

NORTH CAROLINA  
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
00 CRS 57073-74

STATE OF NORTH CAROLINA     )  
  )  
          v.                            )  
  )  
TERRY LEE MCNEIL                )  
  )  
                  Convicted Person    )

OPINION OF THE NORTH  
CAROLINA INNOCENCE  
INQUIRY COMMISSION

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NOW COMES the North Carolina Innocence Inquiry Commission (Commission), pursuant to N.C. Gen. Stat. § 15A-1460-75 and hereby makes the following findings of fact in the above captioned case.

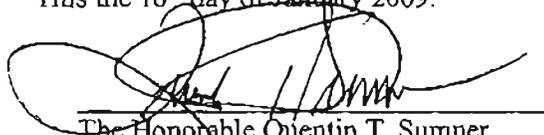
1. Terry Lee McNeil (Mr. McNeil) was convicted of Second Degree Kidnapping and Robbery with a Dangerous Weapon on June 8, 2001 in Wake County Criminal Superior Court, North Carolina.
2. Mr. McNeil's innocence claim was referred to the North Carolina Innocence Inquiry Commission on July 23, 2007 from the North Carolina Center on Actual Innocence.
3. The staff of the Commission accepted Mr. McNeil's case for formal inquiry on July 25, 2007, pursuant to N.C. G.S. § 15A-1467.
4. Mr. McNeil cooperated with the formal inquiry completed by the staff of the Commission pursuant to N.C. G.S. § 15A-1467.
5. On January 16, 2009, the Commission held an evidentiary hearing on the above captioned case pursuant to N.C. G.S. § 15A-1468.

6. At the close of the hearing the Commission was unanimous in finding that there is insufficient evidence of factual innocence to merit judicial review.
7. The Commission further makes a specific finding of fact that a toboggan in the above captioned case was recovered from the crime scene, offered and admitted as evidence at trial, and preserved by the Wake County Clerk of Superior Court.
8. The Commission further makes a specific finding of fact that the above mentioned toboggan was obtained by the Commission pursuant to N.C.G.S. § 15A-1467.
9. The Commission further makes a specific finding of fact that the above mentioned toboggan was submitted to LabCorp, Inc. on November 29, 2007 for scientific testing on behalf of the Commission and the results were returned on March 10, 2007.
10. The Commission further makes a specific finding of fact that the DNA evidence is significant, but does not provide sufficient evidence of factual innocence to merit judicial review.
11. The Commission further makes a specific finding of fact that other evidence was considered by the Commission, but does not provide sufficient evidence of factual innocence to merit judicial review.

THEREFORE, pursuant to N.C. G.S. § 15A-1468(c), the above captioned case is now closed and a copy of this opinion is filed with the Wake Clerk of

Superior Court, and service on the Wake County District Attorney and Wake  
County Senior Resident Superior Court Judge.

This the 16<sup>th</sup> day of January 2009.

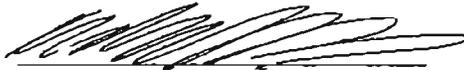
A handwritten signature in black ink, appearing to read "Quentin T. Sumner", is written over a horizontal line. The signature is somewhat stylized and overlaps the line.

The Honorable Quentin T. Sumner  
Senior Resident Superior Court Judge, Nash County  
Chairman of the North Carolina Innocence Inquiry Commission

**Certificate of Service**

This shall certify that a copy of the foregoing **Opinion of the North Carolina Innocence Inquiry Commission** was this day served upon the Honorable C. Colon Willoughby Jr., Esq. and Mr. Jeffrey Cruden, Esq. of the Wake County District Attorney's Office by personal delivery to them or to a member of the office available to accept service of process.

This the 23<sup>rd</sup> day of January 2009.



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