

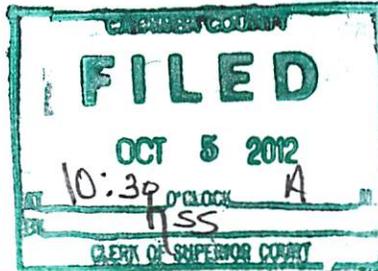
STATE OF NORTH CAROLINA
COUNTY OF CATAWBA

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
87 CRS 13540-13542, 13544

STATE OF NORTH CAROLINA

v.

WILLIE JAMES GRIMES



DECISION OF THE THREE-JUDGE PANEL PURSUANT TO N.C. Gen. Stat. § 15A-1469

THESE MATTERS came on for hearing before the undersigned Judges of the Superior Court sitting as a Three-Judge Panel appointed by the Chief Justice of the North Carolina Supreme Court pursuant to N.C. Gen. Stat. § 15A-1469(a), at a special session of the Catawba County Superior Court to hear evidence relevant to the North Carolina Innocence Inquiry Commission's recommendation in the case of State v. Willie James Grimes, 87 CRS 13540, 13541, 13542, and 13544.

The Three-Judge Panel heard evidence on October 1, 2, 3, and 4, 2012. The State of North Carolina was represented by District Attorney James C. Gaither and Assistant District Attorney Eric Bellas. Willie James Grimes ("Grimes"), the convicted person, was present at all times and was represented by Christine C. Mumma, Robert Campbell, and Craig Cooley. The evidence consisted of the sworn testimony of fifteen (15) persons, including Grimes, the transcript of the first trial, the transcript of the Innocence Inquiry Commission hearing ("Commission hearing"), the brief prepared by the Innocence Inquiry Commission staff, and thirty-five (35) exhibits. The presentation of evidence was concluded on the afternoon of October 4, 2012.

On the morning of October 5, 2012, District Attorney James C. Gaither informed the panel that the State of North Carolina has agreed that Grimes has met his burden and has proved by clear and convincing evidence that he is innocent of the rape and kidnapping of Mrs. Carrie Lee Elliott on October 24, 1987.

N.C. Gen. Stat. § 15A-1460(1) provides that a "Claim of factual innocence" means a claim on behalf of a living person convicted of a felony in the General Court of Justice of the State of North Carolina asserting the complete innocence of any criminal responsibility for the felony for which the person was convicted and for any other reduced level of criminal responsibility relating to the crime, and for which there is some credible, verifiable evidence of innocence that has not previously been presented at trial or considered at a hearing granted through post-conviction relief.

N.C. Gen. Stat. § 15A-1469 provides that the three-judge panel shall rule as to whether the convicted person has proved by clear and convincing evidence that the convicted person is innocent of the charges. Such a determination shall require a unanimous vote. If the vote is unanimous the panel shall enter a dismissal of all or any of the charges. If the vote is not unanimous, the panel shall deny relief.

N.C. Gen. Stat. § 15A-1470 provides that there is no right to any further review of the decision of the three-judge panel but the convicted person retains the right to other post-conviction relief.

The panel members have now considered N.C. Gen. Stat. § 15A-1460, *et seq.* and all of the evidence presented and the arguments of counsel for the State and Grimes, the convicted person. The matter is now ripe for decision.

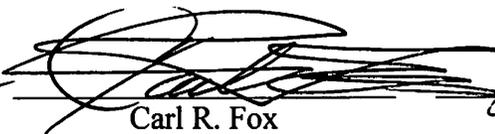
The unanimous decision of the three-judge panel of the Superior Court Judges is that the defendant, Willie James Grimes, the convicted person, has proved by clear and convincing evidence that he is innocent of the rape and kidnapping of Mrs. Carrie Lee Elliott on October 24, 1987.

IT IS THEREFORE ORDERED, pursuant to the decision of the three-judge panel and N.C. Gen. Stat. § 15A-1469, that the relief sought by the convicted person, Willie James Grimes, is granted and that the charges of rape and kidnapping of Mrs. Carrie Lee Elliott on October 24, 1987 against Willie James Grimes are dismissed. It is further ordered that Willie James Grimes shall be removed from the Sex Offender and Public Protection Registration Program, pursuant to § 14-208.6C, effective immediately.

This the 5th day of October, 2012.



W. David Lee
Senior Resident
Superior Court Judge



Carl R. Fox
Senior Resident
Superior Court Judge



Sharon Tracey Barrett
Superior Court Judge