

STATE OF NORTH CAROLINA  
JOHNSTON COUNTY

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

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FILE NO. 07 CRS 51499

JOHNSTON COUNTY, N.C.  
*[Handwritten Signature]*

STATE OF NORTH CAROLINA )

v. )

HASSON J. BACOTE, )

Defendant. )

**AMENDMENT TO MOTION FOR  
APPROPRIATE RELIEF PURSUANT  
TO RACIAL JUSTICE ACT**

Pursuant to SB 416, An Act to Amend Death Penalty Procedures, and N.C. Gen. Stat. §§ 15A-2010 to 15A-2012 as amended in 2012, Art. I, §9 of the United States Constitution, the Fifth, Sixth, Eighth, and Fourteenth Amendments to the United States Constitution, and Art. I, §§ 1, 19, 24, 26, and 27 of the North Carolina Constitution, Bacote files this Amendment to his Motion for Appropriate Relief pursuant to the Racial Justice Act.

**INTRODUCTION**

113. In 2009, North Carolina enacted the Racial Justice Act, N.C. Gen. Stat. §15A-2010-2012. Bacote timely filed a Motion for Appropriate Relief and Motion for Discovery under the RJA. Bacote properly invoked his rights under the RJA enacted in 2009. As outlined below, Bacote maintains that the procedures and substance of the RJA as originally enacted in 2009 continue to apply to his case. In addition, some of the new procedural and substantive guarantees enacted in 2012 may also apply to Bacote's case.

114. The evidence set out in Bacote's original RJA MAR and this Amendment establishes a history of discrimination in District 11, Johnston County, and in Bacote's case. At the time of Bacote's prosecution and trial, prosecutors in District 11 were nearly two times more likely to exclude people of color from jury service than to exclude whites. In Johnston County, prosecutors struck minority venire members at a rate 1.9 times that for white venire members. In Bacote's own case, the prosecution's strike rate for African-American venire members was 3.3 times the rate for white venire members.

115. The evidence also shows racial disparities in charging and sentencing. At the time the death penalty was sought and imposed in Bacote's case, Johnston County was 1.5 times more likely to impose the death penalty in cases in which the defendant was African-American. In Johnston County, the racial disparity in sentencing was even greater; juries were two times more likely to impose the death sentence in cases with minority defendants. In fact, since 1990,

jurors from Johnston County have imposed the death penalty *in every single case in which the defendant was African-American*.

### **PROCEDURAL HISTORY**

116. Bacote properly and timely filed a Motion for Appropriate Relief pursuant to the Racial Justice Act on August 5, 2010. Bacote also filed a motion for RJA discovery. The State has never responded to Bacote' RJA MAR.

117. Bacote has a direct appeal from his conviction and death sentence pending with the Supreme Court of North Carolina.

### **APPLICABLE LAW**

118. With this amended RJA MAR, Bacote has now filed claims under both S.L. 2009-464, enacted by the General Assembly August 11, 2009, (herein the "original RJA"), and S.L. 2012-136, enacted by the General Assembly on July 2, 2012 (herein the "revised RJA".) The revised RJA sets forth different rights, different standards of proof, and different procedures, but retained some of the provisions from the original RJA. By its terms, the revised RJA repealed only Section 15A-2012, the hearing procedure of the original RJA. S.L. 2012-136, § 4. It did not change Section 15A-2010, and it modified some portions of 15A-2011. *See* S.L. 2011-416, §§ 3-4.

119. Bacote is entitled to pursue claims under both the original and revised RJA statutes, pursuant to N.C.G.S. §12-2, §15A-2010 et seq. (former and current), Article I, §§ 6, 19, 20, 22, 23 of the North Carolina Constitution, Article I, § 9, and Fifth, Eighth, and Fourteenth Amendments of the United States Constitution

120. Bacote's pending, original RJA claims are protected against the retroactive application of the revised RJA under well-established doctrines of statutory interpretation. The revised RJA is ambiguous about whether it applies retroactively to pending claims, and thus cannot be construed to have retrospective effect to those pending claims. *Landgraf v. USI Film Products*, 511 U.S. 244, 264-65 (1994) ("A law should not be construed to have retroactive effect if the language of the new statute is ambiguous about whether it applies retroactively to pending claims."); *see also Lindh v. Murray*, 521 U.S. 320, 327, 329-31 (1997); N.C.G.S. § 12-2; *City of Wilmington v. Cronly*, 30 S.E. 9 (N.C. 1898). None of the language in the revised RJA clearly spells out that the original RJA is repealed for pending suits, nor that the revised RJA should apply instead of the original RJA to pending suits. Although the statute is clear that a defendant who seeks to file a *new* RJA claim – regardless of the sentence or conviction date – will have the new claim governed by the revised RJA, not the original RJA,<sup>1</sup> the statute is ambiguous and vague about retroactivity and the application of the statutes to pending RJA claims. Under the rule of lenity, any ambiguity must be resolved in favor of the defendant. *See, e.g., State v. Glidden*, 317 N.C. 557, 561 (1986).

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<sup>1</sup> Unless such application violates another constitutional provision, such as the prohibition on ex post facto claims.

121. Even if the Court determined that the legislature clearly intended for the law to apply retroactively to pending claims such as those filed by Bacote, application of the revised RJA to the exclusion of Bacote's original RJA would deprive him of a vested right and violate due process. *See, e.g., Gardner v. Gardner*, 300 N.C. 715 (1980); 2 SUTHERLAND STATUTORY CONSTRUCTION § 41:6 (7<sup>th</sup> ed). Bacote has a constitutionally protected interest in having a court hear his claim for relief based on discrimination statewide, in his judicial division, in his prosecutorial district, and in his case at the time of trial. *Logan v. Zimmerman Brush Co.*, 455 U.S. 422, 431 (1982) (holding that "a state-created right to redress discrimination" is a constitutionally protected property right). Bacote's right to be heard under the original RJA vested when he filed his RJA MAR, because his right to a hearing had fully accrued at that point. *See Booker v. Duke Med. Ctr.*, 297 N.C. 458, 466-67 (1979); *Bolick v. American Barmag Corp.*, 306 N.C. 364, 371 (1982). Accordingly, even if the revised RJA were interpreted as a matter of statutory construction to apply retroactively, it cannot be applied to defeat Bacote's original RJA MAR as a matter of constitutional law.

122. Application of the revised RJA to bar Bacote's pending RJA claims under the original RJA would also constitute an unconstitutional bill of attainder. The General Assembly singled out the claims of Bacote as the basis for a need to modify the law. By targeting these defendants, and subjecting them to greater punishment, the legislature violated Article I, Section 9 of the United States Constitution.

123. Interpreting the revised RJA to bar the original RJA claims would also violate the state constitutional principle of separation of powers (Art. I, §6), the law of the land clause (Art. I, §19), the guarantee of criminal proceedings initiated by the grand jury (Art. I, §22), and the right to confront one's accusers (Art. I, §23). *See John V. Orth, The North Carolina State Constitution — A Reference Guide at 57-58; see also Hoke v. Henderson*, 15 N.C. 1 (1834) (applying the law of the land clause of the state constitution to prevent the legislature from enacting a law to punish persons or to deprive the citizen of his property without trial before the judicial tribunal).

124. A bar against Bacote's pending RJA claims under the original RJA MAR would additionally violate the state and federal constitutions by resulting in the arbitrary and discriminatory infliction of the death penalty in violation of the Eighth Amendment to the United States Constitution and Article 1, Section 27 of the North Carolina Constitution. *Furman v. Georgia*, 408 U.S. 238, 241 (1972); *State v. Case*, 330 N.C. 161, 163 (1991). It further would create an arbitrary class in violation of equal protection, and result in the denial of procedural due process under the Fourteenth Amendment. *Bush v. Gore*, 531 U.S. 98 (2000); *Mathews v. Eldridge*, 424 U.S. 319 (1976).

### **ADDITIONAL STUDY REQUIRED BY REVISED RJA**

125. Assuming the revised RJA applies to Bacote's case, additional investigation and statistical analysis is needed to permit Bacote to present at an evidentiary hearing all relevant evidence that, at the time the death penalty was sought and imposed in Bacote's case, race was a significant factor in the prosecution's charging and strike decisions and in the jury's sentencing decisions in District 11 and Johnston County. In the revised RJA, the General Assembly significantly expanded the relevant time period for which defendants may present evidence

showing that race was a significant factor at the time the death sentence was sought or imposed. Pursuant to N.C. Gen. Stat. §15A-2011(a), Bacote is entitled to demonstrate that racial discrimination occurred during the period from 10 years prior to the capital offense to two years after the death sentence was imposed.

126. Researchers at the Michigan State University College of Law conducted comprehensive studies of capital charging and sentencing and jury selection in connection with the original RJA. The original MSU Study covered the period from 1990 to 2010. In many cases, including Bacote's, the relevant time period concludes after 2010. Consequently, MSU is embarking on an expansion of the original studies so as to provide all death-sentenced prisoners with an opportunity to present relevant evidence under the revised RJA.

127. Bacote's death sentence was imposed on April 9, 2009. Consequently, the period of time for which Bacote may present potentially relevant evidence of racial disparities in charging and sentencing extends until April 9, 2011. MSU intends to conduct further studies of charging and sentencing based on the expanded time period. MSU expects this study to take a minimum of three years. Ex. 1, Affidavit of Grosso & O'Brien

128. Bacote's jury selection claims are based in part on MSU's analysis of unadjusted data. In *State v. Robinson*, the Court additionally considered MSU's controlled regression analysis of Cumberland County jury selection. This analysis examined non-racial factors that might explain the racial disparities observed in the raw numbers or unadjusted data. The Cumberland County controlled regression analysis was critical to the Court's conclusion that race was a significant factor in the prosecution's decisions to strike African-American venire members in Cumberland County and in Robinson's case. See *Robinson* Order at ¶¶ 99-103, 109-119.<sup>2</sup> MSU intends to conduct controlled regression analyses of district and county data throughout North Carolina. MSU expects these analyses to take a minimum of two years. Ex. 1, Affidavit of Grosso & O'Brien

129. Pursuant to N.C. Gen. Stat. § 15A-1420(c)(5), Bacote has the burden of proving by a preponderance of the evidence every fact essential to support his claim that, at the time the death penalty was sought and imposed in Bacote's case, race was a significant factor in the prosecution's charging and strike decisions and in the jury's sentencing decisions in District 11 and Johnston County. Bacote is entitled to fully develop the facts and evidence supporting his RJA claims. See *State v. Bates*, 348 N.C. 29, 37 (1998) (policy of North Carolina is to ensure "thorough and complete review" of "all potential [post-conviction] claims"). Further studies by MSU are integral to this effort.

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<sup>2</sup> The April 20, 2012 Order of Senior Resident Superior Court Judge Gregory A. Weeks in *State v. Robinson*, No. 91 CRS 23143, is available online at: [http://www.aclu.org/files/assets/marcus\\_robinson\\_order.pdf](http://www.aclu.org/files/assets/marcus_robinson_order.pdf).

## CLAIMS FOR RELIEF

### **XII. AT THE TIME THE DEATH SENTENCE WAS SOUGHT AND IMPOSED IN THIS CASE, RACE WAS A SIGNIFICANT FACTOR IN THE STATE'S DECISIONS TO EXERCISE PEREMPTORY STRIKES IN CASES IN DISTRICT 11 AND JOHNSTON COUNTY, INCLUDING DEFENDANT'S CASE.**

130. Bacote incorporates by reference all of the allegations and evidence submitted in his original RJA MAR and pertaining to the State's decisions to exercise peremptory strikes.

131. At the time Bacote's death sentence was sought and imposed, race was a significant factor in the State's decisions to exercise peremptory strikes in District 11.

132. At the time Bacote's death sentence was sought and imposed, race was a significant factor in the State's decisions to exercise peremptory strikes in Johnston County.

133. At the time Bacote's death sentence was sought and imposed, race was a significant factor in the State's decisions to exercise peremptory strikes in Geddie's case.

134. Bacote was sentenced to death on April 9, 2009, for a murder committed February 16, 2007.

135. In order to establish proof of racial discrimination pursuant to the July 2012 revision to the RJA, Bacote is entitled to demonstrate that racial discrimination occurred during the period of February 16, 1997 through April 9, 2011. *See* N.C. Gen. Stat. §15A-2011(a) (defining "at the time the death sentence was sought or imposed" as the period 10 years before the offense and two years after imposition of the death sentence).

136. The anecdotal, historical, statistical, and documentary evidence presented at the evidentiary hearing in the Cumberland County case of *State v. Marcus Robinson*, including affidavits from prosecutors and prosecutorial training materials, demonstrate that, at the time Bacote's death sentence was sought and imposed, race was a significant factor in decisions to exercise peremptory challenges during jury selection in District 11, Johnston County and in Bacote's case. The evidence presented in *Robinson* and the Court's findings of fact and conclusions of law that are relevant to Bacote's case are described below.

137. The *Robinson* order specifically cited evidence of intentional discrimination in District 11 and Johnston County capital cases. According to the *Robinson* Court:

The State submitted an affidavit asserting that, in the 1996 Johnston County case of *State v. Guevara*, the prosecutor struck black venire member Gloria Mobley because of her purported reservations about the death penalty. The State passed Mary Matthews, Carolyn Sapp, Edna Pearson, Teresa Bryant, Walda Stone, and Natalie Beck, all of whom were non-black venire members who indicated reluctance to impose the death penalty except in especially heinous cases.

...

The many instances described here – of striking African-American venire members for their association with African-American institutions, asking African-American venire members race-based questions, *treating African-American venire members differently from similarly situated non-black venire members*, offering irrational and unconstitutional reasons for striking African-American venire members, and striking African-American venire members for no reason at all – are significant in that they come from cases tried between 1990 and 2009, from a multitude of judicial divisions and prosecutorial districts across North Carolina, including Cumberland County, and including Robinson’s case. Robinson’s evidence is credible and persuasive and casts doubt on the credibility and reliability of the testimony of Robinson’s prosecutor and the prosecutor affidavits reviewed by the State’s expert and admitted as substantive evidence.

After considering the totality of Robinson’s evidence, including the statistically significant disparities in strike decisions by race, *the Court finds the evidence that prosecutors strike African-American venire members for their association with African-American institutions, ask African-American venire members race-based questions, treat African-American venire members differently from similarly situated non-black venire members, offer irrational and unconstitutional reasons for striking African-American venire members, and strike African-American venire members for no reason at all establishes that race was a significant factor in prosecutor’s decisions to strike African-Americans in North Carolina*, in the former Second Division, in Cumberland County, and in Robinson’s case *from 1990-2009, from 1990-1999, from 1990-1994*, and at the time of Robinson’s trial in 1994, *and also establishes intentional discrimination based on race in these same geographical regions and time periods*.

¶¶ 314, 353-54 (emphasis added, citations omitted).

138. In addition, the *Robinson* Court made similar specific findings concerning prior discrimination by Assistant District Attorney Greg Butler in capital cases tried outside of the 11<sup>th</sup> District. Mr. Butler was the person who prosecuted Bacote and who picked the jury in Bacote’s case. Clearly, evidence that Mr. Butler discriminated in other cases in other districts is relevant to the issue of his discrimination in Johnston County and the 11<sup>th</sup> District. Mr. Butler (along with another prosecutor) picked the jury in the 1999 Sampson County case of *State v. Barden* and offered an affidavit purporting to explain the exclusion of qualified African-Americans from the jury. According to the *Robinson* Court:

The State submitted an affidavit asserting that, in the 1999 Sampson County case of *State v. Barden*, the prosecutor struck black venire member Lemiel Baggett because, when asked if he could impose the death penalty, Baggett spoke very quietly and said, “Well, in some cases” and “Yes, I **think** so.” SE32 (Butler Affidavit) (emphasis in original). The State accepted several non-black venire members who expressed similar views and gave nearly identical answers to the question of whether they could impose the death penalty: Teresa Birch, who was also soft-spoken, said, “Yes, I think I could.” Joseph

Berger said, “I guess I could. Yes.” Betty Blanchard said, “I think so.”

¶ 304 (citations omitted). The *Robinson* Court considered this incident as part of a pattern of disparate treatment of minority jurors supporting a finding of intentional discrimination. ¶ 354.

139. Mr. Butler was also singled out by the *Robinson* Court for offering gender discrimination as a reason for two separate capital jury strikes. The *Robinson* Court said:

The State submitted sworn affidavits by a seasoned prosecutor, Gregory C. Butler, ascribing gender as the motive for strikes in two cases. In the 1999 Sampson County case of *State v. Barden*, the prosecutor struck African-American venire member Elizabeth Rich because the State was “looking for strong male jurors.” SE32 (Butler Affidavit). In the 2001 Onslow County case of *State v. Sims & Bell*, the prosecutor struck African-American venire member Viola Morrow in part because the State was “looking for male jurors and potential foreperson. Was making a concerted effort to send male jurors to the defense as they were taking off every male juror.” SE32 (Butler Affidavit).

The Court finds that the stated reason in these two cases reveals an unconstitutional use of peremptory strikes on the basis of gender, in violation of *Batson* and *J.E.B. v. Alabama ex rel T.B.*, 511 U.S. 127 (1994). The Court also finds that the State’s actions in these cases constitute some evidence of a willingness to consciously and intentionally base strike decisions on discriminatory reasons, and some evidence that race was a significant factor in prosecutor strike decisions.

¶¶ 345, 346.

140. These findings by the *Robinson* Court, made after a lengthy and plenary evidentiary hearing, should be accorded weight in this case. The *Robinson* Court’s findings of discrimination in other capital cases tried in the same county and district as Bacote’s case and with the same prosecutor in other districts are relevant to the question of whether race was a significant factor in the prosecution’s decisions to strike minority venire members in this case. Notably, the prosecutor in *Barden* and *Sims & Bell* also prosecuted Bacote.

141. The *Robinson* Court did not exhaustively review every transcript in every capital case to find instances of irrational reasons for excluding African-American citizens from jury service and subjecting African-Americans to disparate questioning and treatment. Rather, the Court included only a number of representative examples. Moreover, prosecutors in Harnett County failed to provide any affidavits to the Court in *Robinson*, but only belatedly produced them after the *Robinson* Court had ruled. A review of the prosecutor’s proffered reasons for striking African-American venire members in District 11 reveals additional examples of the kinds of discriminatory treatment condemned by the *Robinson* Court.<sup>3</sup>

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<sup>3</sup> The case examples described here utilize MSU data on race of venire members. These data are voluminous and are available upon request. Referenced trial transcripts are also available upon request.

142. In *Bacote*'s, own case, the State peremptorily struck African-American venire member Eula Barnes. The defense lodged a *Batson* objection to the State's strike.<sup>4</sup> The State's recent affidavit suggests the prosecutor struck Barnes in part because she had a nephew who had been convicted of drug charges and was "in and out of jail." In addition, Barnes "felt system could have done something else for him." Ex. 2, Butler Affidavit (*Bacote*).

143. The State failed to offer this reason at trial when explaining its reasons for striking Barnes. *State v. Bacote*, Vol. III, Tpp. 105-113. This is exactly the type of "newly-minted reason" that the *Robinson* order said was suspect. *Robinson* Order, ¶ 320, fn. 20.

