

16 MS. BRIDENSTINE: He said that if he were to
17 give that information up in court that he was worried he
18 would be killed. I don't know if I specifically asked him
19 or confirmed with him that he was beat into the gang.

20 He did admit that he had been a member of the
21 Bloods before the time period of this case and since then,
22 and then he told us in the deposition that he left the
23 Bloods gang two years ago.

24 COMMISSIONER BOSWELL: Judge, my memory of
25 the trial transcript is he admitted to being beaten into but

1 he wouldn't say who did it.

2 COMMISSIONER EDWARDS: Which is common in the
3 gang life.

4 JUDGE WAGONER: Yeah. It's a great life.

5 Thank you.

6 MS. SMITH: Commissioners, I would like to
7 remind you that Handout 52 is the statement of District
8 Attorney Valerie Asbell for you-all to review if you haven't
9 yet.

10 In reviewing that statement, know that you
11 have available to you the records referenced throughout that
12 statement.

13 Handout 53 is a reference guide that we put
14 together that will direct you to the record where any
15 statements mentioned in the DA's statement can be found
16 within the record.

17 Handout 54 is the transcript of Robert
18 Branch's August 14, 2020, interview with commission staff.
19 We had significant testimony from commission staff about
20 that interview but did not previously provide that interview
21 in full to you. But since it is mentioned in the DA's
22 statement, we're going to go ahead and provide that in full
23 for you to review.

24 Similarly, Handout 55 is the transcript of
25 Rasheed Alston's August 19, 2020, interview with commission

1 staff. Again, there was significant testimony about that
2 earlier in the hearing, but since it is mentioned in the
3 DA's statement, we wanted to make sure that you had that
4 full transcript as well.

5 Judge Wagoner, during his interview with the
6 Commission, Mr. Alston expressed some concerns for his
7 safety once he realized that we had recorded that interview.
8 I would just ask as you're reviewing Handout 55 if you will
9 consider whether that should be sealed in light of his
10 concerns, but I think you need to probably review that.

11 JUDGE WAGONER: Let me look at it first.

12 MS. SMITH: I would say that now is a really
13 appropriate time for an extended break to allow
14 commissioners to review all of these handouts.

15 JUDGE WAGONER: Okay. We'll go off the
16 record, I guess.

17 COMMISSIONER BOSWELL: May I ask a question?

18 JUDGE WAGONER: Sure.

19 COMMISSIONER BOSWELL: Remind me who
20 Mr. Alston is.

21 JUDGE WAGONER: Rasheed -- he is the one they
22 call "Sheed," I believe.

23 MS. SMITH: Yes. Mr. Alston is a friend of
24 the claimant and codefendants. There is -- the testimony is
25 related to conversations that happened at his home after the

1 crime.

2 COMMISSIONER BOSWELL: Okay. All right.

3 Thank you.

4 MS. SMITH: I would say you probably want 30
5 or more minutes for that, so maybe 3:15 or so, Judge
6 Wagoner.

7 JUDGE WAGONER: Mr. Ziegler -- I'm sorry.

8 This is a question: Mr. Alston wasn't in
9 custody or anything, was he?

10 MR. ZIEGLER: At the time of our interview?

11 JUDGE WAGONER: Yes. At the time of your
12 interview.

13 MR. ZIEGLER: No, ma'am.

14 MS. SMITH: Okay. All right.

15 Take as long as you need, but we'll aim to be
16 back in about 30 minutes.

17 JUDGE WAGONER: Okay.

18 (Recess taken, 2:46 to 3:15 p.m.)

19 MS. SMITH: All right.

20 Commissioners, at this time I'm going to just
21 briefly recall Julie Bridenstine.

22 We had a question that I want to make sure
23 gets answered on the record and then allow commissioners to
24 ask any additional questions that you may have of either
25 Mr. Ziegler or Ms. Bridenstine.

1 We are essentially at the conclusion of the
2 evidence we plan to present, but I want to make sure that
3 you-all have an opportunity to ask anything else that's kind
4 of hanging out in your mind before we move on to the victim
5 impact statement.

