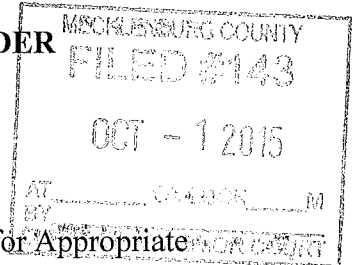


STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NOS. 90 CRS 23102-04

STATE OF NORTH CAROLINA)
)
)
-v-)
)
TIMOTHY SCOTT BRIDGES,)
Defendant.)

CONSENT ORDER



This matter coming to be heard by the Court on Defendant's Motion for Appropriate Relief, filed 14 October 2014. The Court makes the following findings of fact and conclusions of law and enters the following order with the consent of the parties:

FINDINGS OF FACT

1. On or about the 14th or 15th of May, 1989, Modine Wise was attacked in her home at 1517 East 35th Street in Charlotte.
2. A Mecklenburg County grand jury returned true bills of indictment against Timothy Scott Bridges on April 16, 1990, for the offenses of first-degree rape, assault with a deadly weapon with intent to kill on a handicapped person, and felony breaking and entering in connection with the attack on Modine Wise.
3. Following a jury trial in January of 1991 in Mecklenburg County Superior Court, Timothy Scott Bridges was convicted on February 2, 1991, of first-degree rape, assault with a deadly weapon with the intent to kill on a handicapped person, and felony breaking and entering.
4. The State's evidence at Mr. Bridges trial included hair microscopy evidence, which was presented through the expert testimony of a Charlotte-Mecklenburg Police Department ("CMPD") Crime Laboratory analyst.
5. The CMPD analyst was trained in hair and fiber analysis at the Federal Bureau of

Investigation (“FBI”) Academy in Quantico, Virginia.

6. In November of 2012, the FBI released a memorandum outlining an agreement with the Innocence Project and the National Association of Criminal Defense Lawyers (“NACDL”) that identified “error types” regarding hair analysis testimony that were described as “exceeding the limits of science and therefore inappropriate”. This led the U.S. Department of Justice, along with the FBI, the Innocence Project, and the NACDL, to announce an agreement on July 18, 2013, to audit cases involving hair analysis testimony to identify analyst’s errors that might entitle defendants to relief from their convictions.

7. The FBI identified three particular error types that exceed the limits of science:

Error Type 1: The examiner stated or implied that the evidentiary hair could be associated with a specific individual to the exclusion of all others.

Error Type 2: The examiner assigned to the positive association a statistical weight or probability or provided a likelihood that the questioned hair originated from a particular source, or an opinion as the likelihood or rareness of the positive association that would lead the jury to believe that valid statistical weight could be assigned to a microscopic hair association.

Error Type 3: The examiner cites the number of cases or hair analyses worked in the lab and the number of samples from different individuals that could not be distinguished from one another as a predictive value to bolster the conclusion that hair belongs to a specific individual.

8. The CMPD analyst’s testimony in the case against Mr. Bridges contained all three of the error types identified by the FBI.

9. The hair microscopy evidence was the only physical evidence that was introduced against the Defendant and, while the State was able to offer the statements of witnesses who claimed the Defendant made incriminating statements, the hair analysis was the

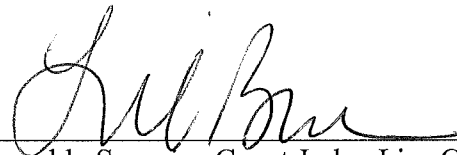
centerpiece of the State's case.

CONCLUSIONS OF LAW

1. The error types identified by the FBI were present in the CMPD analyst's testimony and would not be admissible in court today.
2. The admission of the testimony containing the identified error types at trial violated the Defendant's right to due process because it exceeded the limits of the science and overstated the significance of the hair analysis to the jury.
3. The conviction was obtained in violation of the Constitution of the United States. U.S. Const. amend. V, XIV; N.C.G.S. §15A-1415(b)(3).

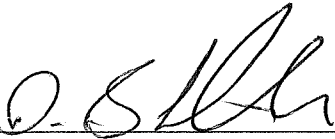
Therefore, it is ORDERED that:

1. Defendant's Motion for Appropriate Relief is granted;
2. Defendant's convictions and judgments in 90 CRS 23102, 23103, and 23104 are hereby vacated; and
3. Defendant is entitled to a new trial free of prejudicial error.



Honorable Superior Court Judge Lisa C. Bell
Superior Court Judge

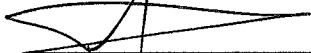
WE CONSENT:



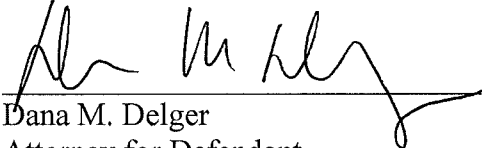
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