144. Furthermore, the State passed white venire member Dean Chambry, whose brother was charged with arson of a truck and who told the State he was unsure as to whether his brother had been treated fairly. Vol. II, Tp. 2374.

145. In *State v. Brewington*, tried in Harnett County in 1998, the State struck black venire member Ursula McLean. McLean was employed at Harnett Correctional Center and had previously worked for the Sheriff's Department for a year. McLean was working on her college degree and hoping to become a probation or parole officer. She had never been convicted of any crime and had previously served on a jury in a criminal case. No one in her family had been charged with a crime. McLean's paternal aunt had been murdered about a year before the trial. As a result of her work experience and the ongoing investigation into her aunt's murder, McLean was familiar with "most of the people with the Harnett County Sheriff's Department." McLean stated clearly that she could follow the law and impose the death penalty in an appropriate case. *State v. Brewington*, Vol. 7, Tpp. 132-39. The defense objected under *Batson*. The trial court found no prima facie case and the State did not offer any reasons for the strike. Tp. 140.

146. The State now suggests the prosecution struck McLean in part because her favorite TV program was "religious programs" and she "very frequently" attended church. Ex. 3, Beam Affidavit (*Brewington*).

147. This reason is patently irrational. Church attendance is hardly a reason to exclude a person from jury duty. It is notable that the prosecutor asked McLean no questions about her faith or church affiliation.

148. The State's proffered reason also reveals disparate treatment of black and non-black venire members. McLean's questionnaire reflects that she "very frequently" attended church. Ex. 4, *Brewington* Jury Questionnaires. The State, however, passed numerous white venire members who indicated that they also attended church very frequently.<sup>5</sup> The State passed

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<sup>4</sup> The trial judge found no prima facie case but permitted the State to place its reasons for the strike on the record. *State v. Bacote*, Vol. III, 458-64. The North Carolina Supreme Court has not yet considered the State's strike of Barnes; the case is pending on direct appeal. See *State v. Bacote*, 364 N.C. 430 (2010). Regardless, the facts and circumstances of voir dire may be considered as evidence supporting an RJA claim. See *State v. Bone*, 354 N.C. 1, 26-28 (2001) (despite adverse jury finding on question of mental retardation, defendant was entitled to seek relief under newly-enacted mental retardation statute).

<sup>5</sup> A 2010 Gallup poll showed that 53 percent of North Carolinians attend church on a weekly or near weekly basis. See <http://www.gallup.com/poll/125999/mississippians-go-church-most-vermonters-least.aspx>.

the following venire members who indicated on their questionnaires that they also “very frequently” attended church: Edward Bennett, Linda Butler, James Dorman, Melane Faucette, Roger Johnson, Dee Langdon, Terry Manahan, Craig Matthews, William Matthews, Mary Murphy, Kimberly Snead, Eugenia Stewart, Cindy Wilburn, Marie Wilson, and Elizabeth Wood. Ex. 5, *Brewington* Jury Questionnaires. In fact Manahan, had been an ordained minister since 1981, and was still a pastor at the time of *Brewington*’s trial. Vol 2, Tp. 156.

149. The State’s recent affidavit also says the prosecution struck McLean because her aunt had been murdered in Harnett County and the crime remained unsolved. Ex. 3, Beam Affidavit (*Brewington*). The affidavit does not offer any explanation as to why the fact that she had a relative murdered would make her an undesirable juror for the State. On voir dire, McLean expressed no dissatisfaction with the pace or quality of the law enforcement investigation. Moreover, the State passed non-black venire members whose family members had also been the victims of homicide. Eugenia Stewart’s brother-in-law was killed by a drunk driver. Vol. 7, Tp. 125. Craig Matthews’ second cousin was murdered within a week before he was questioned as a potential juror. Vol. 4, Tp. 67. Yet the State passed both Stewart and Matthews.<sup>6</sup>

150. Also in *State v. Brewington*, the State struck black venire member Pamela Simon. According to the prosecutor’s affidavit, Simon was struck in part, because she was “divorced, receives no child support, and is the sole financial provider.” Ex. 3, Beam Affidavit (*Brewington*). It appears that the justification for striking Simon is that serving as a juror would be a hardship for her. The record, however, reflects that Simon’s situation would not have been a hardship. After being questioned by the prosecutor, Simon said she believed she would be paid by her employer while serving on the jury and she would be able to find someone to pick up her children at five pm. Vol. 1, Tp. 72.

151. Moreover, the State passed a non-black venire member who had a much more significant hardship concern. White venire member Barbara Roller was also a single mother. Ex. 4, *Brewington* Jury Questionnaires. That, however, was not the hardship Roller brought to the Court’s attention. Roller said that she had surgery scheduled for cervical and uterine cancer in three weeks. Roller had been diagnosed with cancer nine months before. Other methods of treatment had failed and surgery was Roller’s last resort. Roller explained that she would be in the hospital for three days and then out of work for a month. Roller acknowledged that she was concerned about the operation; this would have been the first time she had had surgery. Vol. 4, Tpp. 34-35.

152. The prosecutor said he could not predict how long the trial would last and stated he could not promise it would conclude in under three weeks. The prosecutor then asked Roller, “[W]ould rescheduling of the surgery be possible or pose any hazard to you?” Vol. 4, Tpp. 35-36. Roller responded, “It would be possible. As far as I know, it wouldn’t cause any

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<sup>6</sup> The State’s affidavit suggests that, at trial, the prosecutor offered this reason for the strike. In fact, after the defense made its *Batson* objection, the prosecutor commented as to why *the defense* should wish to excuse McLean. See Vol. 7, Tp. 140 (“I am absolutely incredulous, Your Honor, that defense counsel might want this juror to decide the guilt or innocence of the defendant in light of what she has most recently been through with her aunt.”). The State’s decision to now adopt this reason as its own further highlights the irrational and pretextual nature of the strike.

more damage than what it's already caused." Vol. 4, Tp. 36. The state passed Roller.

153. Also in *State v. Brewington*, the State struck black venire member Belinda Moore-Longmire. According to the prosecutor's affidavit, Moore-Longmire was struck for the reasons below:

The following was found in the Jury Questionnaire:

Juror Moore-Longmire was 22 years old and her hyphenated last name was circled by one of the prosecutors.

The following was found in the Jury Selection Transcript:

Juror Moore-Longmire said she "don't read newspapers and stuff."  
Juror Moore-Longmire was subject of a Batson challenge. The Court found that "the evidence fails to establish a prima facie case showing purposeful discrimination... objection is overruled."

Ex. 3, Beam Affidavit (Brewington).

154. The fact that a potential juror has a hyphenated name is neither a rational nor legitimate reason to exclude a citizen from jury service. There is nothing in the record to suggest that the prosecutors were bothered by this venire member utilizing a common practice of hyphenating her name after marriage. Moreover, any concerns about this should have been assuaged when the venire member said she preferred to be called Longmire instead of Moore-Longmire. Vol. 3, Tp. 129.

155. While the State claims that one of the reasons for striking Moore-Longmire was her age, the record reflects that the State passed non-black venire members who were around the same age as the 22-year-old Moore-Longmire. Chad McLamb was 21; Paul Crag was 23; and Jerry Tew was 24. Ex. 4, *Brewington* Jury Questionnaires.

156. In addition, while the State also noted that Moore-Longmire said she did not read newspapers, Jerry Tew — who was only two years older than Moore-Longmire — also said he did not read newspapers. Vol. 1, Tp. 58.

157. In *State v. Taylor*, tried in Harnett County in 2005, the State struck black venire member Sharone Stepney. The prosecution has given an affidavit offering these reasons for striking Stepney:

The following was found in the Jury Questionnaire:

Juror Stepney is 28 years old, single and has kids.

The following was found in the Jury Selection Transcript:

Juror Stepney answered with a qualifier regarding personally giving the death penalty (“If I’m convinced... yes”) versus life without parole (“yes”). Juror Stepney also revealed he was still living with his parents.

Ex. 5, Beam Affidavit (Taylor). A review of the record demonstrates that these are not race-neutral reasons.

158. The transcript reveals that the State’s citation to this single exchange with Stepney is misleading. Nothing else Stepney said about the death penalty exhibited any hesitation about the death penalty whatsoever. *State v. Taylor*, Tpp. 1739-44. When asked whether he had any hesitations or reservations about serving on a death penalty case, Stepney clearly said, “No, sir.” Tp. 1744.

159. Further, the State passed numerous non-black venire members who gave nearly identical answers to the ones deemed unacceptable in Stepney. For example, when Kimberly James was asked if she could personally give the death penalty, she initially told the prosecutors no. Tp. 1882. The prosecutor repeated the question, and again James told the prosecution she could not give the death sentence. Tp. 1883. Finally, James said she could “possibly” vote for death. When she was asked if she could give life without parole, she said she “Yes, I could.” Tp. 1883. The State passed James.

160. Similarly, when asked if she could personally give the death penalty, Amy Burr initially said “I could. I’d have to — you, know, if we’re talking about a person’s life, you’d have to take it all into perspective.” When the prosecutor asked her again about personally giving the death penalty, she said “Yes. If it came to that point.” When he asked her if she could give life without parole, she just said, “Yes.” Tp. 708. The State passed Burr.

161. The State also passed Audrey Godwin despite her answers about whether she could personally give the death penalty. When asked a question similar to the one Stepney was asked about personally giving the death penalty, she said, “If, based on the facts and I — you know, I would take it very seriously. I would think through everything. I’d probably put myself in that situation. If it came to that — if I made that decision, then yes.” Tp. 816. When asked if she could personally give LWOP, she just responded, “Yes.”

162. The State also passed white venire member Denise Winnie despite her answers about personally giving the death penalty and life without parole. When Winnie was first asked if she could personally give the death penalty, she responded by saying, “Could I?” Tp. 784. After the prosecution responded with “Yes,” Winnie said, “I could, but then, again, it depends on the evidence and everything else.” *Id.* When asked if she could personally return a sentence of life without parole, she simply replied, “Yes.” Tp. 785.

163. The State also offered as a reason for striking Stepney that he was single, 28 years old, and had children. This explanation does not suffice as a race-neutral explanation for the strike. First, contrary to the State’s assertion, Stepney’s questionnaire does not say he has children. Also, the State passed non-black venire member Tara Wescott whose questionnaire

showed she was 24 years old, single, and had a seven-year-old daughter. Ex. 6, *Taylor* Jury Questionnaires.

164. In *State v. Lawrence*, tried in Harnett County in 1997, the State struck black venire member Milton Monk. According to the State's recent affidavit, Monk was excused in part because he "had been charged with a crime, DWI, 10-15 years ago." Ex. 8, Beam Affidavit (*Lawrence*). The record shows the State treated black and non-black venire members with criminal records differently.

165. While striking Monk for having a non-violent crime more than a decade before, the State happily accepted a non-black venire member with a more recent conviction for a violent crime. The State passed David Overby who had been charged with and convicted of Assault on a Female in the last two years. At the time of *Lawrence's* trial, Overby was still on probation. *State v. Lawrence*, Vol. III Tp. 17.

166. In *State v. DeCastro*, tried in Johnston County in 1993, the State struck black venire member Harry James. The State's purportedly race neutral reasons for striking James consisted entirely of the following:

This juror was sociology major. I feel some sociologists may be more likely to forgive and have sympathy for defendant based upon socioeconomic circumstances. This juror had a dispute involving landlord tenant relationship. The Decastro case involved landlord tenant relationship. The juror qualified his belief regarding death penalty with "if the law requires it." Because there is some level of discretion in the juror's ultimate decision, I might have concerns regarding that statement.

Ex. 9, Jackson Affidavit (*DeCastro*, et al).

167. The State's characterization of James ignores what James actually said about these issues. James never told the court he was a sociology major. Rather he said that he had attended college for two years and had taken mostly sociology courses. *State v. DeCastro*, Vol. 2, Tp. 137. Instead of being a sociologist, James had been a member of the United States Army for 17 years and served in Desert Storm. Vol. 2, Tpp. 129, 139. His MOS consisted primarily of training military personnel about how defend themselves against chemical warfare. Vol. 2, Tp. 143.

168. The State's purported concern about James having been involved in a landlord tenant dispute was that Decastro's case involved a landlord tenant relationship. The victims were the landlords for one of DeCastro's codefendants; the codefendant was delinquent on paying his rent; and the victims were seeking new tenants. *State v. Decastro*, 342 N.C. 667, 677 (1996). The implication in the affidavit is that James might have been inclined to sympathize with DeCastro because James also had a dispute with his landlord. In fact, in the only landlord tenant dispute James experienced, James was the landlord! He had tenants who were not paying rent. James had never had a problem with any of his landlords. Vol. 2, Tpp. 135, 144. Thus, if

anything, James would have been more likely to identify with the landlord victims, not with the defendant.

169. Finally, concerning James' views on the death penalty, a review of James' voir dire shows that the State's affidavit is misleading about James' capital punishment beliefs. James was not at all reluctant to consider and impose the death penalty.

JUROR JAMES: My personal feelings about the death penalty is that if the law requires it and the act is committed, I don't have no problem with it. If there's clear evidence, I don't have no problem with it.

Vol. 2, Tp. 141.

170. James was then asked if he had any moral or religious opposition to the death penalty.

JUROR JAMES: I'm saying that my moral belief is this: is that in this nation if that's the law and the evidence has proven that an individual's done it, I have no problem with it. The evidence has got to be supported, you know. I have no — My conscience wouldn't have a problem with it if the evidence is there.

*Id.* James' full statements about the death penalty show that his statement "if the law requires it" was a pretextual reason for striking him.

171. The MSU analyses of unadjusted and adjusted jury selection data and the expert testimony and anecdotal evidence presented and considered in *State v. Robinson*, taken together, support a claim under the revised RJA that, at the time the death penalty was sought and imposed, race was a significant factor in decisions to seek or impose the sentence of death in Bacote's case in Johnston County and/or District 11. In addition, this evidence shows that, at the time the death penalty was sought and imposed, race was a significant factor in decisions to exercise peremptory challenges during jury selection in Bacote's case in Johnston County and/or District 11. Ex. 1, Affidavit of Grosso & O'Brien.

172. Bacote will be in a position to more fully develop this claim when the new MSU study is complete. That further data is not available for inclusion in this Amendment is not due to any fault or lack of diligence on the part of Bacote or his counsel. Bacote intends to supplement this claim with further statistical analyses and relevant non-statistical evidence.

**XIII. AT THE TIME THE DEATH SENTENCE WAS SOUGHT AND IMPOSED IN THIS CASE, RACE WAS A SIGNIFICANT FACTOR IN THE STATE'S CAPITAL CHARGING DECISIONS IN DISTRICT 11 AND JOHNSTON COUNTY CAPITAL CASES, INCLUDING DEFENDANT'S CASE.**

173. Bacote incorporates by reference all of the allegations and evidence submitted in his original RJA MAR and pertaining to the State's charging decisions.

174. At the time Bacote's death sentence was sought and imposed, race of defendant was a significant factor in decisions to seek the death penalty in District 11.

175. At the time Bacote's death sentence was sought and imposed, race of defendant was a significant factor in decisions to seek the death penalty in Johnston County.

176. At the time Bacote's death sentence was sought and imposed, race of defendant was a significant factor in decisions to seek the death penalty in Geddie's case.

177. Bacote will be in a position to more fully develop this claim when the new MSU study is complete. That further data is not available for inclusion in this Amendment is not due to any fault or lack of diligence on the part of Bacote or his counsel. Bacote intends to supplement this claim with further statistical analyses and relevant non-statistical evidence.

**XIV. AT THE TIME THE DEATH SENTENCE WAS SOUGHT AND IMPOSED IN THIS CASE, RACE WAS A SIGNIFICANT FACTOR IN JURY SENTENCING DECISIONS IN DISTRICT 11 AND JOHNSTON COUNTY CAPITAL CASES, INCLUDING DEFENDANT'S CASE.**

178. Bacote incorporates by reference all of the allegations and evidence submitted in his original RJA MAR and pertaining to jury sentencing decisions.

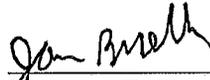
179. At the time Bacote's death sentence was sought and imposed, race of defendant was a significant factor in jury decisions to impose the death penalty in District 11.

180. At the time Bacote's death sentence was sought and imposed, race of defendant was a significant factor in the jury's decision to impose the death penalty in Johnston County.

181. At the time Bacote's death sentence was sought and imposed, race of defendant was a significant factor in the jury's decision to impose the death penalty in Bacote's case.

182. Bacote will be in a position to more fully develop this claim when the new MSU study is complete. That further data is not available for inclusion in this Amendment is not due to any fault or lack of diligence on the part of Bacote or his counsel. Bacote intends to supplement this claim with further statistical analyses and relevant non-statistical evidence.

Respectfully submitted this the 30<sup>th</sup> day of August 2012.



Jonathan E. Broun



Malcolm Ray Hunter, Jr.

Center for Death Penalty Litigation, Inc.  
201 West Main Street, Suite 301  
Durham, North Carolina 27701  
Telephone (919) 956-9545

**ATTORNEYS FOR HASSON BACOTE**

**STATEMENT OF COMPLIANCE WITH  
N.C. Gen. Stat. § 15A-2011(a1)**

I understand that if I am awarded relief under the Racial Justice Act, my death sentence will be vacated and I will be sentenced to life imprisonment without parole. After consulting with my attorneys, I knowingly, intelligently, and voluntarily waive any objection to a sentence of life without parole if the Court finds my rights under the Racial Justice Act have been violated.

I am still litigating claims raised in my first MAR. As to those, if I were granted relief from my conviction or death sentence, I could be entitled to pursue a sentence of life with parole as provided by law at the time of my offense. Apart from the requirements of the recently-amended Racial Justice Act and its provisions, I am not now waiving any right to pursue a sentence of life with parole.

I am not waiving my right to challenge my wrongful and unfair conviction or my unfair and unconstitutional sentence on grounds other than the Racial Justice Act. I will not trade off one constitutional or statutory right for another.

 7/30/12  
Harrison J. Bacote

I hereby certify that I caused to be served a copy of the above and foregoing Defendant's Amendment to Motion for Appropriate Relief pursuant to Racial Justice Act by first class mail upon:

Susan Doyle  
District Attorney  
P.O. Box 1029  
Smithfield, NC 27577

This the \_\_\_\_ day of August 2012.

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Robert Almoney

**Supplemental Affidavit of Catherine M. Grosso and Barbara O'Brien**

CATHERINE GROSSO and BARBARA O'BRIEN, being first duly sworn, depose and say:

1. I, Catherine Grosso, am an Associate Professor at the Michigan State University College of Law. Some of my qualifications and experiences are set forth in a prior affidavit submitted in this matter.

2. I, Barbara O'Brien, am an Associate Professor at the Michigan State University College of Law. Some of my qualifications and experiences are set forth in a prior affidavit submitted in this matter. I testified as an expert witness in the case of *State v. Marcus Robinson*, the first case in which an evidentiary hearing was held under the Racial Justice Act. The court accepted me as an expert in social science research and empirical statistical studies.