6 Ms. Bridenstine.

7 * * * * *

8 JULIE BRIDENSTINE, a witness having been
9 previously called by the Commission, was
10 recalled and testified as follows:

11 BY MS. SMITH: (3:15 p.m.)

12 Q. Ms. Bridenstine, I believe the question prior --
13 or during the break was related to the other victims and
14 their testimony at trial and how many people they said they
15 saw during the commission of the crime.

16 If you can provide that information.

17 A. Sure. Mary Davis said she saw two people at a
18 time but she heard a third person also in the house. Her
19 son, Tacoma Davis, said that he saw the person pointing the
20 shotgun. He saw one person. Erel Jordan said that he saw
21 the person coming out of the house with a shotgun. He went
22 to a ditch. And when he was in the ditch, he saw a car pull
23 up and two doors open on the car and two doors close.

24 And then Jennifer Williams saw the suspect car but
25 she said that she could not tell how many people were inside

1 it. She did say, though, that somebody got out of the
2 passenger side and was shooting at her.

3 MS. SMITH: Commissioners, any other
4 questions for either of our staff members?

5 (No response.)

6 JUDGE WAGONER: I think that's it.

7 (Witness stands down, 3:17 p.m.)

8 MS. SMITH: All right.

9 Commissioners, commission staff has had
10 contact with -- and by that I mean our victim services
11 coordinator, Emma, has had contact with three of the four
12 victims of this case.

13 Mr. Erel Jordan is not present and has not
14 provided a victim impact statement.

15 Mr. Tacoma Davis is not present, and I just
16 learned that he has also decided not to provide a victim
17 impact statement.

18 Ms. Mary Davis is present and does wish to
19 provide a victim impact statement to you today in person and
20 will do that here momentarily.

21 Additionally, the Commission reached out to
22 Ms. Jennifer Williams via letter and phone but has not been
23 able to make contact with her.

24 At this time, I would ask that the hearing be
25 closed to the public and the live stream stopped for the

1 victim impact statement consistent with Commission
2 Rule 7(E)(1)(iii). Pursuant to that rule, the court
3 reporter will remain and the victim impact statement will be
4 on the record, but the public will not be viewing that
5 statement.

6 JUDGE WAGONER: So ask Jason to close off the
7 live stream, and I will order that the live stream part be
8 closed for the victim impact and the court reporter will
9 remain and we will remain on the record.

10 (The following proceedings were had off the
11 public record:)

12 MS. SMITH: Just logistically, Emma will
13 bring in Ms. Davis in just a few moments along with a
14 support person she brought with her. I believe it is her
15 sister. And I am not exactly sure what she is most
16 comfortable with, they may both sit up here.

17 Emma will be in the room for this too. So
18 she will be here in just a few moments, if we could just be
19 at ease for a few moments.

20 (Court stands at ease.)

21 (3:20 p.m.)

22 JUDGE WAGONER: Okay. Good afternoon. Thank
23 you so much for coming.

24 MS. DAVIS: Good afternoon.

25 JUDGE WAGONER: And we appreciate you being

1 here.

2 I'm Anna Mills Wagoner. I'm the chair of
3 this Commission, and we're happy to hear from you today.

4 If you want to take off your mask so that
5 everybody can hear you, and you can start -- unless,
6 Ms. Smith, you want to say something.

7 MS. SMITH: Ms. Davis, we just want to thank
8 you for being here.

9 My name is Lindsey Guice Smith. I'm the
10 executive director of the Commission. This is some of our
11 staff here. Everyone else around the room are our
12 commissioners. And then of course you know Emma in the
13 back.

14 So thank you for being here, and we want to
15 hear from you.

16 MS. DAVIS: Good afternoon, and thank you for
17 allowing me to speak today. It is with much pain and agony
18 that I present this victim impact statement.

19 What happened to me that Saturday night in
20 December 2007 will affect me for the rest of my life. It
21 has affected me mentally, emotionally, and spiritually.

22 As I reflect on those horrible things that
23 happened to me that night, it takes me to that dark place in
24 my life that I fought so hard to get out of. Being robbed,
25 held at gunpoint, and sexually assaulted left me fearful,

1 hopeless, depressed, anxious, and paranoid.

