

Three-Judge Panel Concludes Hearing in State v. Bryant, Et. Al.



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Three-Judge Panel Concludes Hearing in State v. Bryant, Et. Al.

WINSTON-SALEM — On April 18-28, a three-judge panel hearing in the case of State v. Bryant, et. al., (02 CRS 38882, 38883, 38884, 38886) was held in Forsyth

County after the case was referred by the North Carolina Innocence Inquiry Commission (NCIIC). At the

conclusion of the hearing, the three-judge panel ruled that Mr. Bryant, Mr. Cauthen, Mr. Tolliver, and Mr. Banner had not proven their innocence by clear and convincing evidence and relief was denied.



**THE NORTH CAROLINA
 INNOCENCE
 INQUIRY COMMISSION**

The case arises from the murder of Nathaniel Jones on November 15, 2002. Nathaniel Cauthen and Rayshawn Banner were convicted on August 19, 2004, of first-degree murder and robbery with a dangerous weapon after a joint trial. Christopher Bryant and Jermal Tolliver were convicted on May 20, 2005, of second-degree murder and common law robbery after a joint trial.

NCIIC Executive Director Lindsey Guice Smith presented the case in a hearing before the full Commission on March 9-13, 2020. The Commission's lead investigator on this case was Staff Attorney Julie Bridenstine. After carefully considering the evidence, the Commission concluded by a vote of 5-3 that there was sufficient evidence of factual innocence to merit judicial review and referred

the case to the three-judge panel. [View all materials considered by the Commission including a transcript of the Commission's hearing.](#)

More About the NCIIC

While the three-judge panel was an adversarial process where the State was represented by the Forsyth County District Attorney's office and the convicted persons were represented by defense counsel, the Commission's process of investigation and Commission hearing prior to a three-judge panel is neutral and inquisitorial. The Commission itself does not seek any particular outcome in any case. Even at a Commission hearing, unlike the three-judge panel, Commissioners only decide whether a case should be heard by a three-judge panel and do not determine innocence. No party for the defense or the prosecution is "represented" during the Commission's process, and the convicted persons waive all their rights and procedural safeguards.

Commissioners represent all aspects of the criminal justice system including a superior court judge, a district attorney, a defense attorney, a victim advocate, a sheriff, a member of the public, and two discretionary members. These hallmarks maintain the Commission's neutrality and ensure it remains an inquisitive process separate and apart from the adversarial process, allowing the Commission to focus on seeking the truth. It is this careful balance that has allowed North Carolina to be a leader in investigation of post-conviction claims of innocence.

In its history, the Commission has held 18 Commission hearings, representing less than 1% of the claims the Commission has received since its inception. Of those, 16 cases, involving 21 individual claimants, were referred to a three-judge panel hearing. Eight cases resulted in the exoneration of nine claimants after a three-judge panel hearing. Four cases involving seven claimants resulted in the denial of the claims by the three-judge panel (including *State v. Bryant, et. al.*). In two cases, three claimants entered Alford pleas for time served prior to the three-judge panel hearing.

Since it began operating in 2006, the Commission has reviewed and closed over 3,000 claims, confirming guilt through DNA testing in 10 cases.

Upcoming Hearings

Two cases are pending hearing before a three-judge panel:

- *State v. Merritt Williams* ([Forsyth County](#)) is set to be heard the week of June 27.
- *State v. John Pritchard*, ([Yancey County](#)) is set to be heard the week of July 18.

For Questions

Please contact the Commission's executive director, Lindsey Guice Smith, at 919-890-1580 or nciic@nccourts.org. You may also find more information on the Commission's website at innocencecommisson-nc.gov.

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About North Carolina Judicial Branch

The [North Carolina Judicial Branch](#) is an equal and distinctively separate branch and core function of government. More than 7,000 Judicial Branch employees statewide administer justice in courthouses in North Carolina's 100 counties. The [Judicial Branch budget for FY 2020–21](#) was \$598.2M, 89.2% of which is used to pay salaries and the remaining 10.8% is used for operations. The Judicial Branch receives only 2.44% of the overall State budget.

About North Carolina Administrative Office of the Courts

The North Carolina Administrative Office of the Courts (NCAOC) is the administrative agency for the [North Carolina Judicial Branch](#), providing administrative services to help the North Carolina court system operate more efficiently and effectively, taking into account each courthouse's diverse needs, caseloads, and available resources.

Media Contact

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