3. Our statistical consultant is University of Iowa Emeritus Professor of Statistics and Actuarial Science George Woodworth.

4. We have undertaken an extensive study of capital charging, sentencing, and jury selection in North Carolina between the years of 1990 and 2010. In 2011, we conducted a controlled regression analysis of jury selection in Cumberland County using the set of cases of persons then on death row. In addition, we conducted a controlled regression analysis of jury selection state-wide in North Carolina, utilizing a random sample of jurors. These analyses control for non-racial factors that might potentially explain the racial disparities that we observed in the unadjusted data.

5. Our peremptory strike study collected data about the prosecution's strikes in every proceeding for the defendants on death row at the time of the study. We were able to collect information about 7,424 death-qualified venire members. Of these venire members, 7,404 were eligible to be struck by the State. There were only 7 of the 7,424 venire members for whom we were unable to identify race.

6. On July 2, 2012, the North Carolina legislature enacted a new version of the Racial Justice Act. In our opinion, the unadjusted and adjusted jury selection studies that we have previously conducted, in addition to the expert testimony and anecdotal evidence presented and considered by the judge in *State v. Robinson*, support a claim under the new law that, at the time the death penalty was sought and imposed, race was a significant factor in decisions to seek or impose the sentence of death in Hassan Bacote's case in the county and/or prosecutorial district. In our opinion, at the time the death penalty was sought or imposed, race was a significant factor in decisions to exercise peremptory challenges during jury selection in Hassan Bacote's case in the county and/or district.

7. The new law contains changes that are significant for our research. Among other changes, the legislature defined the phrase "at the time the death penalty was sought or imposed" to mean "the period from 10 years prior to the commission of the offense to the date that is two years after the imposition of the death sentence."

8. The original MSU study of charging decisions by prosecutors and sentencing decisions by juries analyzed cases from 1990 to June 2010. The original MSU study of prosecution decisions to strike potential jurors analyzed 173 capital proceedings, only one of which took place prior to 1990. A number of prisoners on North Carolina's death row have been sentenced to death for murders that occurred in the 1980s and early 1990s. Under the new law, the period of time for which many defendants may present potentially relevant evidence goes back to the 1970s and 1980s. In addition, for prisoners sentenced to death since completion of the original MSU study, the period of time for which they may present potentially relevant evidence extends to 2013.

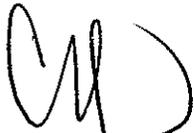
9. To date, we have completed a controlled regression analysis of jury selection in just one county — Cumberland County.

10. In light of the new Racial Justice Act, we plan to expand our data base to include cases from the 1970s and 1980s, as well as 2011-13. In addition, we plan to conduct controlled regression studies of jury selection in individual counties and prosecutorial districts. We expect these studies to yield relevant evidence that, in many cases, will be material to the defendant's proof of a violation of the Racial Justice Act.

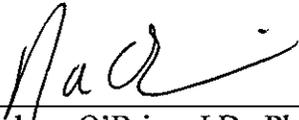
11. To conduct a comprehensive peremptory strike study under the new RJA statute, we intend to collect and analyze documents for trials during the relevant time period. Those documents include, among other things, voir dire transcripts, jury strike sheets, juror questionnaires, and prosecutors' notes in hundreds of cases. Some of this information will likely be available only from the offices of the prosecutors. We intend to hire and train a large staff of qualified coders for this purpose.

12. To conduct a comprehensive charging and sentencing study under the new RJA statute, we intend to collect and analyze documents for death-eligible cases and for death penalty trials during the relevant time period. These documents include, among other things, case files, transcripts, appellate records, and files maintained by prosecutorial offices and law enforcement agencies. The new statute greatly expands the set of cases requiring analysis. We will need to hire and train a staff of qualified coders for this purpose.

13. We estimate that the peremptory strike study under the new RJA will take a minimum of two years to complete. We estimate that the charging and sentencing study could not be completed in less than three years.

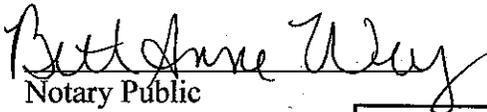


Catherine M. Grosso, J.D.  
Assistant Professor of Law  
Michigan State University College of Law



Barbara O'Brien, J.D., Ph.D.  
Associate Professor of Law  
Michigan State University College of Law

Sworn and subscribed to before a notary public for the County of Ingham State of Michigan, on this the 17 day of August, 2012.



Notary Public

My commission expires on:

BETH ANNE WEY Notary Public, State of Michigan County of Clinton My Commission Expires Nov. 29, 2015 Acting in the County of <u>Ingham</u>
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## Affidavit

I, Gregory Clement Butler, hereby state that the following information is true and accurate to the best of my knowledge:

I am an Assistant District Attorney in Johnston County, Prosecutorial District 11-B. I have been assigned to review and relate information regarding the Capital Murder Trial of Hassan Bacote, 07CRS-51499; I have worked as a prosecutor in Johnston County since 2006. The Bacote case was tried by me and I was assisted by Lauren Talley. I have reviewed the relevant portions of the trial transcript provided to me, and I have reviewed mine and Ms. Talley's notes on jury selection from the original case file located in the District Attorney's office. Specifically, I have been asked to examine the voir dire of prospective jurors who were excused peremptorily by the State of North Carolina and comment on the bases of the challenges.

**Barbara Ann Sanders:** Batson motion denied- In regards to the death penalty, said "if really guilty and did it, then potentially could. There were religious concerns, she said "it's not going to stop here, it's going to go before the Lord." She did not like the idea of the death chair (her word). Very hesitant on the death penalty. Hesitant as to whether she could pronounce a verdict of death. Saying often that "if it was intentional". This was a case of Felony Murder and not P&D and State was not going forth on specific intent to kill.

**Raymon Lyons:** Batson denied- Said Death Penalty was appropriate in some cases, but that he preferred not to have to listen to the case. He didn't believe that the Death Penalty was a necessary law. He could be part of the process to give death, but would not like to be a part of it. Did not want to be on a murder case. Not a time issue, but did not give an explanation why. Did have a cousin convicted of 2<sup>nd</sup> Murder.

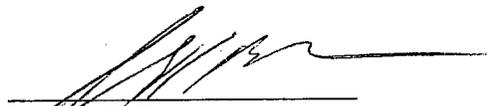
**Eula Barnes:** Batson denied- "Do not believe in the Death Penalty and could not vote for the Death Penalty". State made challenge for cause and was denied after Defense was able to rehabilitate. Had a Nephew convicted for Drug Possession. In and out of jail. She felt system could have done something else for him.

**Kenneth Piner:** Batson denied- Started by saying that he was on the fence on both circumstances. Said "on the fence" over and over. Said that he had his personal feelings "where do I have the right to make that choice" (referring to DP). Not certain that the Death Penalty was a necessary law. He would not answer that question when I asked him about the Death Penalty. He stated how he felt about it being the law but he had difficulty just telling his own personal feelings about it. Juror had family concerns also. 2 cerebral palsy children at home, wife doesn't work. He indicated that that would be on his mind. Said he was going to continue to work even to work all night and then come to court. He did not have concerns about doing his tasks as juror but admitted that the other jurors would have concerns. I had concerns about his ability to focus on the task at hand.

**Rhoshonda Moore:** Batson denied- Stated that she "was not comfortable in giving someone the Death Penalty". Though necessary in some cases, she did not feel comfortable sending someone to the death penalty. "I don't want to do it, could if have to, but did not want to be here". Said that she did not want to be part of the legal machinery that imposed the Death Penalty. At one point said she could not vote to give someone the death penalty, but could still be fair and then later said she could.

**Leonard Frink:** Batson denied- Alternate seat 1 - Went to high school with SBI lead agent. Juror works with Behavioral students. Defendant was in a behavior educational program. Juror deals with that type of student. Defense had 2 proposed experts and his history in a BED program significant part of their report. Juror knew victim's brother. Not sure if that was a good or bad factor for the State. Juror said that "it would be hard". Caused reservations on going forward with this juror. I made this known to Dr. Joseph Katz.

This the 9<sup>th</sup> day of January 2012.

  
\_\_\_\_\_  
Gregory C. Butler  
Assistant District Attorney  
Prosecutorial District 11B

## Affidavit

I, Michael S. Beam III, hereby state that the following information is true and accurate to the best of my knowledge:

I am an Assistant District Attorney and have been continuously so employed since September of 1989 when I started in Johnston County; In September of 2002, I transferred within the same prosecutorial district to Lee County (now 11A); During my tenure with the District Attorney's Office, I have prosecuted nine (9) capital cases (not counting three (3) that we currently have pending); I have been assigned the task of reviewing and examining written materials relating to State v. Robert F. Brewington, 97 CRS 7203-04 and explaining why the original prosecutors exercised peremptory challenges against certain minority prospective jurors; I did not prosecute the case that is the subject of this affidavit, and therefore I have no personal knowledge of the case.

This is an important limitation because quite often prosecutors have a idea of what they want in a juror depending on the particular facts of the case. Generally speaking, what a prosecutor looks for in a juror would be middle-aged or older (not in their 20's), living independently, with a stable employment history, married with children (but not close in age to defendant), involved/engaged with their community (a stakeholder) as well as knowledgeable about current events, conservative (not necessarily in the political sense), law abiding (no criminal charges) with at least a high school education (preferably some college).

Also, in general, it is my observation that transcripts fail to capture most of the non-verbal communication (facial expressions, body language, and demeanor) that is

plainly evident in the live courtroom. In fact, some of the judges in the five (5) cases I reviewed specifically mention these very same observations.

Lastly, in capital cases, prosecutors must judge for themselves whether jurors who say they “believe in” or “support” the death penalty can actually come back into the courtroom and deliver a death verdict.

### Juror Jefferie M. Atkins

The following was found in the Jury Selection Transcript:

Jury Atkins said initially that his previous assault charge would affect his ability to be fair and impartial, then said it wouldn't. Juror Atkins claimed he had “no opinion” about the death penalty as punishment for first degree murder. Juror Atkins was the subject of a Batson challenge. Although not required, the State volunteered as reasons, “convicted felon” and failed to disclose (2) DWI convictions and (1) pending. The Court found that the “evidence fails to establish a prima facie showing.” The Court further noted that the, “Cold record does not show body language, hesitation, turning and twisting” of the juror. The Court declared that the District Attorney has offered “race neutral reasons” and that the Defendant has failed to show pretext.

### Juror Cheryl R. Reed

The following was found in the Juror Questionnaire:

Juror Reed was 19 years old at the time of jury selection and listed “Jerry Springer” as one of her favorite shows.

The following was found in the jury Selection Transcript:

Juror Reed worked with a charged co-defendant, Vera Sue Lee, who she considered to be a friend. Juror Reed was the subject of a Batson challenge. The Court

found that the “evidence failed to establish prima facie case. The Court further noted “the actions, the hesitations, the emotions” of Juror Reed during the voir dire process.

### Juror Kelly McLean

The following was found in the Juror Questionnaire:

Juror McLean had an 8<sup>th</sup> education.

The following was found in the Jury Selection Transcript:

When asked about opinions, beliefs or attitudes about the death penalty Juror McLean said, “I’d rather for someone else to sit here...but I’ll do it.” “I’d rather not be in the case.” “I don’t want to make a decision on somebody else’s life. He was not sure he could decide the sentence because he’s got some opposition to the death penalty.

Juror Mclean was the subject of a Batson challenge. In denying the motion the Court said the “...record clearly shows there’s sufficient basis.” The Court further noted “he obviously doesn’t understand the questions. He’s all over the field on what he says and what he understands. He’s got a limited education.”

### Juror Ursela C. McLean

The following was found in the Juror Questionnaire:

Juror McLean is “opposed to death penalty.” Her favorite TV program is “religious programs” and she “very frequently” attends church.

The following was found in the Jury Selection Transcript:

Juror McLean’s aunt was murdered in Harnett County and it remains an unsolved crime. She said twice, “I don’t support the death penalty.” She was personally opposed based on moral or religious beliefs. Juror McLean was the subject of a Batson challenge. The Prosecutor explained the significance of the aunt’s death by saying “fairly common

knowledge in Harnett County about aunt's case." The Court found that "the evidence fails to establish a prima facie showing of purposeful discrimination..."

#### Juror Pamela M. Simon

The following was found in the Prosecutor's Notes:

Appears to say "sleeping."

The following was found in the Jury Selection Transcript:

Juror Simon is divorced, receives no child support and is the sole financial provider. Juror Simon was the subject of a Batson challenge. The Court found that "the evidence fails to establish a prima facie showing of purposeful discrimination...objection...overruled."

#### Juror Belinda A. Moore-Longmire

The following was found in the Jury Questionnaire:

Juror Moore-Longmire was 22 years old and her hyphenated last name was circled by one of the prosecutors.

The following was found in the Jury Selection Transcript:

Juror Moore-Longmire said she "don't read newspapers and stuff." Juror Moore-Longmire was the subject of a Batson challenge. The Court found that "the evidence fails to establish a prima facie case showing of purposeful discrimination...objection is overruled."

#### Juror Thomas L. Jackson

The following was found in the Jury Selection Transcript:

Juror Jackson said "I don't agree with really the death penalty...I don't like taking another person's life." He agreed that he is personally opposed to or against the death

penalty. Said he felt this way for 25 of his 43 years. Agreed that he was personally against it for his whole adult life. Juror Jackson indicated that even where he could support death penalty he would still be personally opposed to it. He also indicated that where under the facts and the laws the death penalty was appropriate his opposition was so strong it would prevent him from returning a sentence of death. He affirmed twice that even where death penalty was appropriate, he could not vote for it. Juror Jackson was the subject of a Batson Challenge. The Court found that the evidence fails to establish a prima facie showing of purposeful discrimination as to Juror Jackson...objection is overruled.

#### Juror Willie C. Johnson

The following was found in the Juror Questionnaire:

Juror Johnson had a 10<sup>th</sup> grade education.

The following was found in the Jury Selection Transcript:

Juror Johnson said "I did a number of things for Wake County Schools. I'm not going to go into that right now." She also said her husband "got in a little federal problems and he served his time for that...dealing with drugs and guns." Also, apparently, her husband was previously charged with assault. One of her sons was on intensive probation from a State conviction. Juror Johnson also said, "I don't believe in taking people lives...But if you do a crime, you just gotta do the time."

Juror Johnson was the subject of a Batson challenge. In ruling the Court said, "The Court listened very carefully to the State's examination of that juror, as well as all the others. The Court finds that the evidence fails to establish a prima facie showing of purposeful discrimination...objection...overruled." The District Attorney volunteered

that his second chair assistant had personally prosecuted juror's son who apparently was close in age to one of the co-defendants on trial. The Court responded, "The Court finds that the statement by the District Attorney is not pretextual and the Court renews its overruling of the objection to the peremptory challenge."

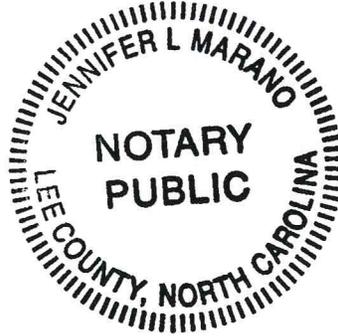
Further, affiant sayeth naught. This 16 day of May , 2012.



Michael S. Beam III  
Assistant District Attorney

*Jennifer L. Marano*  
Jennifer L. Marano

16<sup>th</sup> of May, 2012





JUROR QUESTIONNAIRE

newly new results - if you take with life

- can't give you you need - full on at work & at home

PLEASE MAKE SURE YOUR ANSWERS ARE LEGIBLE

Full Name: Bennett (LAST) Edward (FIRST) Ray (MIDDLE)

Date of Birth: 2-14-1956

What is your race? White

Part of county currently resided in (not specific address:)  
Northwest Haracht

(a) Length of time at current address: 4 years

Current occupation and employment: Bennett Grading

(a) Location of employment: Fuquay-Varina 6500 Bart Rd

(b) Length of employment: 23 years

(c) Job description: Operator, Supervisor

(d) Do you have any supervisory responsibilities? yes

Have you ever served in the armed forces? no

(a) Branch and highest rank: \_\_\_\_\_

(b) Dates: \_\_\_\_\_

(c) Duties: \_\_\_\_\_

Circle current marital status: single, married, divorced, widowed, separated

Please list the sex and ages of your children, and, if employed, nature of work.

Male 14 years

Male 7 years

Male 1 year

Regarding your spouse:

G 03066

(a) What is your spouse's current occupation? Admn

(b) Name and location of spouse's current employer; length of occupation and job description: Raychem, Fuquay-Varina, 13 years, Operate the Company store

State the level and extent of your education: Graduated high school

Have you or any member of your family had any legal training? If so, what training? No

Have you ever served on a trial jury in a federal or state court? If so, where and when? No

Was the trial jury in which you served able to reach a verdict? \_\_\_\_\_

What magazines and newspapers do you subscribe to? Readers Digest

Fuquay Independent

What magazines, newspapers and/or periodicals do you read (even though you do not subscribe to them): News and Observer,

Do you enjoy watching television? yes

(a) How many hours a week do you watch television? 1

(b) What are your three favorite programs?

1. Good Morning America

2. Movies

3. \_\_\_\_\_

Do you belong to any business or social clubs or other organizations?

YES \_\_\_\_\_ NO

If yes, please list their names: \_\_\_\_\_

Do you hold an office now, or have you held an office in a club or organization? YES \_\_\_\_\_ NO

Are you a member of a church? YES \_\_\_\_\_ NO

If so, to which church do you belong? Christian Light

Circle how often you attend: (Very frequently) Often, Rarely)

If you are not a member of a church, what is your religious preference? \_\_\_\_\_

TE: 8-10-98

Edward Bennett

NAME OF JUROR (PLEASE PRINT)

JUROR QUESTIONNAIRE

PLEASE MAKE SURE YOUR ANSWERS ARE LEGIBLE

Full Name: Matthews Craig Thomas  
(LAST) (FIRST) (MIDDLE)

Date of Birth: 3-12-52

What is your race? White

Part of county currently resided in (not specific address:) Coats

(a) Length of time at current address: 12 years

Current occupation and employment: self employed building contractor + realtor

(a) Location of employment: Coats

(b) Length of employment: 23 years

(c) Job description: Construction + sales

(d) Do you have any supervisory responsibilities? yes

Have you ever served in the armed forces? no

(a) Branch and highest rank: \_\_\_\_\_

(b) Dates: \_\_\_\_\_

(c) Duties: \_\_\_\_\_

Circle current marital status: single, married, divorced, widowed, separated

Please list the sex and ages of your children, and, if employed, nature of work.

14 yr old son

12 yr old daughter

Regarding your spouse:

(a) What is your spouse's current occupation? realtor + apartment mgr.

(b) Name and location of spouse's current employer; length of occupation and job description: Craig Matthews Realty Inc Coats N.C.  
realtor + apartment manager

State the level and extent of your education: 4 yrs + College

Have you or any member of your family had any legal training? If so, what training? NO

Have you ever served on a trial jury in a federal or state court? If so, where and when? NO

Was the trial jury in which you served able to reach a verdict? —

What magazines and newspapers do you subscribe to? The Daily Record, Newsweek, Farm Bureau Ins News, Realtor, Bldg Contractor News letter

What magazines, newspapers and/or periodicals do you read (even though you do not subscribe to them): same as above

Do you enjoy watching television? sometimes

(a) How many hours a week do you watch television? ~~14~~ 14

(b) What are your three favorite programs?