2 I began to isolate myself, distrust people.

3 I became very angry. I had difficulty forming relationships
4 because of my lack of trust in men. My emotions were all
5 over the place.

6 Home is supposed to be your safe haven. Mine
7 became just a house that I didn't feel safe in anymore.
8 After that night, I moved with my mom.

9 I sought help by going to therapy, was put on
10 medication for anxiety, depression, and to help me sleep.
11 Eventually, after my mom passed, I moved back home but still
12 couldn't live in the house. What happened that night still
13 haunted me. So I sold my home and moved to another area,
14 which caused me a great financial loss.

15 Through God's grace and mercy and my faith, I
16 had begun to heal. But after receiving the letter from the
17 Commission, it feels like I'm being revictimized. The
18 details of what happened that night are beginning to rehash,
19 especially the sexual assault, being held at gunpoint,
20 begging and pleading for my life, having a tampon pulled
21 from my vagina, and placing a gun barrel between my legs and
22 asking me, "How does that feel?"

23 Can you imagine that happening to your mother
24 or to someone that you loved?

25 I have a heart condition now, and recalling

1 things from that night has caused me increased palpitations
2 and higher blood pressure.

3 As I stated before, I'm beginning to go back
4 to that dark place that I fought so hard to overcome, and I
5 pray to God that He would intervene and stop that.

6 Not only did this crime affect me, but also
7 my family. They live in fear, anxiety, and anger. If they
8 try to reach me and can't, automatically they go into panic
9 mode and they call here, they call there, everywhere,
10 looking for me, thinking that something has happened.

11 What I have experienced can be compared to
12 this cancer that I have overcome. It goes in remission, but
13 you always live with that fear that it can happen again, not
14 knowing when.

15 I believe in justice and I believe in
16 righting the wrong, but in this case, I feel that justice
17 would be allowing the defendant to serve his time. From
18 what I've read, he has acquired many infractions since his
19 incarceration. That indicates to me that he has not been
20 totally rehabilitated. So what makes you think that he's
21 ready to return to society and be a productive citizen?

22 I know in -- what you're doing in here with
23 this briefing is to determine whether he is innocent or not,
24 but after this briefing, I don't know how to feel. I've
25 heard lies, conflicting stories -- some truths, I'm sure.

1 It took me back to the trial.

2 In the trial, what Mr. Freeman stated I can
3 attest to happened as far as what happened to me. That day
4 at that trial, he said word for word or gave details
5 verbatimly as to what happened in my bedroom that night. As
6 far as anything else, I can't say because I didn't see their
7 faces, I couldn't identify them. But I can identify with
8 those details that happened to me.

9 Also, since Mr. Williams has been
10 incarcerated, he wrote me a letter which I received
11 10/28/2010. I always kept up with any news clippings,
12 letters, or anything I received.

13 And in this letter, I felt that he was trying
14 to manipulate me about his innocence. And also in here, he
15 stated, boldly, in quotation marks, about being in a gang
16 and that he was in a gang and he still is in a gang. That
17 kind of made me believe, was this an act of initiation for a
18 gang? -- this is just me trying to interpret, you know, his
19 reasoning -- trying to manipulate me to call his mother,
20 to -- since I'm a Christian woman, to help her restore her
21 faith and just a lot of stuff that was in there that I
22 didn't care to hear from.

23 And then what was puzzling about it, how did
24 he get my address? This was the third time that I had moved
25 since this incident happened, and the letter was sent

1 exactly to the address where I was staying. So that made me
2 really feel uncomfortable to think -- and I know with the
3 computer and modern technology and in these prisons now they
4 can do these things -- but I was very uncomfortable with him
5 knowing the exact address as to where I live.

6 I just feel that he's a manipulator. He's a
7 bully. He's what I call a career criminal.

8 I do feel that he can intimidate people from
9 things I have heard about him and from reading some of his
10 infractions. He did have a cell phone in jail. So some of
11 these calls that were made to different ones could've been
12 made from that cell phone. I don't know whether y'all have
13 a copy of that or not, with the phone -- looking at the
14 other with the cell phone and all, how you were able to tell
15 when the calls were made or whatever.

