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STATE OF NORTH CAROLINA

COUNTY OF CATAWBA

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
87 CRS 13541-42; 13544

STATE OF NORTH CAROLINA)
)
v.)
)
WILLIE J. GRIMES)
)
)

OPINION

FILED
2012 APR 11 AM 10 31
CATAWBA CO., C.S.C.
BY

THIS MATTER came on for hearing before the North Carolina Innocence Inquiry Commission (Commission) on April 2, 3 and 4, 2012, 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 October 24, 1987, Carrie Lee Elliott was raped while in her apartment at 104 8th Avenue Drive SE, Hickory, North Carolina.

2. On July 8, 1988, a jury found Willie J. Grimes (Grimes) guilty of two counts of first degree rape and one count of second degree kidnapping. At sentencing, Grimes received a consolidated life sentence for his rape convictions and an additional 9 years for his second degree kidnapping conviction.

3. On October 18, 2010, Grimes submitted a questionnaire and consent form to the Commission. Grimes asserted his complete factual innocence of the rape and kidnapping of Carrie Lee Elliott and the Commission began an inquiry pursuant to Article 92, Chapter 15A, of the General Statutes.

4. Throughout the Commission's inquiry, Grimes has fully cooperated with Commission staff in accordance with N.C.G.S. § 15A-1467(g).

5. On April 2, 3 and 4, 2012, 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 as well as summaries by the Commission staff. This evidence included, among other things:

   a. A 463 page brief provided to the Commission by the staff before the hearing;

   b. Supplemental documentation provided during the hearing;

   c. Live testimony by Ms. Helen "Linda" Shuford McDowell, Ms. Betty Shuford Hairston, Attorney Ed de Torres, Retired Hickory Police Department Lieutenant Steve Hunt, Hickory Police Department Investigator Dustin Nowatka, Commission Staff Attorney Jamie Lau, Commission Associate Director Sharon Stellato, and Claimant Willie J. Grimes; and expert testimony from SBI Special Agent Brian Delmas (an expert in fingerprint comparison), Max M. Houck, Ph.D. (an expert in microscopic hair analysis), and City-County Bureau of Identification Deputy Director Troy Hamlin (an expert in microscopic hair analysis); and

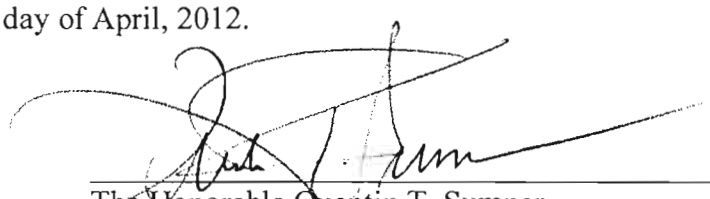
   d. Evidence presented to the Commission concerning latent fingerprint examination and comparisons.

7. After carefully considering this evidence, the Commission has concluded, by a unanimous decision that there is sufficient evidence of factual innocence to merit further judicial review.

WHEREFORE, pursuant to N.C.G.S. § 15A-1469(a), and as Chairman of the Commission, the undersigned refers this case to the Honorable Thomas S. Kincaid, Catawba County Senior Resident Superior Court Judge, and respectfully requests that the Chief Justice appoint a three-judge panel, not to include any trial judge who has had substantial previous

involvement in the case, and issues commissions to its members to convene a special session of the superior court in Catawba County to hear evidence relevant to the Commission's recommendation.

This the 4th day of April, 2012.



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

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing *Opinion* was served upon the following persons by depositing a copy of the same, postage pre-paid, in an official depository of the United States Postal Service, addressed as follows:

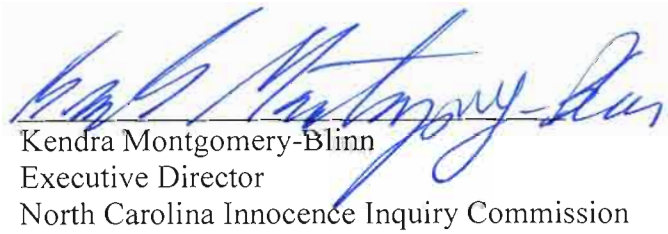
The Honorable Timothy S. Kincaid
Senior Resident Superior Court Judge
Catawba County Justice Center
PO Box 1292
Newton, NC 28658

Mr. Eric Bellas
Assistant District Attorney
Prosecutorial District 25
201 South Green Street
Morganton, NC 28655

Ms. Christine Mumma
Counsel for Willie J. Grimes
Director, NC Center on Actual Innocence
PO Box 52446, Shannon Plaza Station
Durham, NC 27717-2446

This the 5th day of April, 2012.

NORTH CAROLINA INNOCENCE INQUIRY COMMISSION



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