- Rodeo on TNN
- TV 5 news mornings
- MOVIES

Do you belong to any business or social clubs or other organizations? YES  NO

If yes, please list their names: Harnett Co. Homebuilders, H.C. Bd. of Realtors, Coats School PTO, Triton Boosters High School, H.C. Bd of Education

Do you hold an office now, or have you held an office in a club or organization? YES  NO

Are you a member of a church? YES  NO

If so, to which church do you belong? Coats Baptist

Circle how often you attend: (Very frequently) Often, Rarely)

If you are not a member of a church, what is your religious preference? —

DATE: 8-5-98

Craig Thomas Matthews  
NAME OF JUROR (PLEASE PRINT)

JUROR QUESTIONNAIRE

PLEASE MAKE SURE YOUR ANSWERS ARE LEGIBLE

1. Full Name: Matthews William Brooks  
(LAST) (FIRST) (MIDDLE)
2. Date of Birth: 10/11/53
3. What is your race? White
4. Part of county currently resided in (not specific address:) Buies Creek

(a) Length of time at current address: 23 years

5. Current occupation and employment: Assistant Principal, Tribon High School  
Harnett County Bd. of Education

(a) Location of employment: Erwin, N.C.

(b) Length of employment: 19 years with Harnett County Schools

(c) Job description: Assistant Principal

(d) Do you have any supervisory responsibilities? yes

6. Have you ever served in the armed forces? No

(a) Branch and highest rank: N/A

(b) Dates: N/A

(c) Duties: N/A

7. Circle current marital status: single married, divorced, widowed, separated

8. Please list the sex and ages of your children, and, if employed, nature of work.

G3161

Maria Suzanne Matthews, F, 19

Jennifer Brook Matthews, F, 17

Heather Lynn Matthews, F, 12

9. Regarding your spouse:

(a) What is your spouse's current occupation? Director Har. Co. Migrant Headstart

(b) Name and location of spouse's current employer; length of occupation and job description: Telemen Corp.; Raleigh, N.C.; 1 month;

Director of new Harnett Co. Migrant Headstart located in Angier,

10. State the level and extent of your education: Master's Ed. Administration

1. Have you or any member of your family had any legal training? If so, what training? No

2. Have you ever served on a trial jury in a federal or state court? If so, where and when? No

3. Was the trial jury in which you served able to reach a verdict? NA

4. What magazines and newspapers do you subscribe to? ESPN Magazine

5. What magazines, newspapers and/or periodicals do you read (even though you may not subscribe to them): News + Observer; Dunn Daily Record

6. Do you enjoy watching television? Yes

(a) How many hours a week do you watch television? 15

(b) What are your three favorite programs?

1. Sports

2. Andy Griffin

3. Movies

7. Do you belong to any business or social clubs or other organizations?

YES  NO

If yes, please list their names: North Carolina Asso. of Educators, Harnett County Principals Association

8. Do you hold an office now, or have you held an office in a club or organization? YES  NO

9. Are you a member of a church? YES  NO

If so, to which church do you belong? Grace Community Church

Circle how often you attend: (Very frequently, Often, Rarely)

If you are not a member of a church, what is your religious preference?

Date: 8/3/98  
G 3162

Name: William Brooks Matthews

NAME OF JUROR (PLEASE PRINT)

JUROR QUESTIONNAIRE

PLEASE MAKE SURE YOUR ANSWERS ARE LEGIBLE

1. Full Name: McKamb Chad Delore  
(LAST) (FIRST) (MIDDLE)

2. Date of Birth: 9-22-76

3. What is your race? White

4. Part of county currently resided in (not specific address:) Coats

(a) Length of time at current address: 2 1/2 years

5. Current occupation and employment: Process Operator - PGI

(a) Location of employment: Benson

(b) Length of employment: 3 years

(c) Job description: Process Operator

(d) Do you have any supervisory responsibilities? NO

6. Have you ever served in the armed forces? NO

(a) Branch and highest rank: \_\_\_\_\_

(b) Dates: \_\_\_\_\_

(c) Duties: \_\_\_\_\_

7. Circle current marital status: single, married, divorced, widowed, separated

8. Please list the sex and ages of your children, and, if employed, nature of work.  
female - 15 months \_\_\_\_\_ G 03082 \_\_\_\_\_

9. Regarding your spouse:

(a) What is your spouse's current occupation? Service Operator

(b) Name and location of spouse's current employer; length of occupation and job description: Champion - Dunn NC, 6 years  
Service Operator

10. State the level and extent of your education: 12 Grade High School

1. Have you or any member of your family had any legal training? If so, what training? NONE

2. Have you ever served on a trial jury in a federal or state court? If so, where and when? NO

3. Was the trial jury in which you served able to reach a verdict? \_\_\_\_\_

4. What magazines and newspapers do you subscribe to? \_\_\_\_\_

5. What magazines, newspapers and/or periodicals do you read (even though you may not subscribe to them): four Wheeler off Road - News Observer

6. Do you enjoy watching television? YES

(a) How many hours a week do you watch television? 20

(b) What are your three favorite programs?

1. ESPN

2. TNN

3. CMT

7. Do you belong to any business or social clubs or other organizations?

YES \_\_\_\_\_  NO \_\_\_\_\_

G 03083

If yes, please list their names: \_\_\_\_\_

8. Do you hold an office now, or have you held an office in a club or organization? YES \_\_\_\_\_  NO \_\_\_\_\_

Are you a member of a church? YES \_\_\_\_\_  NO \_\_\_\_\_

If so, to which church do you belong? \_\_\_\_\_

Circle how often you attend: (Very frequently, Often, Rarely)

If you are not a member of a church, what is your religious preference? \_\_\_\_\_

Christian

E: 8-10-98

Chad Delane McLamb

NAME OF JUROR (PLEASE PRINT)

JUROR QUESTIONNAIRE

PLEASE MAKE SURE YOUR ANSWERS ARE LEGIBLE

1. Full Name: McLean Kelly NMAI  
(LAST) (FIRST) (MIDDLE)

2. Date of Birth: OCT 9 1945

3. What is your race? B

4. Part of county currently resided in (not specific address:)  
ERWIN

(a) Length of time at current address: 15 YEARS

5. Current occupation and employment: BRICK LAYER WORK  
JAMES LEWIS

(a) Location of employment: Raleigh

(b) Length of employment: 6 years

(c) Job description: LAY BRICK

(d) Do you have any supervisory responsibilities? NO

6. Have you ever served in the armed forces? NO

(a) Branch and highest rank: \_\_\_\_\_

(b) Dates: \_\_\_\_\_

(c) Duties: \_\_\_\_\_

7. Circle current marital status: single, married, divorced, widowed, separated

8. Please list the sex and ages of your children, and, if employed, nature of work.

34 M

G 3145

33 M

32 F

9. Regarding your spouse:

(a) What is your spouse's current occupation? \_\_\_\_\_

(b) Name and location of spouse's current employer; length of occupation and job description: \_\_\_\_\_

10. State the level and extent of your education: 8 Th Grade

11. Have you or any member of your family had any legal training? If so, what training? NONE

12. Have you ever served on a trial jury in a federal or state court? If so, where and when? NO

13. Was the trial jury in which you served able to reach a verdict? ✓

14. What magazines and newspapers do you subscribe to? NONE

15. What magazines, newspapers and/or periodicals do you read (even though you may not subscribe to them): NONE

16. Do you enjoy watching television? yes

(a) How many hours a week do you watch television? 30-35

(b) What are your three favorite programs?

1. WESTERNS

2. MAT LOCK

3. Mc

17. Do you belong to any business or social clubs or other organizations?  
YES \_\_\_\_\_ NO ✓

If yes, please list their names: /

18. Do you hold an office now, or have you held an office in a club or organization? YES \_\_\_\_\_ NO ✓

19. Are you a member of a church? YES ✓ NO \_\_\_\_\_

If so, to which church do you belong? Green Chapel

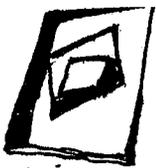
Circle how often you attend: (Very frequently) Often, Rarely)

If you are not a member of a church, what is your religious preference? BAPTIST

20. Date: 3 Aug 98 Name: Kelly McLean

G3146

NAME OF JUROR (PLEASE PRINT)



"would follow the law" - Hunt - "wants to help youth" - parole or Probation  
 - could return a verdict of death  
 - 1/16/68 - car remains unresolved  
 - "opposed to death penalty" - "not card"

JUROR QUESTIONNAIRE

PLEASE MAKE SURE YOUR ANSWERS ARE LEGIBLE

Full Name: McLean Ursela Coryetta  
 (LAST) (FIRST) (MIDDLE)

2. Date of Birth: 02-17-60

3. What is your race? Black

4. Part of county currently resided in (not specific address:) Harnett

(a) Length of time at current address: 38 years

5. Current occupation and employment: Correctional Officer

(a) Location of employment: Harnett Correctional Dept

(b) Length of employment: 2 1/2 years

(c) Job description: Safety and security of public; hostage, staff, inmate and state property

(d) Do you have any supervisory responsibilities? Acting Sergeant

6. Have you ever served in the armed forces? no

(a) Branch and highest rank: N/A - previously - 2 food serv

(b) Dates: N/A

(c) Duties: N/A

7. Circle current marital status: single, married, divorced, widowed, separated

8. Please list the sex and ages of your children, and, if employed, nature of work.

N/A

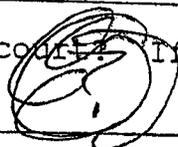
9. Regarding your spouse:

(a) What is your spouse's current occupation? N/A G 03074

(b) Name and location of spouse's current employer; length of occupation and job description:

10. State the level and extent of your education: College ?

11. Have you or any member of your family had any legal training? If so, what training? \_\_\_\_\_

12. Have you ever served on a trial jury in a federal or state court? If so where and when? State court in Harnett Drug Case 

13. Was the trial jury in which you served able to reach a verdict? yes

14. What magazines and newspapers do you subscribe to? none

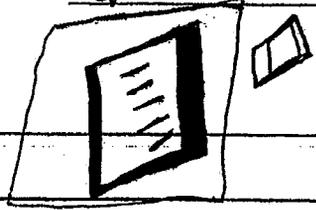
15. What magazines, newspapers and/or periodicals do you read (even though you may not subscribe to them): Harnett County news

16. Do you enjoy watching television? no

(a) How many hours a week do you watch television? 20

(b) What are your three favorite programs?

- 1. Religious Programs
- 2. News
- 3. One Life to Live



17. Do you belong to any business or social clubs or other organizations?

YES \_\_\_\_\_ NO

If yes, please list their names: \_\_\_\_\_

18. Do you hold an office now, or have you held an office in a club or organization? YES \_\_\_\_\_ NO

19. Are you a member of a church? YES  NO \_\_\_\_\_

If so, to which church do you belong? Wesley Chapel AME Zion

Circle how often you attend: (Very frequently, Often, Rarely)

20. If you are not a member of a church, what is your religious preference?

DATE: 8-10-98

Musela C. McLean

NAME OF JUROR (PLEASE PRINT)

JUROR QUESTIONNAIRE

PLEASE MAKE SURE YOUR ANSWERS ARE LEGIBLE

Full Name: PARKER Douglas MATTHEW  
(LAST) (FIRST) (MIDDLE)

Date of Birth: 1-14-55

What is your race? White

Part of county currently resided in (not specific address:) EASTERN  
HARNETT Hwy 55 toward Newton Grove

(a) Length of time at current address: 2 1/2 yrs

Current occupation and employment: Self Employed RESTAURANT  
Owner

(a) Location of employment: 205 Spring BRANCH Rd DUNN, NC

(b) Length of employment: 4 yrs

(c) Job description: Owner (Cook etc.)

(d) Do you have any supervisory responsibilities? Yes

Have you ever served in the armed forces? No

(a) Branch and highest rank: \_\_\_\_\_

(b) Dates: \_\_\_\_\_

(c) Duties: \_\_\_\_\_

Circle current marital status: single, married, divorced, widowed, separated

Please list the sex and ages of your children, and, if employed, nature of work.

- ~~D.M. PARKER JR 25 Paramedic~~  Chris Parker 17 (student)
- J.M. PARKER 23 Law Enforcement (BIET)
- Angela M PARKER 20 Student (waitress)

Regarding your spouse:

(a) What is your spouse's current occupation? Cook (owner)

(b) Name and location of spouse's current employer; length of occupation and job description: DEBAIE'S RESTAURANT JAMEAS  
Above

State the level and extent of your education: 12<sup>th</sup> grad.

11. Have you or any member of your family received any special training? EEOC Retail Management

12. Have you ever served on a trial jury in a federal or state court? If so, where and when? No

13. Was the trial jury in which you served able to reach a verdict? N/A

14. What magazines and newspapers do you subscribe to? DAILY RECORD

15. What magazines, newspapers and/or periodicals do you read (even though you may not subscribe to them): Only paper ABOVE OR TRAVEL CAMPING MAGAZINES

16. Do you enjoy watching television? Yes

(a) How many hours a week do you watch television? 10

(b) What are your three favorite programs? 

1. Dr. Quinn G3552

2. HBO

3. TNT

17. Do you belong to any business or social clubs or other organizations?  
YES \_\_\_\_\_ NO No

If yes, please list their names: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

18. Do you hold an office now, or have you held an office in a club or organization? YES \_\_\_\_\_ NO No

19. Are you a member of a church? YES \_\_\_\_\_ NO No

If so, to which church do you belong? \_\_\_\_\_

Circle how often you attend: (Very frequently, Often, Rarely)

20. If you are not a member of a church, what is your religious preference?  
Protestant

DATE: 8-10-98

Douglas M. PARKER  
NAME OF JUROR (PLEASE PRINT)



JUROR QUESTIONNAIRE

PLEASE MAKE SURE YOUR ANSWERS ARE LEGIBLE

Full Name: Roller (LAST) Barbara (FIRST) Pirrerera (MIDDLE)

Date of Birth: 7-25-09

What is your race? White

Part of county currently resided in (not specific address:)

(a) Length of time at current address: 1 month

Current occupation and employment: Cashier

(a) Location of employment: Garner

(b) Length of employment: 2 months

(c) Job description: answer phones, + cashier

(d) Do you have any supervisory responsibilities? no

Have you ever served in the armed forces? no

(a) Branch and highest rank:

(b) Dates:

(c) Duties:

Circle current marital status: single, married, divorced, widowed, separated

Please list the sex and ages of your children, and, if employed, nature of work.

Daniel Pirrerera - 8 - male

Taylor Pirrerera - 7 - Female

Jessica Roller - 3 - Female

Regarding your spouse:

(a) What is your spouse's current occupation?

(b) Name and location of spouse's current employer; length of occupation and job description:

Indicate the level and extent of your education: 12<sup>th</sup>

Have you or any member of your family...

aining? No

Have you ever served on a trial jury in a federal or state court? If so, where and when? No

Was the trial jury in which you served able to reach a verdict? Yes

What magazines and newspapers do you subscribe to? None

What magazines, newspapers and/or periodicals do you read (even though you may not subscribe to them): None

Do you enjoy watching television? Yes

(a) How many hours a week do you watch television? 3

(b) What are your three favorite programs?

1. Melrose Place

2. Ally McBeal

3. Drew Carey

Do you belong to any business or social clubs or other organizations?

YES \_\_\_\_\_ NO X

If yes, please list their names: \_\_\_\_\_

Do you hold an office now, or have you held an office in a club or organization? YES \_\_\_\_\_ NO X

Are you a member of a church? YES / NO X

If so, to which church do you belong? \_\_\_\_\_

Circle how often you attend: (Very frequently, Often, Rarely)

If you are not a member of a church, what is your religious preference? \_\_\_\_\_

Catholic

DATE: 8/5/98

Barbara Keller

NAME OF JUROR (PLEASE PRINT)

JUROR QUESTIONNAIRE

PLEASE MAKE SURE YOUR ANSWERS ARE LEGIBLE

1. Full Name: Snead Kimberly Watts  
(LAST) (FIRST) (MIDDLE)

2. Date of Birth: 12-27-60

3. What is your race? White

4. Part of county currently resided in (not specific address:) Erwin  
(Hornett)

(a) Length of time at current address: 12 yrs.

5. Current occupation and employment: Licensed Physical Therapy Assistant  
at Good Hope Hospital

(a) Location of employment: GHH - Erwin

(b) Length of employment: 16 yrs.

(c) Job description: treats patients after P.T. evaluates, supervises <sup>P.T.</sup> aides

(d) Do you have any supervisory responsibilities? yes

6. Have you ever served in the armed forces? no

(a) Branch and highest rank: N/A

(b) Dates: N/A

(c) Duties: N/A

7. Circle current marital status: single, married, divorced, widowed, separated

8. Please list the sex and ages of your children, and, if employed, nature of work.

Male - age 10

Male - age 5

9. Regarding your spouse:

(a) What is your spouse's current occupation? Final assembler at furniture plant

(b) Name and location of spouse's current employer; length of occupation and job description: This End Up, Lillington - 2 yrs.  
Assembles furniture

10. State the level and extent of your education: Associate Degree

11. Have you or any member of your family had any legal training? If so, what training? YNO

12. Have you ever served on a trial jury in a federal or state court? If so where and when? YNO

13. Was the trial jury in which you served able to reach a verdict? N/A

14. What magazines and newspapers do you subscribe to? Daily Record, Family Circle, Woman's Day, Men's Health, Guideposts

15. What magazines, newspapers and/or periodicals do you read (even though you may not subscribe to them): Daily Record, Family Circle, Woman's Day, Guideposts, P.T. Bulletin

16. Do you enjoy watching television? not really

(a) How many hours a week do you watch television? 7

(b) What are your three favorite programs?

1. Jeopardy

2. News

3. \_\_\_\_\_

17. Do you belong to any business or social clubs or other organizations?

YES \_\_\_\_\_ NO

If yes, please list their names: N/A

18. Do you hold an office now, or have you held an office in a club or organization? YES \_\_\_\_\_ NO

19. Are you a member of a church? YES  NO \_\_\_\_\_

If so, to which church do you belong? Community Chapel Church

Circle how often you attend: Very frequently, Often, Rarely)

20. If you are not a member of a church, what is your religious preference? \_\_\_\_\_

DATE: 8-3-98

Kimberly W. Sneed

JUROR QUESTIONNAIRE

- Melba  
- small store owner  
- Boone Trail

PLEASE MAKE SURE YOUR ANSWERS ARE LEGIBLE

1. Full Name: Stewart Eugenia Faye  
(LAST) (FIRST) (MIDDLE)

2. Date of Birth: Sept. 10, 1938

3. What is your race? White

4. Part of county currently resided in (not specific address:)  
Western

(a) Length of time at current address: 41 years

Current occupation and employment: Self employed  
I operate a small country Gas + Grocery Store

(a) Location of employment: 2321 Lloyd Stewart Road

(b) Length of employment: 16 years

(c) Job description: Store Manager + Operator

(d) Do you have any supervisory responsibilities? Yes

Have you ever served in the armed forces? No

(a) Branch and highest rank: \_\_\_\_\_

(b) Dates: \_\_\_\_\_

(c) Duties: \_\_\_\_\_

Circle current marital status: single, married, divorced, widowed, separated

Please list the sex and ages of your children, and, if employed, nature of work.