16 So in making your decisions, look at the
17 facts. Think about -- look at the facts, think about, in
18 this briefing, the witnesses who would tell lies, who
19 wouldn't tell lies, would you lie for a family member, would
20 you lie for your friends -- consider all of that. And then
21 think about my justice, think about justice for my son,
22 Tacoma Davis, who worries about me daily, who calls me
23 before he goes to work, on the way to work, lunchtime, when
24 he gets home from work to make sure that I am okay. Think
25 about his friend Erel, his justice.

1 And I know this is not an easy decision for
2 you to make based on all of this stuff that you've heard
3 this week to kind of go in and try to sort out what is truth
4 and what's not truth. So I pray and I trust God that you
5 will make the best decision here. And I have that faith
6 that you will and I'm wishing you the best in making this
7 decision.

8 Thank you.

9 JUDGE WAGONER: Thank you, ma'am, very much.

10 MS. CARTER: And I'm her sister, Linda
11 Carter, and I am around her as much as I can be.

12 JUDGE WAGONER: Thank you.

13 (3:29 p.m.)

14 (Discussion off the stenographic record.)

15 (Hearing on the open record resumed.)

16 JUDGE WAGONER: Back on the record at this
17 time.

18 MS. SMITH: We will reopen the record briefly
19 for the public just for us to finish things up and then we
20 will go back off for deliberations.

21 Thank you-all for your patience and attention
22 during this hearing.

23 This concludes the presentation of the case.

24 Commissioners, if you have any additional
25 questions for commission staff or you wish to review any

1 materials that you think we haven't provided to you that we
2 may have, now is the appropriate time to do so.

3 I will remind you that you're only going to
4 be able to consider materials that have been presented and
5 provided to you during your deliberations. So if there's
6 anything else you think you want or any question you need
7 answered, now is the time to do that.

8 (No response.)

9 MS. SMITH: Commissioners, you are now asked
10 to decide whether you conclude that there is sufficient
11 evidence of factual innocence to merit judicial review.

12 Mr. Williams' conviction resulted from a
13 guilty verdict after a trial; therefore, five of eight of
14 you must conclude that there is sufficient evidence of
15 factual innocence to merit judicial review in order for the
16 case to move forward to a three-judge panel.

17 You have three options in this case:

18 You may decide that there is sufficient
19 evidence, and the case will be referred forward to a
20 three-judge panel; you may decide that there is not
21 sufficient evidence, and the case will be closed. There is
22 no right to appeal that decision; you may also instruct
23 commission staff to continue its investigation and reconvene
24 this hearing at a later date.

25 At this time I would ask Judge Wagoner to

1 close the hearing to the public for deliberations and I will
2 remind you that your deliberations are confidential.

3 JUDGE WAGONER: All right. I will close the
4 hearing, pursuant to our rules and regulations, to the
5 public for our deliberations.

6 Deliberations are closed to the public.

7 (Deliberations, 3:32 to 4:00 p.m.)

8 JUDGE WAGONER: All right. We're back on the
9 record.

10 The Commission has met, and without reading
11 the findings of fact, the Court will note that the
12 Commission unanimously found that there was sufficient
13 evidence of factual innocence to merit judicial review; so
14 therefore it should be referred to a three-judge panel.

15 Thank you. So ordered. And that order is
16 signed and you will -- I assume you-all will notify the
17 attorneys?

18 MS. SMITH: We will. We'll notify the
19 parties and we'll make sure that gets filed in Northampton
20 County.

21 JUDGE WAGONER: All right. Anything further?

22 (No response.)

23 JUDGE WAGONER: All right. Thank you-all so
24 much for participating in this case. We are now adjourned
for the next few weeks.

25 (Hearing concluded, 4:01 p.m.)

1 STATE OF NORTH CAROLINA)
2 COUNTY OF WAKE)

4 CERTIFICATE

5 I, Victoria L. Pittman, BA, CVR-CM-M, the officer before
6 whom the foregoing proceeding was held, do hereby certify that
7 said hearing, pages 1 through 384 inclusive, in two volumes, is a
8 true, correct, and verbatim transcript of said proceeding.

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

15 Dated at Wake Forest, North Carolina, the 29th day of
16 October, 2020.

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18
19 

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