

STATE OF NORTH CAROLINA
COUNTY OF WATAUGA

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

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

OPINION

THIS MATTER came on for hearing before the North Carolina Innocence Inquiry Commission (Commission) on August 31, September 1, and September 2, 2016, pursuant to N.C.G.S. §§ 15A-1460 – 1475. After careful review of the evidence presented, the Commission hereby makes and enters the following findings of fact:

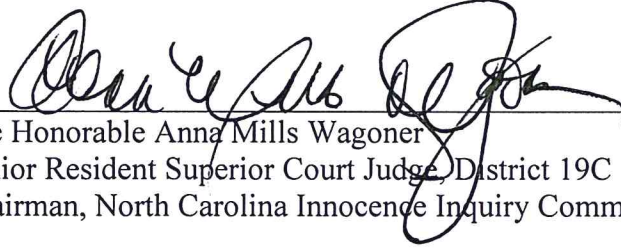
1. On December 8, 1994, Marvin “Coy” Hartley was killed in his home in Boone, NC.
2. On February 26, 1996, Robert Charles Bragg (Bragg) was convicted, after a jury trial, of First Degree Murder. Bragg was sentenced to Life Without Parole.
3. In July 2010 the North Carolina Center on Actual Innocence Center referred this case to the Commission and the Commission began an inquiry pursuant to Article 92, Chapter 15A, of the General Statutes.
4. Throughout the Commission’s inquiry, Bragg has fully cooperated with Commission staff in accordance with N.C.G.S. § 15A-1467(g).
5. On August 31, September 1, and September 2, 2016, the Commission held a full evidentiary hearing in this matter pursuant to N.C.G.S. § 15A-1468.
6. During the hearing, the Commission considered testimonial and documentary evidence. The evidence included, among other things:

- a. A 474 page brief provided to the Commission by the Commission's Director prior to the hearing;
- b. Supplemental documentation, in the form of handouts and a PowerPoint presentation, provided during the hearing;
- c. Live testimony by Commission Associate Director Sharon Stellato, Commission Grant Staff Attorney Catherine Matoian, DNA Expert Meghan Clement, witness Jeffrey Nelson, witness Rene Nelson, witness Jerry Shull, and Claimant Robert Charles Bragg;
- d. Affidavits from Boone Police Department Evidence Technician April Gunter, Watauga County Sheriff's Office Captain Jaska H. Rominger, former Assistant District Attorney Gerald Wilson, Attorney Jeff Hedrick, Attorney Kris Parks, Attorney Phil Griffin, and Attorney Vince Gable; and
- e. A statement by the Victim's nephew, Jerry Hartley.

After carefully considering this evidence, the Commission has concluded, by a vote of 6 to 2, that there is sufficient evidence of factual innocence to merit judicial review.

WHEREFORE, pursuant to N.C.G.S. § 15A-1468(c), and as Chairman of the Commission, the undersigned refers this case to the Honorable Gary Gavenus, Senior Resident Superior Court Judge for Judicial District 24, and respectfully requests that the Chief Justice of the North Carolina Supreme Court appoint a three-judge panel and issue commissions to its members to convene a special session of the Superior Court of Watauga County to hear evidence relevant to the Commission's recommendation.

This the 2nd day of September, 2016.

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

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