40 Food Ser. Director for Schools

34 Testing Dept. Board of Education

27 farmer

Regarding your spouse:

(a) What is your spouse's current occupation? Retired G 03080

(b) Name and location of spouse's current employer; length of occupation and job description: \_\_\_\_\_

State the level and nature of work

11. Have you or any member of your family had any legal training? <sup>NO</sup> If so, what training? \_\_\_\_\_

12. Have you ever served on a trial jury in a federal or state court? <sup>NO</sup> If so, where and when? \_\_\_\_\_

13. Was the trial jury in which you served able to reach a verdict? \_\_\_\_\_

14. What magazines and newspapers do you subscribe to? Narrett Co News  
SANford Herald <sup>N.C. Wildlife</sup> State Magazine (Several Ladies Magazines)

15. What magazines, newspapers and/or periodicals do you read (even though you may not subscribe to them): \_\_\_\_\_

16. Do you enjoy watching television? YES

(a) How many hours a week do you watch television? approx 3-5

(b) What are your three favorite programs?

1. NEWS programs + Local News
2. \_\_\_\_\_
3. \_\_\_\_\_

17. Do you belong to any business or social clubs or other organizations?

YES \_\_\_\_\_ NO NO

If yes, please list their names: \_\_\_\_\_ G 03081

18. Do you hold an office now, or have you held an office in a club or organization? YES \_\_\_\_\_ NO

19. Are you a member of a church? YES  NO \_\_\_\_\_

If so, to which church do you belong? Spring Hill United Methodist

Circle how often you attend: Very frequently (Often, Rarely)

20. If you are not a member of a church, what is your religious preference? \_\_\_\_\_

TE: 8-10-98

NAME OF JUROR (PLEASE PRINT) \_\_\_\_\_

JUROR QUESTIONNAIRE

PLEASE MAKE SURE YOUR ANSWERS ARE LEGIBLE

1. Full Name: Wilburn Cindi Lucas  
(LAST) (FIRST) (MIDDLE)

2. Date of Birth: 10-14-57

3. What is your race? White

4. Part of county currently resided in (not specific address:) Angier

(a) Length of time at current address: 5 yrs

5. Current occupation and employment: Fidelity Bank Fuguy-Varing  
Operations Assistant

(a) Location of employment: Fuguy-Varing NC

(b) Length of employment: 6 mos

(c) Job description: research for customers

(d) Do you have any supervisory responsibilities? NO

6. Have you ever served in the armed forces? NO

(a) Branch and highest rank: \_\_\_\_\_

(b) Dates: \_\_\_\_\_

(c) Duties: \_\_\_\_\_

7. Circle current marital status: single, married, divorced, widowed, separat

8. Please list the sex and ages of your children, and, if employed, nature of work.

M- 18 \_\_\_\_\_

F- 15 \_\_\_\_\_

9. Regarding your spouse:

(a) What is your spouse's current occupation? Raleigh Police Det

(b) Name and location of spouse's current employer; length of occupation and job description: City of Raleigh, Raleigh NC  
20 yrs

10. State the level and extent of your education: High School Grad

11. Have you or any member of your family had any legal training? If so, what training? NO

12. Have you ever served on a trial jury in a federal or state court? If so, where and when? NO

13. Was the trial jury in which you served able to reach a verdict? \_\_\_\_\_

14. What magazines and newspapers do you subscribe to? Focus on the Family, Citizen, American Family Association

15. What magazines, newspapers and/or periodicals do you read (even though you may not subscribe to them): NO, anything to do with God/Christian life

16. Do you enjoy watching television? NO

(a) How many hours a week do you watch television? 5?

(b) What are your three favorite programs?

1. Cosby

2. Touched by an Angel

3. News

17. Do you belong to any business or social clubs or other organizations?

YES \_\_\_\_\_ NO

If yes, please list their names: \_\_\_\_\_

18. Do you hold an office now, or have you held an office in a club or organization? YES \_\_\_\_\_ NO

19. Are you a member of a church? YES  NO \_\_\_\_\_

If so, to which church do you belong? Baptist Grove

Circle how often you attend: (Very frequently) Often, Rarely)

20. If you are not a member of a church, what is your religious preference? \_\_\_\_\_

DATE: 9-3-98

Cindi Lucas Wilburn

NAME OF JUROR (PLEASE PRINT)

JUROR QUESTIONNAIRE

PLEASE MAKE SURE YOUR ANSWERS ARE LEGIBLE

1. Full Name: Brewer Jeanne Gene  
(LAST) (FIRST) (MIDDLE)

2. Date of Birth: 5-12-56

3. What is your race? W

4. Part of county currently resided in (not specific address:)  
Summerville Area (old 421)

(a) Length of time at current address: 20 yrs.

5. Current occupation and employment: Prepress Dept. Edwards Bros.

(a) Location of employment: Lillington

(b) Length of employment: 10 1/2 yrs.

(c) Job description: Prepare negatives before books go to press

(d) Do you have any supervisory responsibilities? no

6. Have you ever served in the armed forces? no

(a) Branch and highest rank: \_\_\_\_\_

(b) Dates: \_\_\_\_\_

(c) Duties: \_\_\_\_\_

7. Circle current marital status: single, married, divorced, widowed, separated

8. Please list the sex and ages of your children, and, if employed, nature of work.

Female 20 daycare/college

Male 18 school

G 3592

Regarding your spouse:

(a) What is your spouse's current occupation? truck driver

(b) Name and location of spouse's current employer; length of occupation and job description: Winn Dixie Clayton NC 6 yrs.

11. Have you or any member of your family had any legal training? If so, what training? Spouse was in law enforcement for 10 years

12. Have you ever served on a trial jury in a federal or state court? If so, where and when? NO

13. Was the trial jury in which you served able to reach a verdict? \_\_\_\_\_

14. What magazines and newspapers do you subscribe to? time / life / readers digest / firehouse

15. What magazines, newspapers and/or periodicals do you read (even though you may not subscribe to them): Daily Record / all of the above

16. Do you enjoy watching television? yes

(a) How many hours a week do you watch television? 15

(b) What are your three favorite programs?

1. Movies
2. \_\_\_\_\_
3. \_\_\_\_\_

17. Do you belong to any business or social clubs or other organizations?

YES \_\_\_\_\_ NO X

If yes, please list their names: \_\_\_\_\_

18. Do you hold an office now, or have you held an office in a club or organization? YES \_\_\_\_\_ NO X

19. Are you a member of a church? YES X NO (circled)

If so, to which church do you belong? Flatwoods (bapt)

Circle how often you attend: (Very frequently, Often, Rarely) (Rarely)

20. If you are not a member of a church, what is your religious preference? \_\_\_\_\_

DATE: 8-10-98

Jeanne Brewer

JUROR QUESTIONNAIRE

PLEASE MAKE SURE YOUR ANSWERS ARE LEGIBLE

1. Full Name: Wilson, Marie Saggs  
(LAST) (FIRST) (MIDDLE)

2. Date of Birth: 9-15-44

3. What is your race? White

4. Part of county currently resided in (not specific address:)  
Anderson Creek Twsh. - Rt 1 Bunnlevel

(a) Length of time at current address: 25 Years

5. Current occupation and employment: Teacher's Assistant and Bus Driver

(a) Location of employment: Anderson Creek School

(b) Length of employment: 25 years

(c) Job description: Teach children and drive their bus

(d) Do you have any supervisory responsibilities? yes

6. Have you ever served in the armed forces? no

(a) Branch and highest rank: \_\_\_\_\_

(b) Dates: \_\_\_\_\_

(c) Duties: \_\_\_\_\_

7. Circle current marital status: single, married, divorced, widowed, separate

8. Please list the sex and ages of your children, and, if employed, nature of work.

<u>Wendy Stone</u>	<u>F</u>	<u>31</u>	<u>Nurse</u>
<u>Rhonda Lynne</u>	<u>F</u>	<u>30</u>	<u>School Guidance Counselor</u>
<u>Crystal Wilson</u>	<u>F</u>	<u>25</u>	<u>Student / Daycare Worker</u>

9. Regarding your spouse:  
(a) What is your spouse's current occupation? Magistrate

(b) Name and location of spouse's current employer; length of occupation and job description: Harnett County Magistrate 2 years

10. State the level and extent of your education: 2 years College

11. Have you or any member of your family had any legal training? If so, what training? Yes, School for Magistrates

12. Have you ever served on a trial jury in a federal or state court? If so, where and when? no

13. Was the trial jury in which you served able to reach a verdict? \_\_\_\_\_

14. What magazines and newspapers do you subscribe to? Southern Living, Guidepost, Jay Observer

15. What magazines, newspapers and/or periodicals do you read (even though you may not subscribe to them): Family Circle, Woman's Day, Prevention Reader's Digest

16. Do you enjoy watching television? Yes

(a) How many hours a week do you watch television? 5

(b) What are your three favorite programs?

1. T.B.N

2. News and Weather

3. Movies

17. Do you belong to any business or social clubs or other organizations?

YES \_\_\_\_\_ NO

If yes, please list their names: \_\_\_\_\_

18. Do you hold an office now, or have you held an office in a club or organization? YES \_\_\_\_\_ NO \_\_\_\_\_

19. Are you a member of a church? YES  NO \_\_\_\_\_

If so, to which church do you belong? Flat Branch Presbyterian

Circle how often you attend: (Very frequently), Often, Rarely)

20. If you are not a member of a church, what is your religious preference? \_\_\_\_\_

DATE: 8-3-98

Marie Suggs Wilson

- still a  
husband?  
only done  
once

- 14 yrs or so -  
doing fine  
on your part

- 11 answers

- Hardly spent for husband  
- severe ill health he still is  
- she can commit he still is

JUROR QUESTIONNAIRE

PLEASE MAKE SURE YOUR ANSWERS ARE LEGIBLE

Full Name: Wood (LAST) (Kathy) Donna (FIRST) Kathleen Collins (MIDDLE)

Date of Birth: 9-18-58

What is your race? White

Part of county currently resided in (not specific address:) Western

(a) Length of time at current address: 6 yrs

Current occupation and employment: Realtor  
Colin Baker United Realty

(a) Location of employment: Spring Lake

(b) Length of employment: 4 yrs - real estate

(c) Job description: sales

(d) Do you have any supervisory responsibilities? self-employed

Have you ever served in the armed forces? no

(a) Branch and highest rank: —

(b) Dates: —

(c) Duties: —

Circle current marital status: single, married, divorced, widowed, separated

Please list the sex and ages of your children, and, if employed, nature of rk.

Ryan - 19 - CCCC

Brandon - 17 - WHHS

Regarding your spouse:

(a) What is your spouse's current occupation? sales

(b) Name and location of spouse's current employer; length of occupation and job description: Central Carolina Nissan

State the level and extent of your education: 15

Have you or any member of your family had any legal training? If so, what training? no

Have you ever served on a trial jury in a federal or state court? If so, where and when? no

Was the trial jury in which you served able to reach a verdict? —

What magazines and newspapers do you subscribe to? none

What magazines, newspapers and/or periodicals do you read (even though you do not subscribe to them): Somerset Herald, Fayetteville Observer

Do you enjoy watching television? yes

(a) How many hours a week do you watch television? 10

(b) What are your three favorite programs?

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

Do you belong to any business or social clubs or other organizations? YES  NO

If yes, please list their names: National Realtor Assoc., Girl Scouts of America

Do you hold an office now, or have you held an office in a club or organization? YES  NO

Are you a member of a church? YES  NO

If so, to which church do you belong? —

Circle how often you attend: (Very frequently, Often, Rarely)

If you are not a member of a church, what is your religious preference? penitential

DATE: 8-10-98 NAME: Donna K. Wood (Mother)

NAME OF JUROR (PLEASE PRINT)

JUROR QUESTIONNAIRE

PLEASE MAKE SURE YOUR ANSWERS ARE LEGIBLE

1. Full Name: Wood Elizabeth Griffin  
(LAST) (FIRST) (MIDDLE)

2. Date of Birth: 2-16-64

3. What is your race? White

4. Part of county currently resided in (not specific address:) Duncan

(a) Length of time at current address: 5 yrs.

5. Current occupation and employment: Public Service Co. of W.C. Inc.  
Coordinator Customer Service

(a) Location of employment: Fuquay Varina

(b) Length of employment: 12 yrs.

(c) Job description: Accounting

(d) Do you have any supervisory responsibilities? yes

6. Have you ever served in the armed forces? no

(a) Branch and highest rank: \_\_\_\_\_

(b) Dates: \_\_\_\_\_

(c) Duties: \_\_\_\_\_

7. Circle current marital status: single, married, divorced, widowed, separated

8. Please list the sex and ages of your children, and, if employed, nature of work.  
Dave Wood male, 8 yrs. old

9. Regarding your spouse:  
(a) What is your spouse's current occupation? Marty Ausley Grading

(b) Name and location of spouse's current employer; length of occupation and job description: Marty Ausley Grading  
runs equipment

10. State the level and extent of your education: 12 yrs.

11. Have you or any member of your family had any legal training? If so, what training? no

12. Have you ever served on a trial jury in a federal or state court? If where and when? no

13. Was the trial jury in which you served able to reach a verdict? No

14. What magazines and newspapers do you subscribe to? none

15. What magazines, newspapers and/or periodicals do you read (even though you may not subscribe to them): News & Observer

16. Do you enjoy watching television? Yes

(a) How many hours a week do you watch television? 4 hrs.

(b) What are your three favorite programs?

1. Price is Right

2. News-Channel 5

3. \_\_\_\_\_

17. Do you belong to any business or social clubs or other organizations?

YES  NO \_\_\_\_\_

If yes, please list their names: Baptist Young Women's at  
Duncan Baptist Church

18. Do you hold an office now, or have you held an office in a club or organization? YES  NO \_\_\_\_\_

19. Are you a member of a church? YES  NO \_\_\_\_\_

If so, to which church do you belong? Duncan Baptist Church

Circle how often you attend: (Very frequently) Often, Rarely

20. If you are not a member of a church, what is your religious preference? \_\_\_\_\_

DATE: 8-3-98

Elizabeth Griffin Wood

NAME OF JUROR (PLEASE PRINT)

(Mangum) JUROR QUESTIONNAIRE

PLEASE MAKE SURE YOUR ANSWERS ARE LEGIBLE.

1. Full Name: Butler Linda L  
(LAST) (FIRST) (MIDDLE)

2. Date of Birth: 4-12-45

3. What is your race? White

4. Part of county currently resided in (not specific address:)  
HARVETT

(a) Length of time at current address: 6 MOS.

5. Current occupation and employment: FIRST BANK  
LILLINGTON N.C.

(a) Location of employment: LILLINGTON

(b) Length of employment: 19 YRS.

(c) Job description: CUSTOMER SERVICE

(d) Do you have any supervisory responsibilities? No

6. Have you ever served in the armed forces? No

(a) Branch and highest rank: \_\_\_\_\_

(b) Dates: \_\_\_\_\_

(c) Duties: \_\_\_\_\_

Circle current marital status: single, married, divorced, widowed, separated

Please list the sex and ages of your children, and, if employed, nature of rk.

DAVID CLINTON MANGUM 32 yrs.

Self Employed DRY WALL

G3596

Regarding your spouse:

(a) What is your spouse's current occupation? Retired

(b) Name and location of spouse's current employer; length of occupation and job description: Civil Service Supply Div.

State the level and \_\_\_\_\_

11. Have you or any member of your family had any legal training? If so, what training? No

12. Have you ever served on a trial jury in a federal or state court? If so, where and when? No

13. Was the trial jury in which you served able to reach a verdict? No

14. What magazines and newspapers do you subscribe to? News + Observer

15. What magazines, newspapers and/or periodicals do you read (even though you may not subscribe to them): Home + Garden Country Living

6. Do you enjoy watching television? No

(a) How many hours a week do you watch television? 4

(b) What are your three favorite programs?

1. N/A Cosby Show

2. N/A

3. N/A

7. Do you belong to any business or social clubs or other organizations?

YES \_\_\_\_\_ NO

If yes, please list their names: \_\_\_\_\_

8. Do you hold an office now, or have you held an office in a club or organization? YES \_\_\_\_\_ NO

9. Are you a member of a church? YES  NO

If so, to which church do you belong? Lillington Methodist

Circle how often you attend: (Very frequently, Often, Rarely)

10. If you are not a member of a church, what is your religious preference? \_\_\_\_\_

DATE: 8/10/99

Linda Mangum Butler

JUROR QUESTIONNAIRE

PLEASE MAKE SURE YOUR ANSWERS ARE LEGIBLE

1. Full Name: DORMAN James Harold Sr.  
(LAST) (FIRST) (MIDDLE)

2. Date of Birth: 12-27-43

3. What is your race? Cau

4. Part of county currently resided in (not specific address:)  
Erwin

(a) Length of time at current address: 9 mos

5. Current occupation and employment: DORMAN & Pope Bldg

(a) Location of employment: Erwin, N.C. (1701 Dennis Drive)

(b) Length of employment: 3 years

(c) Job description: Owner

(d) Do you have any supervisory responsibilities? Yes

6. Have you ever served in the armed forces? Yes

(a) Branch and highest rank: U.S. Navy YNC(SS)

(b) Dates: 1-27-63 - 7-31-82

(c) Duties: Administrative

7. Circle current marital status: single, married, divorced, widowed, separated

8. Please list the sex and ages of your children, and, if employed, nature of work.

James H. DORMAN Sr. Pro Golf

9. Regarding your spouse:

(a) What is your spouse's current occupation? Disable (Retired)

(b) Name and location of spouse's current employer; length of occupation and job description: N/A

10. State the level and extent of your education: 12 years

1. Have you or any member of your family had any legal training? If so, what raining? NONE

2. Have you ever served on a trial jury in a federal or state court? If so here and when? No

3. Was the trial jury in which you served able to reach a verdict? NA

4. What magazines and newspapers do you subscribe to? Daily Record

5. What magazines, newspapers and/or periodicals do you read (even though you may not subscribe to them): Time and About, Daily Record, Golf

Magazine

6. Do you enjoy watching television? Yes

(a) How many hours a week do you watch television? 20 hours

(b) What are your three favorite programs?

1. Various Novels

2. \_\_\_\_\_

3. \_\_\_\_\_

7. Do you belong to any business or social clubs or other organizations?

YES \_\_\_\_\_ NO X

If yes, please list their names: \_\_\_\_\_

8. Do you hold an office now, or have you held an office in a club or organization? YES \_\_\_\_\_ NO X

9. Are you a member of a church? YES X NO \_\_\_\_\_

If so, to which church do you belong? 1st Baptist Church

Circle how often you attend: (Very frequently) Often, Rarely)

10. If you are not a member of a church, what is your religious preference? \_\_\_\_\_

NA

DATE: 8-3-98

James Harold Donman

NAME OF JUROR (PLEASE PRINT)

JUROR QUESTIONNAIRE

PLEASE MAKE SURE YOUR ANSWERS ARE LEGIBLE

Full Name: Faucette (LAST) Melane (FIRST) Hipp (MIDDLE)

Date of Birth: 12-1-66

What is your race? white

Part of county currently resided in (not specific address:)  
Northern Harnett

(a) Length of time at current address: 8 1/2 yrs

Current occupation and employment: Operations, Bob Barker Co Inc

(a) Location of employment: Fuquay-Varina

(b) Length of employment: 8 1/2 yrs

(c) Job description: Operations Support Supervisor

(d) Do you have any supervisory responsibilities? yes

Have you ever served in the armed forces? no

(a) Branch and highest rank: \_\_\_\_\_

(b) Dates: \_\_\_\_\_

(c) Duties: \_\_\_\_\_

Circle current marital status: single, married, divorced, widowed, separated

Please list the sex and ages of your children, and, if employed, nature of work.  
Male 5 1/2

male 1 1/2

Regarding your spouse:

(a) What is your spouse's current occupation? Landscaper

(b) Name and location of spouse's current employer; length of occupation and job description: Todd Faurett, self-employed, F-V, 8 1/2 yrs.

Landscaper.

State the level and extent of your education: 12 yrs plus 2 tech school

Have you or any member of your family had any legal training? NO

Have you ever served on a trial jury in a federal or state court? If so, where and when? NO

Was the trial jury in which you served able to reach a verdict? \_\_\_\_\_

What magazines and newspapers do you subscribe to? None

5. What magazines, newspapers and/or periodicals do you read (even though you may not subscribe to them): None

6. Do you enjoy watching television? NO

(a) How many hours a week do you watch television? 2

(b) What are your three favorite programs?

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

7. Do you belong to any business or social clubs or other organizations?

YES \_\_\_\_\_ NO

If yes, please list their names: \_\_\_\_\_

8. Do you hold an office now, or have you held an office in a club or organization? YES \_\_\_\_\_ NO

9. Are you a member of a church? YES  NO \_\_\_\_\_  
If so, to which church do you belong? Baptist Grove

Circle how often you attend: (Very frequently), Often, Rarely

10. If you are not a member of a church, what is your religious preference? \_\_\_\_\_

DATE: 8-5-98

Melane Hipp Fauette  
NAME OF JUROR (PLEASE PRINT)

JUROR QUESTIONNAIRE

PLEASE MAKE SURE YOUR ANSWERS ARE LEGIBLE

1. Full Name: JOHNSON ROGER BARRY  
(LAST) (FIRST) (MIDDLE)

2. Date of Birth: 8/30/48

3. What is your race? WHITE

4. Part of county currently resided in (not specific address:)  
LILLINGTON AND ALSO CAROLINA BEACH

(a) Length of time at current address: 4 YRS

5. Current occupation and employment: SALES REPRESENTATIVE  
GNB TECHNOLOGIES

(a) Location of employment: RALEIGH, N.C.

(b) Length of employment: 4 YRS

(c) Job description: OUTSIDE FIELD SALES REPRESENTATIVE

(d) Do you have any supervisory responsibilities? NO

6. Have you ever served in the armed forces? YES

(a) Branch and highest rank: NAVY PETTY OFFICER

(b) Dates: '68 - '72

(c) Duties: COMMUNICATIONS

7. Circle current marital status: single, married, divorced, widowed, separated

8. Please list the sex and ages of your children, and, if employed, nature of work.

CANDICE - FEMALE - 16 - STUDENT

MARK - MALE - 24 - SHIPPING/RECEIVING MGR

9. Regarding your spouse:

(a) What is your spouse's current occupation? N/A

(b) Name and location of spouse's current employer; length of occupation and job description:

10. State the level and extent of your education: COLLEGE GRAD.

1. Have you or any member of your family had any legal training? If so, what training? NO

2. Have you ever served on a trial jury in a federal or state court? If so, where and when? NO

3. Was the trial jury in which you served able to reach a verdict? \_\_\_\_\_

4. What magazines and newspapers do you subscribe to? 0

5. What magazines, newspapers and/or periodicals do you read (even though you may not subscribe to them): YACHTING MOTOR, WILMINGTON SUN, NEWS & OBSERVER, HARNETT CO. NEWS

6. Do you enjoy watching television? YES

(a) How many hours a week do you watch television? 5

(b) What are your three favorite programs?

1. 20/20
2. 60 MIN
3. CNN

7. Do you belong to any business or social clubs or other organizations?  
YES \_\_\_\_\_ NO ✓

If yes, please list their names: \_\_\_\_\_

8. Do you hold an office now, or have you held an office in a club or organization? YES \_\_\_\_\_ NO ✓

9. Are you a member of a church? YES ✓ NO \_\_\_\_\_

If so, to which church do you belong? LOG CABIN LUTHERAN BAPTIST CHURCH

Circle how often you attend: (Very frequently, Often, Rarely)

10. If you are not a member of a church, what is your religious preference? \_\_\_\_\_

DATE: 8/6/98 NAME: ROGER B. JOHNSON

NAME OF JUROR (PLEASE PRINT)

JUROR QUESTIONNAIRE

PLEASE MAKE SURE YOUR ANSWERS ARE LEGIBLE

Full Name: Lanndon Dee Carson  
(LAST) (FIRST) (MIDDLE)

Date of Birth: 4-9-61

What is your race? White

Part of county currently resided in (not specific address:) Harnett

(a) Length of time at current address: 37 years

Current occupation and employment: Self employed  
Contractor and Landscaping

(a) Location of employment: Angier

(b) Length of employment: 18 years

(c) Job description: Construction and Landscaping

(d) Do you have any supervisory responsibilities? Yes

Have you ever served in the armed forces? No

(a) Branch and highest rank: \_\_\_\_\_

(b) Dates: \_\_\_\_\_

(c) Duties: \_\_\_\_\_

Circle current marital status: single, married, divorced, widowed, separated

Please list the sex and ages of your children, and, if employed, nature of work.

Female 15

Regarding your spouse:

(a) What is your spouse's current occupation? Bookkeeper

(b) Name and location of spouse's current employer; length of occupation and job description: New Southern Homes Angier

12 yrs Bookkeeper

State the level and extent of your education: 12 yrs High school

1. Have you or any member of your family had any legal training? If so, what training? No

2. Have you ever served on a trial jury in a federal or state court? If so, here and when? No

3. Was the trial jury in which you served able to reach a verdict? \_\_\_\_\_

4. What magazines and newspapers do you subscribe to? Daily Record

5. What magazines, newspapers and/or periodicals do you read (even though you may not subscribe to them): Daily Record

6. Do you enjoy watching television? Yes

(a) How many hours a week do you watch television? 30

(b) What are your three favorite programs?

1. CNN

2. Local News

3. Movies

7. Do you belong to any business or social clubs or other organizations?

YES \_\_\_\_\_ NO

If yes, please list their names: \_\_\_\_\_

8. Do you hold an office now, or have you held an office in a club or organization? YES \_\_\_\_\_ NO

9. Are you a member of a church? YES  NO \_\_\_\_\_

If so, to which church do you belong? Abundant Life Worship Center

Circle how often you attend: (Very frequently, Often, Rarely)

10. If you are not a member of a church, what is your religious preference? \_\_\_\_\_

TE: 8-6-98

Dee Carson Langdon

NAME OF JUROR (PLEASE PRINT)

JUROR QUESTIONNAIRE

- Civil case or  
criminal case?  
- Angier HS

PLEASE MAKE SURE YOUR ANSWERS ARE LEGIBLE

Full Name: MARRI EDWARD RICHARD  
(LAST) (FIRST) (MIDDLE)

Date of Birth: 3-18-55 - "Strongly believe in capital punishment"

What is your race? WHITE

Part of county currently resided in (not specific address:) ANGIER

(a) Length of time at current address: ALL MY LIFE

Current occupation and employment: MAINTENANCE ~~CONTINENTAL~~  
FABRIC

(a) Location of employment: ANGIER *maintenence by of whole factory*

(b) Length of employment: 24 YEARS

(c) Job description: MAINTENANCE ELECTRICAL FOR PLANT

(d) Do you have any supervisory responsibilities? YES

Have you ever served in the armed forces? NO

(a) Branch and highest rank: - read & care well before lat

(b) Dates: in Daily Record details

(c) Duties: - direct case - results for full an opinion

Circle current marital status: single, (married), divorced, widowed, separated

Please list the sex and ages of your children, and, if employed, nature of work.

FEMALE 19 POPES FAMILY STORE COATS

FEMALE 17 ECKERD IN DUPON

G3114

Regarding your spouse:

(a) What is your spouse's current occupation? HOUSE WIFE

(b) Name and location of spouse's current employer; length of occupation and job description: \_\_\_\_\_

Have you or any member of your family had any legal training? If so, what training? NO

Have you ever served on a trial jury in a federal or state court? If so, where and when? YES

Was the trial jury in which you served able to reach a verdict? YES

What magazines and newspapers do you subscribe to? DAILY RECORD

What magazines, newspapers and/or periodicals do you read (even though you do not subscribe to them): NEW & OVERSEER

Do you enjoy watching television? YES

(a) How many hours a week do you watch television? 2 HRS

(b) What are your three favorite programs?

1. NEWS
2. TNN
3. SPORTS CHANNEL

Do you belong to any business or social clubs or other organizations?  
YES \_\_\_\_\_ NO NO G3115

If yes, please list their names: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Do you hold an office now, or have you held an office in a club or organization? YES \_\_\_\_\_ NO NO

Are you a member of a church? YES \_\_\_\_\_ NO NO  
If so, to which church do you belong? \_\_\_\_\_

Circle how often you attend: (Very frequently, Often, Rarely)

If you are not a member of a church, what is your religious preference?  
BAPTIST

NAME: \_\_\_\_\_ Edward Richard Mabry

NAME OF JUROR (PLEASE PRINT)

JUROR QUESTIONNAIRE

PLEASE MAKE SURE YOUR ANSWERS ARE LEGIBLE

① Where Pastor for 1980-85?  
② Administrative duties to what → Monroe, NC?  
③ What do he do that?  
Ellis  
④ How long this in (MIDDLE)  
⑤ What appeals to you @ church program

1. Full Name: Manahan Terry Ellis  
(LAST) (FIRST) (MIDDLE)

2. Date of Birth: 11/1/55

3. What is your race? Caucasian

4. Part of county currently resided in (not specific address:): Recently annexed portion of <sup>Killington</sup> Neills Creek area) Old Coats Rd.

(a) Length of time at current address: 6 yrs

5. Current occupation and employment: Minister at Fellowship Bible Church

(a) Location of employment: 401 S. Main St. Fuquay-Varina, NC

(b) Length of employment: 2 years

(c) Job description: Pastoral + administrative duties

(d) Do you have any supervisory responsibilities? Yes

6. Have you ever served in the armed forces? No

(a) Branch and highest rank: \_\_\_\_\_

(b) Dates: NA

(c) Duties: \_\_\_\_\_

7. Circle current marital status: single, married, divorced, widowed, separated

8. Please list the sex and ages of your children, and, if employed, nature of work.

Male - 17 - Student (works part time at Food Lion)

Female - 14 - " "

" - 9 - " "

9. Regarding your spouse: G 03100

(a) What is your spouse's current occupation? Home maker

(b) Name and location of spouse's current employer; length of occupation and job description: NA

10. State the level and extent of your education: 2 masters degrees

11. Have you or any member of your family had any legal training? If so, what training? No

12. Have you ever served on a trial jury in a federal or state court? If so, where and when? No

13. Was the trial jury in which you served able to reach a verdict? NA

14. What magazines and newspapers do you subscribe to? Readers Digest, Life, Zion's Fire

15. What magazines, newspapers and/or periodicals do you read (even though you may not subscribe to them): News + Observer, Daily Record, Fugate Independent, Focus on The Family

16. Do you enjoy watching television? Some times

(a) How many hours a week do you watch television? 10

(b) What are your three favorite programs?

1. Home Improvement

2. Cosby Show

3. National Geographic Specials

17. Do you belong to any business or social clubs or other organizations?

YES \_\_\_\_\_ NO  G3101

If yes, please list their names: \_\_\_\_\_

18. Do you hold an office now, or have you held an office in a club or organization? YES \_\_\_\_\_ NO

19. Are you a member of a church? YES  NO \_\_\_\_\_

If so, to which church do you belong? Fellowship Bible Church

Circle how often you attend: (Very frequently) Often, Rarely)

If you are not a member of a church, what is your religious preference? \_\_\_\_\_

8/3/98

Terry E. Manahan

NAME OF JUROR (PLEASE PRINT)

## Affidavit

I, Michael S. Beam III, hereby state that the following information is true and accurate to the best of my knowledge:

I am an Assistant District Attorney and have been continuously so employed since September of 1989 when I started in Johnston County; In September of 2002, I transferred within the same prosecutorial district to Lee County (now 11A); During my tenure with the District Attorney's Office, I have prosecuted nine (9) capital cases (not counting three (3) that we currently have pending); I have been assigned the task of reviewing and examining written materials relating to State v. Eddie L. Taylor, 03 CRS 57461 and explaining why the original prosecutors exercised peremptory challenges against certain minority prospective jurors; I did not prosecute the case that is the subject of this affidavit, and therefore I have no personal knowledge of the case.

This is an important limitation because quite often prosecutors have a idea of what they want in a juror depending on the particular facts of the case. Generally speaking, what a prosecutor looks for in a juror would be middle aged or older (not in their 20's), living independently, with a stable employment history, married with children (but not close in age to defendant), involved/engaged with their community (a stakeholder) as well as knowledgeable about current events, conservative (not necessarily in the political sense), law abiding (no criminal charges) with at least a high school education (preferably some college).

Also, in general, it is my observation that transcripts fail to capture most of the non-verbal communication (facial expressions, body language, and demeanor) that is

plainly evident in the live courtroom. In fact, some of the judges in the five (5) cases I reviewed specifically mention these very same observations.

Lastly, in capital cases, prosecutors must judge for themselves whether jurors who say they “believe in” or “support” the death penalty can actually come back into the courtroom and deliver a death verdict.

### Juror Annie J. Thomas

The following was found in the Jury Questionnaire:

Juror Thomas is single and has been employed 5 months. She has previously been arrested for Worthless Check. A member of her family or close friend served time for assault with a deadly weapon. One of her favorite programs is CSI.

The following was found in the Jury Selection Transcript:

Juror Thomas answered the question by the State if “you are convinced beyond a reasonable doubt that based on the facts and the law the death penalty was the appropriate punishment could you return a sentence of death?, I’m not sure about that.” Juror Thomas answered the same question with life in prison without parole as punishment, “yes, sir, I could.” Juror Thomas answered a clarifying follow-up question...“I can’t say somebody should die.” Agreed that even though she was not opposed to the death penalty theoretically, she, herself could not do it as a juror. Agreed that because of this it would substantially impair or interfere with her ability to be a juror. The State challenged for cause.

The Court then questioned the juror. In answering, “...are you saying that you would never vote to impose the death penalty...?” Juror Thomas responded, “...I don’t want to be nobody’s judge to say whether he should die. I don’t want to do that. I don’t

think I'd feel comfortable saying that person should be put to death. No sir. I can't do that."

While addressing a Batson motion as to Juror Monroe, the Court found no prima facie showing of a discriminatory exercise of peremptory challenges. After reviewing posthumously why each minority identified juror had been excused the Court also found, "Based upon that, there's been no prima facie showing of a pattern of discrimination in the exercised peremptory challenges."

### Juror Gabriel Chance

The following was found in the Juror Questionnaire:

Juror Chance did not answer, "Current Marital Status." He has no children and has had family or close friend charged with controlled substance violations.

The following is found in the Prosecutor's Notes:

Juror Chance hesitated then "Disagreed" with the question, "Is death penalty appropriate for some but not all first degree murders." Based on personal reason is not generally in favor of death penalty.

The following is found in the Jury Selection Transcript:

The Court conducted voir dire first. Juror Chance disagreed that the death penalty is appropriate penalty for some but not all persons convicted of first degree murder. He answered, "It would be the same" when asked if the death penalty is the only appropriate penalty for all persons convicted of first degree murder. When asked again Juror Chance replied, "Not really." But then, he replied, "True, true" to is the death penalty never appropriate as a penalty for anyone convicted of first degree murder?

Then the State began questioning the juror. Juror Chance said... "It's kind of unfair if you take another person's life" in explaining his personal opinions, beliefs, or attitudes about the death penalty. When asked how strong his opinions or beliefs are about the death penalty he answered non-responsively, "I don't think it is fair." Again vaguely, he answered, "not really" when asked if he would vote against the death penalty regardless of the facts or the law. Contrary to what he had told the judge he said, "yes, I do" to the question of appropriateness of the death penalty in some cases of first degree murder. When asked for clarification if he believed that the death penalty is an appropriate punishment in some but not necessarily all cases of first degree murder Juror Chance said, "It's about the same." When asked to explain this answer Juror Chance responded, "You get the chair or you spend your time." Again, unclearly, he said, "Not all the time" when asked if there are some premeditated first degree murders where the death penalty is an appropriate punishment. When asked the same question with life in prison being the appropriate punishment, Juror Chance simply replied, "yes." He gave the same answers when asked about first degree murder based on felony murder with the only variable being punishment as death ("Not really") and life ("yes"). Juror Chance said that even if under the facts and the law he thought the death penalty was appropriate he could "not really" return a verdict of death. His answer to the same question with the penalty being life in prison without parole was again, simply "yes". Juror Chance shook his "head negatively" when asked if he were convinced beyond a reasonable doubt that under the facts and the law that the death penalty was the appropriate punishment could he return to the courtroom, stand up and return a verdict of death. State clarified his head

shake as saying he could not and Juror Chance once again “shakes head negatively.” The State challenged for cause.

Juror Chance was then questioned by the Court. He nodded affirmatively and clarified “yes” that he would automatically vote against the death penalty. Juror Chance said “not really” regarding some circumstances in which he could impose the death penalty. Says he could not vote for the death penalty. Says he does not know what he would do. Juror Chance also said, “Maybe I would” be able to vote for either death or life without parole. The Court denied the challenge for cause.

The State resumed questioning. When asked about family or close friends who have been victims of a crime Juror Chance responded, “My brother he went to jail a couple of times for drugs. Juror Chance declared that he believes in the death penalty, and “supports” the death penalty meaning he believes the death penalty is appropriate as a punishment in “some” cases of first degree murder. After clarifying several times he says he could not vote for death even though he was convinced beyond a reasonable doubt. State challenged for cause again.

Defense moved to rehabilitate. Juror Chance answered that even if “the law required that the verdict be the death penalty,” he could “not really” follow that law and the judge’s instruction. Juror Chance clarified that what he meant by “not really” was, “it would probably be no.” He didn’t know how to explain himself.

When asked again by the State if he could return a verdict of death if convinced beyond a reasonable doubt Juror Chance this time answered “yes, I could.” He could not explain his change in answer. When asked again if he could return a verdict of death if

he was convinced beyond a reasonable doubt that the death penalty was the appropriate penalty based on the facts and the law he this time said, "No, I couldn't."

The Court unilaterally excused the juror to the jury room and told the State, "I'm still denying the motion for cause." State chose not to exercise any peremptories at the time because apparently there were already two (2) empty seats to fill. When the State later did exercise a peremptory for Juror Chance the Defendant said nothing until later when Juror Monroe was peremptorily excused by the State. While addressing a Batson motion as to Juror Monroe, the Court found no prima facie showing of a discriminatory exercise of peremptory challenges. After reviewing posthumously why each minority identified juror had been excused the Court also found, "Based upon that, there's been no prima facie showing of a pattern of discrimination in the exercised peremptory challenges."

### Juror Janet Monroe

The following was found in the jury Questionnaire:

Juror Monroe is single and has no children.

The following was found in the Jury Selection Transcript:

When asked for her personal opinions, beliefs or attitudes about the death penalty she said..."we don't have a life to give. I mean, God gave us our life, and we really don't have a life to take."

After having the concept of premeditation explained she answered that the death penalty was not appropriate for premeditated first degree murder. When asked again more directly she answered, "well, if they premeditated it, I really - - if they know they were going to do this to that person - - that's hard for me to say." Responded without

pausing, "Yeah, life in prison, yeah." to the question of the appropriateness of life in prison for some premeditated first degree murders.

The concept of felony murder was previously explained. In answering regarding the appropriateness of the death penalty for some first degree murders based on felony murder she said, "I really - - the death penalty I tell you, I really don't agree with." Again, answered without hesitation, "yeah, life imprisonment, yeah. I can picture life in prison" to the question of the appropriateness of life in prison for some first degree murders based on felony murder.

When asked if she personally could return a verdict of death she said, "that would be hard to say. I really, really don't agree with the death penalty, not unless it's - - it's got to be certain things, you know. It's got to be - - the evidence has really got to point to that." Again, answered without hesitation, "Yeah, life in prison." to the question of whether she could return a sentence of life in prison. The court sustained Defendant's objection to a follow-up clarifying question regarding Juror Monroe wanting to "know beyond any doubt" before she could personally impose the death penalty. Juror Monroe disclosed that her brother has had DWIs.

Juror Monroe was the subject of a Batson challenge. In ruling on this motion the Court said, "...as to ..Janet Monroe, even though she did not arise to the level of qualifying for cause, she expressed tremendous hesitation in being able to vote for the death penalty. The Court would find as to... the observations of that juror would be that the State was entirely justified in excusing her because of her expressions and answers to the questions concerning capital punishment. The Court finds as to that juror there is no

prima facia showing that the State has exercised a peremptory challenge on the basis of race.”

**Juror Sharone Stepney**

The following was found in the Jury Questionnaire:

Juror Stepney is 28 years old, single and has kids.

The following was found in the Jury Selection Transcript:

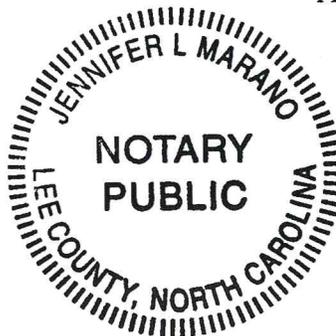
Juror Stepney answered with a qualifier regarding personally giving death penalty (“If I’m convinced...yes”) versus life without parole (“yes”). Juror Stepney also revealed that he was still living with his parents.

Juror Stepney was the subject of a Batson Challenge. The motion was denied by the Court because, “It does not appear to the Court that there’s been a prima facia showing of an inference of purposeful discrimination.” In so ruling, the Court noted, “As to the make up of the jury as it now stands selected, there have been seven white females, three white males, two black females and one black male as the first alternate.”

Further, affiant sayeth naught. This 16 day of May , 2012.

*Jennifer L. Marano*  
*Jennifer L. Marano*  
*16<sup>th</sup> of May, 2012*

  
\_\_\_\_\_  
Michael S. Beam III  
Assistant District Attorney



JUROR QUESTIONNAIRE

(PLEASE PRINT)

THIS QUESTIONNAIRE WILL EXPEDITE JURY SELECTION AND WILL NOT BE USED FOR ANY OTHER PURPOSE

THANK YOU FOR YOUR COOPERATION

EX-DEF

6 =

PERSONAL INFORMATION					
FULL NAME (LAST/FIRST/MIDDLE) <u>Wescott Tara Marie</u>		DATE OF BIRTH <u>10/27/80</u>	PLACE OF BIRTH <u>Cumberland Crty. N.C.</u>	RACE <u>White</u>	SEX <u>F</u>
PART OF COUNTY CURRENTLY RESIDING (Not Address) <u>Anderson Creek - Bunnlevel, NC</u>		LIST LEVEL AND EXTENT OF YOUR EDUCATION <u>2 Associate Degrees in Applied S</u>			
EMPLOYMENT INFORMATION					
CURRENT EMPLOYER <u>Frontier Spinning Mills</u>		LOCATION OF EMPLOYMENT <u>Sanford, NC</u>	LENGTH OF EMPLOYMENT <u>3 yrs 7 months</u>		
JOB DESCRIPTION AND OCCUPATION <u>Credit Specialist / Accounting</u>		LIST ANY SUPERVISORY RESPONSIBILITIES			
MILITARY SERVICE INFORMATION					
HAVE YOU SERVED IN THE ARMED FORCES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		DATES	BRANCH AND HIGHEST RANK		
DUTIES					
FAMILY HISTORY INFORMATION					
CURRENT MARITAL STATUS (single/married/divorced/widowed/separated) <u>Single</u>		SPOUSE'S NAME <u>N/A</u>	SPOUSE'S CURRENT EMPLOYER		
SPOUSE'S OCCUPATION/LENGTH OF EMPLOYMENT/JOB DESCRIPTION			LEVEL AND EXTENT OF EDUCATION		
LIST NUMBER OF CHILDREN: <u>1</u>		(Provide the sex/age/occupation of of each child (if any) below. Use back if needed for more space)			
SEX <u>F</u>	AGE <u>7</u>	OCCUPATION			
SEX	AGE	OCCUPATION			
SEX	AGE	OCCUPATION			
SEX	AGE	OCCUPATION			
SEX	AGE	OCCUPATION			
SEX	AGE	OCCUPATION			
RELIGIOUS/ BUSINESS/ SOCIAL INFORMATION					
ARE YOU A MEMBER OF A LOCAL CHURCH, TEMPLE OR OTHER RELIGIOUS ORGANIZATION? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		(If yes) GIVE NAME AND LOCATION			
DO YOU BELONG TO ANY BUSINESS OR SOCIAL CLUB OR OTHER ORGANIZATIONS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		(If yes) GIVE NAME OF ORGANIZATION AND ANY OFFICE HELD			
		<u>Girl Scout Member / Co-Leader</u>			
GENERAL INFORMATION					
HAVE YOU OR ANY MEMBER OF YOUR FAMILY HAD ANY LEGAL TRAINING? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		(If yes) WHERE AND WHEN			
HAVE YOU EVER SERVED ON A GRAND JURY, TRIAL JURY IN FEDERAL OR STATE COURT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		(If yes) WHERE AND WHEN			
IF YOU SERVED ON A TRIAL JURY, DID THE JURY REACH A VERDICT? <input type="checkbox"/> YES <input type="checkbox"/> NO					
HAVE YOU, YOUR SPOUSE OR ANY MEMBER OF YOUR FAMILY EVER BEEN A MEMBER OR EMPLOYEE OF A LAW ENFORCEMENT ORGANIZATION? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		BY WHOM EMPLOYED			
(If yes) WHO					

EX-DEFENSE

HAVE YOU, YOUR SPOUSE OR ANY MEMBER OF YOUR FAMILY EVER BEEN EMPLOYED IN A PRISON, JAIL, OR DETENTION CENTER OF ANY SORT?  YES  NO

BY WHOM EMPLOYED

(If yes) WHO

HAVE YOU, YOUR SPOUSE OR ANY MEMBER OF YOUR FAMILY EVER BEEN EMPLOYED BY THE COURT SYSTEM TO INCLUDE THE DISTRICT ATTORNEYS OFFICE/ CLERK OF SUPERIOR COURT OFFICE/ JUVENILE OFFICE/ PROBATION AND OR PAROLE DEPARTMENT?  YES  NO

BY WHOM EMPLOYED

(If yes) WHO

DO YOU HAVE ANY FRIENDS EMPLOYED IN LAW ENFORCEMENT?  YES  NO

BY WHOM EMPLOYED

(If yes) WHO

HAVE YOU EVER BEEN A VICTIM OF A CRIME?  YES  NO

HAS ANY MEMBER OF YOUR FAMILY OR CLOSE FRIEND BEEN THE VICTIM OF A CRIME?  YES  NO

HAVE YOU EVER BEEN A WITNESS IN A CRIMINAL CASE?  YES  NO

(If yes) WHO WERE YOU A WITNESS FOR  THE STATE  THE DEFENDANT

HAVE YOU EVER BEEN ARRESTED?  YES  NO

(If yes) WHAT WAS THE CHARGE

*Assault*

WHAT HAPPENED TO THE CHARGE

*was dismissed - other party made to pay court costs (frivolous charge)*

HAVE YOU EVER BEEN THE DEFENDANT IN A JURY TRIAL?  YES  NO

(If yes) WHAT WAS THE CHARGE

WHAT HAPPENED TO THE CHARGE

HAS ANY MEMBER OF YOUR FAMILY OR A CLOSE FRIEND EVER BEEN THE DEFENDANT IN A TRIAL?  YES  NO

(If yes) WHAT WAS THE CHARGE

WHAT HAPPENED TO THE CHARGE

**PASTTIME ACTIVITIES**

LIST ANY MAGAZINES, PERIODICALS, OR PUBLICATIONS YOU READ REGULARLY

*none*

DO YOU READ THE NEWSPAPER?  YES  NO

(If yes, check one)  EVERY DAY  FEW TIME A WEEK  ONCE OR TWICE A WEEK  NOT AT ALL

LIST YOUR HOBBIES, FAVORITE RECREATIONS OR PASTIMES

*enjoy water activities + anything with my daughter*

DO YOU REGULARLY WATCH TELEVISION?  YES  NO

(If yes) APPROXIMATELY HOW MANY HOURS A WEEK

*5-7 hrs.*

LIST YOUR THREE (3) FAVORITE PROGRAMS

1. *NEWS*

2. *Desperate Housewives*

3. *Fear Factor*

DATE *7/20/05*

NAME (Please Print) *Tara Marie Wescott*

Seat 9

SEATED

67

JUROR QUESTIONNAIRE

(PLEASE PRINT)

THIS QUESTIONNAIRE WILL EXPEDITE JURY SELECTION AND WILL NOT BE USED FOR ANY OTHER PURPOSE  
THANK YOU FOR YOUR COOPERATION

PERSONAL INFORMATION					
FULL NAME (LAST/FIRST/MIDDLE) Brown, JAMES Gary		DATE OF BIRTH 2/12/64	PLACE OF BIRTH Plymouth NC	RACE W	SEX M
PART OF COUNTY CURRENTLY RESIDING (Not Address) Angier		LIST LEVEL AND EXTENT OF YOUR EDUCATION Masters of Divinity			
EMPLOYMENT INFORMATION					
CURRENT EMPLOYER ACE Hardware		LOCATION OF EMPLOYMENT Cary NC	LENGTH OF EMPLOYMENT 1 Year		
JOB DESCRIPTION AND OCCUPATION Salesperson		LIST ANY SUPERVISORY RESPONSIBILITIES Floor Manager Closing & Opening Store			
MILITARY SERVICE INFORMATION					
HAVE YOU SERVED IN THE ARMED FORCES? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		DATES APR 89-91	BRANCH AND HIGHEST RANK Coast Guard E-3		
DUTIES Deck Hand + Storekeeper					
FAMILY HISTORY INFORMATION					
CURRENT MARITAL STATUS (single/married/divorced/widowed/separated) Single		SPOUSE'S NAME	SPOUSE'S CURRENT EMPLOYER		
SPOUSE'S OCCUPATION/LENGTH OF EMPLOYMENT/JOB DESCRIPTION			LEVEL AND EXTENT OF EDUCATION		
LIST NUMBER OF CHILDREN:		(Provide the sex/age/ occupation of of each child (if any) below. Use back if needed for more space)			
SEX	AGE	OCCUPATION			
SEX	AGE	OCCUPATION			
SEX	AGE	OCCUPATION			
SEX	AGE	OCCUPATION			
SEX	AGE	OCCUPATION			
SEX	AGE	OCCUPATION			
RELIGIOUS/ BUSINESS/ SOCIAL INFORMATION					
ARE YOU A MEMBER OF A LOCAL CHURCH, TEMPLE OR OTHER RELIGIOUS ORGANIZATION? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		(If yes) GIVE NAME AND LOCATION			
DO YOU BELONG TO ANY BUSINESS OR SOCIAL CLUB OR OTHER ORGANIZATIONS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		(If yes) GIVE NAME OF ORGANIZATION AND ANY OFFICE HELD			
GENERAL INFORMATION					
HAVE YOU OR ANY MEMBER OF YOUR FAMILY HAD ANY LEGAL TRAINING? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		(If yes) WHERE AND WHEN			
HAVE YOU EVER SERVED ON A GRAND JURY, TRIAL JURY IN FEDERAL OR STATE COURT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		(If yes) WHERE AND WHEN			
IF YOU SERVED ON A TRIAL JURY, DID THE JURY REACH A VERDICT?		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
HAVE YOU, YOUR SPOUSE OR ANY MEMBER OF YOUR FAMILY EVER BEEN A MEMBER OR EMPLOYEE OF A LAW ENFORCEMENT ORGANIZATION? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		BY WHOM EMPLOYED			
(If yes) WHO					

SEATED

HAVE YOU, YOUR SPOUSE OR ANY MEMBER OF YOUR FAMILY EVER BEEN EMPLOYED IN A PRISON, JAIL, OR DETENTION CENTER OF ANY SORT?  YES  NO

BY WHOM EMPLOYED

(If yes) WHO

HAVE YOU, YOUR SPOUSE OR ANY MEMBER OF YOUR FAMILY EVER BEEN EMPLOYED BY THE COURT SYSTEM TO INCLUDE THE DISTRICT ATTORNEYS OFFICE/ CLERK OF SUPERIOR COURT OFFICE/ JUVENILE OFFICE/ PROBATION AND OR PAROLE DEPARTMENT?  YES  NO

BY WHOM EMPLOYED

(If yes) WHO

DO YOU HAVE ANY FRIENDS EMPLOYED IN LAW ENFORCEMENT?  YES  NO

BY WHOM EMPLOYED

(If yes) WHO

HAVE YOU EVER BEEN A VICTIM OF A CRIME?  YES  NO

HAS ANY MEMBER OF YOUR FAMILY OR CLOSE FRIEND BEEN THE VICTIM OF A CRIME?  YES  NO

HAVE YOU EVER BEEN A WITNESS IN A CRIMINAL CASE?  YES  NO

(If yes) WHO WERE YOU A WITNESS FOR  THE STATE  THE DEFENDANT

HAVE YOU EVER BEEN ARRESTED?  YES  NO

(If yes) WHAT WAS THE CHARGE

WHAT HAPPENED TO THE CHARGE

HAVE YOU EVER BEEN THE DEFENDANT IN A JURY TRIAL?  YES  NO

(If yes) WHAT WAS THE CHARGE

WHAT HAPPENED TO THE CHARGE

HAS ANY MEMBER OF YOUR FAMILY OR A CLOSE FRIEND EVER BEEN THE DEFENDANT IN A TRIAL?  YES  NO

(If yes) WHAT WAS THE CHARGE

WHAT HAPPENED TO THE CHARGE

Convicted Life Sentence

**PASTTIME ACTIVITIES**

LIST ANY MAGAZINES, PERIODICALS, OR PUBLICATIONS YOU READ REGULARLY

Traditional Home, House & Garden, Details

DO YOU READ THE NEWSPAPER?  YES  NO

(If yes, check one)  EVERY DAY  FEW TIME A WEEK  ONCE OR TWICE A WEEK  NOT AT ALL

LIST YOUR HOBBIES, FAVORITE RECREATIONS OR PASTIMES

Gardening, Reading, Working out, painting

DO YOU REGULARLY WATCH TELEVISION?  YES  NO

(If yes) APPROXIMATELY HOW MANY HOURS A WEEK

12 hours

LIST YOUR THREE (3) FAVORITE PROGRAMS

1. Smallville

2. Lost

3. 4400

DATE 7/25/05

NAME (Please Print) James Gary Brown

P1 SOA 9  
J9

EXCUSED - D  
JUROR QUESTIONNAIRE  
(PLEASE PRINT)

6 = -

THIS QUESTIONNAIRE WILL EXPEDITE JURY SELECTION AND WILL NOT BE USED FOR ANY OTHER PURPOSE  
THANK YOU FOR YOUR COOPERATION

PERSONAL INFORMATION				
FULL NAME (LAST/FIRST/MIDDLE)	DATE OF BIRTH	PLACE OF BIRTH	RACE	SEX
MACINTOSH, Stanton J.	10/29/44	Chicago, IL	W	M
PART OF COUNTY CURRENTLY RESIDING (Not Address)		LIST LEVEL AND EXTENT OF YOUR EDUCATION		
DUNN		14 YR		
EMPLOYMENT INFORMATION				
CURRENT EMPLOYER	LOCATION OF EMPLOYMENT	LENGTH OF EMPLOYMENT		
VALUED SERVICES	DUNN, NC	3 1/2 YR		
JOB DESCRIPTION AND OCCUPATION		LIST ANY SUPERVISORY RESPONSIBILITIES		
Regional Director		47 LOAN OFFICES		
MILITARY SERVICE INFORMATION				
HAVE YOU SERVED IN THE ARMED FORCES?	DATES	BRANCH AND HIGHEST RANK		
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	2/66 - 2/69	ARMY E5		
DUTIES				
FAMILY HISTORY INFORMATION				
CURRENT MARITAL STATUS (single/married/divorced/widowed/separated)	SPOUSE'S NAME	SPOUSE'S CURRENT EMPLOYER		
M	JERRE	HOUSEWIFE		
SPOUSE'S OCCUPATION/LENGTH OF EMPLOYMENT/JOB DESCRIPTION		LEVEL AND EXTENT OF EDUCATION		
HOUSEWIFE 15 YR		12 YRS		
LIST NUMBER OF CHILDREN:		(Provide the sex/age/occupation of of each child (if any) below. Use back if needed for more space)		
SEX	AGE	OCCUPATION		
M	25	STUDENT		
M	25	MANAGER		
M	35	MANAGER		
SEX	AGE	OCCUPATION		
SEX	AGE	OCCUPATION		
SEX	AGE	OCCUPATION		
RELIGIOUS/ BUSINESS/ SOCIAL INFORMATION				
ARE YOU A MEMBER OF A LOCAL CHURCH, TEMPLE OR OTHER RELIGIOUS ORGANIZATION?		(If yes) GIVE NAME AND LOCATION		
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO				
DO YOU BELONG TO ANY BUSINESS OR SOCIAL CLUB OR OTHER ORGANIZATIONS?		(If yes) GIVE NAME OF ORGANIZATION AND ANY OFFICE HELD		
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO				
GENERAL INFORMATION				
HAVE YOU OR ANY MEMBER OF YOUR FAMILY HAD ANY LEGAL TRAINING?		(If yes) WHERE AND WHEN		
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO				
HAVE YOU EVER SERVED ON A GRAND JURY, TRIAL JURY IN FEDERAL OR STATE COURT?		(If yes) WHERE AND WHEN		
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO				
IF YOU SERVED ON A TRIAL JURY, DID THE JURY REACH A VERDICT? <input type="checkbox"/> YES <input type="checkbox"/> NO				
HAVE YOU, YOUR SPOUSE OR ANY MEMBER OF YOUR FAMILY EVER BEEN A MEMBER OR EMPLOYEE OF A LAW ENFORCEMENT ORGANIZATION?		BY WHOM EMPLOYED		
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO				
(If yes) WHO				

→ WKO - CONVEN. STRE ~ 1969

EXCUSED - A

HAVE YOU, YOUR SPOUSE OR ANY MEMBER OF YOUR FAMILY EVER BEEN EMPLOYED IN A PRISON, JAIL, OR DETENTION CENTER OF ANY SORT?  YES  NO

(If yes) WHO

BY WHOM EMPLOYED

HAVE YOU, YOUR SPOUSE OR ANY MEMBER OF YOUR FAMILY EVER BEEN EMPLOYED BY THE COURT SYSTEM TO INCLUDE THE DISTRICT ATTORNEYS OFFICE/ CLERK OF SUPERIOR COURT OFFICE/ JUVENILE OFFICE/ PROBATION AND OR PAROLE DEPARTMENT?  YES  NO

(If yes) WHO

BY WHOM EMPLOYED

DO YOU HAVE ANY FRIENDS EMPLOYED IN LAW ENFORCEMENT?  YES  NO

(If yes) WHO

BY WHOM EMPLOYED

HAVE YOU EVER BEEN A VICTIM OF A CRIME?  YES  NO

HAS ANY MEMBER OF YOUR FAMILY OR CLOSE FRIEND BEEN THE VICTIM OF A CRIME?  YES  NO

HAVE YOU EVER BEEN A WITNESS IN A CRIMINAL CASE?  YES  NO

(If yes) WHO WERE YOU A WITNESS FOR  THE STATE  THE DEFENDANT

HAVE YOU EVER BEEN ARRESTED?  YES  NO

(If yes) WHAT WAS THE CHARGE  
DUI. NOVEMBER 1972

WHAT HAPPENED TO THE CHARGE  
PAID THE FINE & WAS RELEASED

HAVE YOU EVER BEEN THE DEFENDANT IN A JURY TRIAL?  YES  NO

(If yes) WHAT WAS THE CHARGE

WHAT HAPPENED TO THE CHARGE

HAS ANY MEMBER OF YOUR FAMILY OR A CLOSE FRIEND EVER BEEN THE DEFENDANT IN A TRIAL?  YES  NO

(If yes) WHAT WAS THE CHARGE  
BIE, PLY?

WHAT HAPPENED TO THE CHARGE

PASTTIME ACTIVITIES

LIST ANY MAGAZINES, PERIODICALS, OR PUBLICATIONS YOU READ REGULARLY  
USA Today - Fayetteville Paper

DO YOU READ THE NEWSPAPER?  YES  NO (If yes, check one)  EVERY DAY  FEW TIME A WEEK  ONCE OR TWICE A WEEK  NOT AT ALL

LIST YOUR HOBBIES, FAVORITE RECREATIONS OR PASTIMES  
Wood working, Fishing, Golf

DO YOU REGULARLY WATCH TELEVISION?  YES  NO (If yes) APPROXIMATELY HOW MANY HOURS A WEEK  
20?

LIST YOUR THREE (3) FAVORITE PROGRAMS  
1. LAW & ORDER  
2. Blue Collar Comedy  
3. Weather Channel

DATE NAME (Please Print)

**JUROR QUESTIONNAIRE**  
(PLEASE PRINT)

9/10/01

THIS QUESTIONNAIRE WILL EXPEDITE JURY SELECTION AND WILL NOT BE USED FOR ANY OTHER PURPOSE  
THANK YOU FOR YOUR COOPERATION

PERSONAL INFORMATION					
FULL NAME (LAST/FIRST/MIDDLE) <u>Stepney Sharone</u>		DATE OF BIRTH <u>3/14/77</u>	PLACE OF BIRTH <u>New York</u>	RACE <u>B</u>	SEX <u>M</u>
PART OF COUNTY CURRENTLY RESIDING (Not Address) <u>Lillington</u>			LIST LEVEL AND EXTENT OF YOUR EDUCATION <u>Sophomore at college</u>		
EMPLOYMENT INFORMATION					
CURRENT EMPLOYER <u>Caterpillar</u>		LOCATION OF EMPLOYMENT <u>Sanford</u>	LENGTH OF EMPLOYMENT <u>2 years</u>		
JOB DESCRIPTION AND OCCUPATION <u>Lift operator</u>			LIST ANY SUPERVISORY RESPONSIBILITIES		
MILITARY SERVICE INFORMATION					
HAVE YOU SERVED IN THE ARMED FORCES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		DATES	BRANCH AND HIGHEST RANK		
DUTIES					
FAMILY HISTORY INFORMATION					
CURRENT MARITAL STATUS (single/married/divorced/widowed/separated) <u>Single</u>		SPOUSE'S NAME	SPOUSE'S CURRENT EMPLOYER		
SPOUSE'S OCCUPATION/LENGTH OF EMPLOYMENT/JOB DESCRIPTION			LEVEL AND EXTENT OF EDUCATION		
LIST NUMBER OF CHILDREN:		(Provide the sex/age/occupation of of each child (if any) below. Use back if needed for more space)			
SEX	AGE	OCCUPATION			
SEX	AGE	OCCUPATION			
SEX	AGE	OCCUPATION			
SEX	AGE	OCCUPATION			
SEX	AGE	OCCUPATION			
SEX	AGE	OCCUPATION			
RELIGIOUS/ BUSINESS/ SOCIAL INFORMATION					
ARE YOU A MEMBER OF A LOCAL CHURCH, TEMPLE OR OTHER RELIGIOUS ORGANIZATION? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		(If yes) GIVE NAME AND LOCATION			
DO YOU BELONG TO ANY BUSINESS OR SOCIAL CLUB OR OTHER ORGANIZATIONS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		(If yes) GIVE NAME OF ORGANIZATION AND ANY OFFICE HELD			
GENERAL INFORMATION					
HAVE YOU OR ANY MEMBER OF YOUR FAMILY HAD ANY LEGAL TRAINING? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		(If yes) WHERE AND WHEN			
HAVE YOU EVER SERVED ON A GRAND JURY, TRIAL JURY IN FEDERAL OR STATE COURT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		(If yes) WHERE AND WHEN			
IF YOU SERVED ON A TRIAL JURY, DID THE JURY REACH A VERDICT? <input type="checkbox"/> YES <input type="checkbox"/> NO					
HAVE YOU, YOUR SPOUSE OR ANY MEMBER OF YOUR FAMILY EVER BEEN A MEMBER OR EMPLOYEE OF A LAW ENFORCEMENT ORGANIZATION? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			BY WHOM EMPLOYED		
(If yes) WHO					

**EX-STATE**

HAVE YOU, YOUR SPOUSE OR ANY MEMBER OF YOUR FAMILY EVER BEEN EMPLOYED IN A PRISON, JAIL, OR DETENTION CENTER OF ANY SORT?  YES  NO BY WHOM EMPLOYED

(If yes) WHO

HAVE YOU, YOUR SPOUSE OR ANY MEMBER OF YOUR FAMILY EVER BEEN EMPLOYED BY THE COURT SYSTEM TO INCLUDE THE DISTRICT ATTORNEYS OFFICE/ CLERK OF SUPERIOR COURT OFFICE/ JUVENILE OFFICE/ PROBATION AND OR PAROLE DEPARTMENT?  YES  NO BY WHOM EMPLOYED

(If yes) WHO

DO YOU HAVE ANY FRIENDS EMPLOYED IN LAW ENFORCEMENT?  YES  NO

(If yes) WHO

BY WHOM EMPLOYED

HAVE YOU EVER BEEN A VICTIM OF A CRIME?  YES  NO

HAS ANY MEMBER OF YOUR FAMILY OR CLOSE FRIEND BEEN THE VICTIM OF A CRIME?  YES  NO

HAVE YOU EVER BEEN A WITNESS IN A CRIMINAL CASE?  YES  NO

(If yes) WHO WERE YOU A WITNESS FOR  THE STATE  THE DEFENDANT

HAVE YOU EVER BEEN ARRESTED?  YES  NO

(If yes) WHAT WAS THE CHARGE

WHAT HAPPENED TO THE CHARGE

HAVE YOU EVER BEEN THE DEFENDANT IN A JURY TRIAL?  YES  NO

(If yes) WHAT WAS THE CHARGE

WHAT HAPPENED TO THE CHARGE

HAS ANY MEMBER OF YOUR FAMILY OR A CLOSE FRIEND EVER BEEN THE DEFENDANT IN A TRIAL?  YES  NO

(If yes) WHAT WAS THE CHARGE

WHAT HAPPENED TO THE CHARGE

PASTTIME ACTIVITIES

LIST ANY MAGAZINES, PERIODICALS, OR PUBLICATIONS YOU READ REGULARLY

DO YOU READ THE NEWSPAPER?  YES  NO

(If yes, check one)  EVERY DAY  FEW TIME A WEEK  ONCE OR TWICE A WEEK  NOT AT ALL

LIST YOUR HOBBIES, FAVORITE RECREATIONS OR PASTIMES

DO YOU REGULARLY WATCH TELEVISION  YES  NO

(If yes) APPROXIMATELY HOW MANY HOURS A WEEK  
15-20 hrs

LIST YOUR THREE (3) FAVORITE PROGRAMS 1. \_\_\_\_\_ 3. \_\_\_\_\_

DATE 7/25/05

NAME (Please Print) Sharone Stepney

## Affidavit

I, Michael S. Beam III, hereby state that the following information is true and accurate to the best of my knowledge:

I am an Assistant District Attorney and have been continuously so employed since September of 1989 when I started in Johnston County; In September of 2002, I transferred within the same prosecutorial district to Lee County (now 11A); During my tenure with the District Attorney's Office, I have prosecuted nine (9) capital cases (not counting three (3) that we currently have pending); I have been assigned the task of reviewing and examining written materials relating to State v. Jimmie W. Lawrence, 97 CRS 738 and explaining why the original prosecutors exercised peremptory challenges against certain minority prospective jurors; I did not prosecute the case that is the subject of this affidavit, and therefore I have no personal knowledge of the case.

This is an important limitation because quite often prosecutors have a idea of what they want in a juror depending on the particular facts of the case. Generally speaking, what a prosecutor looks for in a juror would be middle-aged or older (not in their 20's), living independently, with a stable employment history, married with children (but not close in age to defendant), involved/engaged with their community (a stakeholder) as well as knowledgeable about current events, conservative (not necessarily in the political sense), law abiding (no criminal charges) with at least a high school education (preferably some college).

Also, in general, it is my observation that transcripts fail to capture most of the non-verbal communication (facial expressions, body language, and demeanor) that is plainly evident in the live courtroom. In fact, some of the judges in the five (5) cases I reviewed specifically mention these very same observations.

Lastly, in capital cases, prosecutors must judge for themselves whether jurors who say they “believe in” or “support” the death penalty can actually come back into the courtroom and deliver a death verdict.

Juror Milton Monk

The following was found in the Jury Selection Transcript:

Juror Monk had been charged with a crime, DWI, 10-15 years ago. After watching a fellow juror (Annie F. Smith) go through a challenge for cause, Juror Monk volunteered that his wife just recently joined the church Juror Smith attends. Also, Juror Monk’s sister goes to the same church. He says, “...when it comes to me saying that this man has to die, I guess I would have a hard time with it.” Said he believes he would be able to base his decisions on the law (and not his religious beliefs or convictions). “But when it comes to me actually doing it, I guess I would have a problem with it.” He admitted that he had earlier said that he really didn’t have any objection to the death penalty, but now, “it would be a problem.” He also said, “I feel like the death penalty needs to be imposed, but...I don’t feel like I’m responsible enough to make that final decision...I’d rather for somebody else to make that decision.

Juror Monk was the subject of a Batson challenge. In ruling, the Court said, “The Court finds the evidence fails to establish a prima facie showing of purposeful discrimination as to the Juror Milton Monk. The objection to the peremptory challenge is overruled.”

Further, affiant sayeth naught. This 16 day of May , 2012.

*Jennifer L. Marano*  
*Jennifer L. Marano*  
*16<sup>th</sup> of May, 2012*



*[Signature]*  
Michael S. Beam III  
Assistant District Attorney

## Affidavit

I, Paul Jackson, after being duly sworn hereby states that the following information is true and accurate to the best of my knowledge:

I am an Assistant District Attorney in Johnston County, Prosecutorial District 11B. I have been assigned to review and relate information regarding the Capital Murder Trials of State v. Johnny Daughtry, State v. Eugene Decastro, State v. Angel Guevara, and State v. Mitchell Holmes. I have been provided with transcripts, juror questioners and other materials related to each of these cases.

I worked as a prosecutor in Johnston County (District 11) from 1998 until 2001. Thereafter I worked as a prosecutor in Buncombe County (District 28) from 2002 until 2007. I returned to Johnston County (District 11B) and have worked in that District as a prosecutor since 2007. Though I did not conduct the jury voir dire, I was involved in the case of State v. Mitchell Holmes. I sat second chair as a prosecutor to then Elected District Attorney Thomas H. Lock. I was not involved in the other cases I was asked to review: Johnny Daughtry, State v. Eugene Decastro, or State v. Angel Guevara.

I have been asked to review relevant portions of the trial transcripts in each of the cases listed above as well as other materials provided by the Conference of District Attorneys. These materials include jury questionnaires, Death Row DCIs – A Narrative of each Case, Data Collection Instruments (DCIs) for both the Jury Selection Study (JSS) and the Charging and Sentencing Study (CSS). I have been asked to examine these materials as they relate to prospective jurors who were excused peremptorily by the State of North Carolina in each of the Capital Cases listed above. I have also been asked to comment on the basis of the challenges, and I have made the following observations about possible race neutral considerations regarding each of the challenged jurors:

### State v. Johnny Daughtry

**Juror Barbara A. Porter:** This juror was opposed to the death penalty. She stated "I am opposed to the death penalty ...I could vote for life in prison." (Tr. Vol. 2 - Page 138-140).

**Juror Glenda Williams:** It should be noted that voter registration documents list this juror as white. This juror stated she was assaulted by husband a month prior. The case against Johnny Daughtry involved domestic violence. As a prosecutor, I would have concerns that the victim would be sympathetic to the defendant. Though she was assaulted the juror seemed to have reconciled with her husband. (Tr. Vol. 4-Pages 128-138).

**Juror Corey Gupton:** This juror seemed to be uncertain of his beliefs and seemed to give conflicting answers regarding the issue of the death penalty. When asked if he could

vote for the death penalty, the juror says: "I don't know." When asked again if he could vote for the death penalty, the juror answers: "No." The juror later says he could vote for the death penalty. I would have concerns that this juror is too uncertain of his beliefs, is just saying what he thinks the questioner wants to hear, or simply is unable to understand questions posed to him. (Tr. Vol. 4-Pages 170-175).

### **State v. Eugene Decastro**

**Juror Bonnie Humphrey:** The juror stated she was opposed to the death penalty. (Tr. Vol. 2 pages 112-128)

**Juror Harry James:** This juror was sociology major. I feel that some sociologists may be more likely to forgive and have sympathy for defendant based upon socioeconomic circumstances. This juror also had a dispute involving landlord tenant situation. The Decastro case involved landlord tenant relationship. The juror qualified his belief regarding death penalty with "if law requires it." Because there is some level of discretion in the juror's ultimate decision, I might have concerns regarding that statement. (Tr. Vol. 2 pages 128-144).

### **State v. Angel Guevara**

**Juror Pamela D Baker:** This juror doesn't believe in the death penalty and stated: "I really don't believe in the death penalty, because -I mean, if the evidence finds that he is guilty, I mean, I think he'll suffer enough if, like, life imprisonment or whatever." (Tr. Vol. 4-5 pages 769-814).

**Juror Chequita A Battle:** This juror indicated that the death penalty would only be an option if the defendant had already served in time in prison for another offense, and it did no good. The defendant in this case had no prior history. (Tr. Vol. 5 pages 825-837).

**Juror Caroline P Wright:** This juror's husband shot somebody and she does not believe in the death penalty. (Tr. Vol. 5 pages 902-915).

**Juror Alma H Richardson:** This juror stated that whether the death penalty is appropriate depends on whether there was provocation. She stated, "...depends on how the person took the life, I guess, and what made him provoked to take that life... Yes, because people can be pushed into doing something, you know, framed, and then some people do it for meanness, you know." The case factual summary indicates that the defendant was in his home and the victim entered to arrest him. The defendant claimed the victim was holding the defendant's child, his child was screaming, that he was provoked in his home, and was trying to protect his child. (Tr. Vol. 5 pages 916-930).

**Juror Katrina N Wheless:** This juror said she could not consider the death penalty and that nobody should be killed for the bad things that they do. She stated God should ultimately judge a person's actions. She stated that life in prison would be ok but not death. (Tr. Vol. 6 pages 1061-1070).

**Juror Gloria J Mobley:** This juror states that if a person just goes out and kills someone then it may be appropriate but if there is provocation then the death penalty not appropriate. The case factual summary indicates that the defendant was in his home and the victim entered to arrest him. The defendant claimed the victim was holding the defendant's child, his child was screaming, that he was provoked in his home, and was trying to protect his child. (Tr. Vol. 8 pages 1476-1488).

**State v. Mitchell Holmes**

**Juror Barbara J Lassiter:** This juror was a licensed minister and did not believe in the death penalty. She stated, "In my own words, just to sum it up, I just don't feel good about the death penalty. In my own words, that's just to sum it up. In my opinion, I don't agree with the death penalty." Attorneys for the defendant made a Batson challenge and the court denied the Batson challenge. (Tr. Vol. 3 pages 19-23).

**Juror Raynelle D Farmer:** This juror's son was convicted of manslaughter. She stated her son shot someone and served ten years in prison. I would have concerns that because of her son she would have sympathize with the defendant. Defense counsel challenged under Batson, and the prosecutor explained that he was concerned that her son was convicted of manslaughter. Attorneys for the defendant made a Batson challenge and the court denied the Batson challenge. (Tr. Vol. 3 pages 136-142).

This the 9 day of January 2012.

  
Paul Jackson  
Assistant District Attorney  
Prosecutorial district 11B

Sworn and Subscribed to me this the 9<sup>th</sup> day of January 2012.

Billie J. Hood (Pass)  
NOTARY PUBLIC

My commission expires: 4-26-15

