



Halscott Megaro

July 10, 2015

North Carolina Industrial Commission
Dockets Section
4336 Mail Service Center
Raleigh, North Carolina 27699-4336

Re: Claim of Henry Lee McCollum and Leon Brown

Dear Sir or Madam:

I represent Henry Lee McCollum and Leon Brown with respect to their claims pursuant to N.C.G.S. § 148-82 et. seq. for compensation for wrongful imprisonment/wrongful conviction.

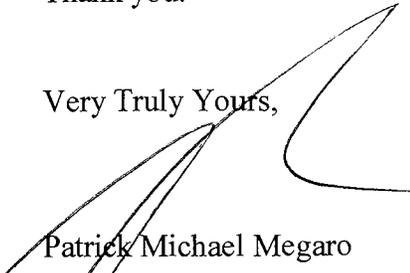
I have enclosed their completed Claim Forms EC100 as well as an additional joint affidavit as to the facts underlying each claim, and several exhibits, including certified copies of their judgments of conviction. Please note that Exhibit # 18 was omitted on Henry Lee McCollum's packet, as that exhibit is Leon Brown's medical records and pertain only to Leon Brown's claim. I did not bind the exhibits together to allow ease of scanning.

Please docket this claim and notify me when a docket number has been assigned, and please notify me when and where a hearing will be held, if required.

Should you have any questions or require any additional information please feel free to contact me at the address below or by email at pmegaro@halscottmegaro.com. Please feel free to speak with my paralegal, Patricia Armenteros, parmenteros@halscottmegaro.com, as well.

Thank you.

Very Truly Yours,


Patrick Michael Megaro

Enc.



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STATE OF NORTH CAROLINA
INDUSTRIAL COMMISSION

-----X
In Re Claim of

HENRY LEE MCCOLLUM and
LEON BROWN,

Claimants,

VERIFIED PETITION
FOR COMPENSATION
PURSUANT TO CHAPTER 148,
ARTICLE 8, N.C.G.S

For Compensation for Wrongful Conviction
and Imprisonment.

-----X
Claimants HENRY LEE MCCOLLUM and LEON BROWN, by and through
undersigned counsel, make this claim for compensation pursuant to North Carolina General
Statutes § 148-82 et seq. In support thereof, Claimants respectfully allege as follows:

1. Claimants are brothers. Their full names are Henry Lee McCollum, date of birth March 20, 1964 and Leon Brown, date of birth November 24, 1967. Claimants currently reside at 1847 Rockrose Drive, Fayetteville, North Carolina 28312.
2. At all times hereinafter mentioned, both men had and still have limited mental abilities. Mr. McCollum's Intelligence Quotient (IQ) has been scored at 56, while Leon Brown's IQ has been scored at 54. Both of these IQ scores are within the intellectually disabled range, classified by some as mild retardation.
3. The following documents are attached hereto as exhibits to this Petition:

Exhibit 1 – Crime Scene Sketch

Exhibit 2 – Crime Scene Report dated 11-22-1983

Exhibit 3 – Report of Autopsy of Sabrina Buie dated 9-27-1983

Exhibit 4 – Report of Statement of Henry Lee McCollum dated 9-29-1983

Exhibit 5 - Report of Statement of Leon Brown dated 9-29-1983

Exhibit 6 - Report of Interview with Mrs. Louis A. Moore dated 9-30-1983

Exhibit 7 - Aerial Photo of Bean Field with Markers

Exhibit 8 – SBI Record of Fingerprint Testing Request for L.P. Sinclair and Roscoe Artis

Exhibit 9 - Decision of North Carolina Supreme Court in *State v. Roscoe Artis*, 325 N.C. 278, 384 S.E.2d 470 (1989)

Exhibit 10 - North Carolina Innocence Inquiry Commission Forensic Testing Chart

- Exhibit 11 - North Carolina Innocence Inquiry Commission Memo on Roscoe Artis**
- Exhibit 12 - Notification of CODIS Hit dated 7-10-2014**
- Exhibit 13 - Cellmark Forensics Report of Laboratory Examination dated July 29, 2014**
- Exhibit 14 - Cellmark Forensics Report of Laboratory Examination dated August 29, 2014**
- Exhibit 15 - Cellmark Forensics Report dated August 29, 2014**
- Exhibit 16 - Transcript of Motion for Appropriate Relief Hearing dated 9-2-2014**
- Exhibit 17 - Order Granting Motions for Appropriate Relief dated 9-2-2014**
- Exhibit 18 - Medical Records of Leon Brown from the Department of Public Safety, Adult Corrections**
- Exhibit 19 – Certified Copies of Judgments of Conviction**
- Exhibit 20 - Copies of Pardons of Innocence**

STATEMENT OF FACTS

A. The Rape and Murder of Sabrina Buie and Preliminary Investigation

4. On September 24, 1983, 11-year old Sabrina Buie of Red Springs, North Carolina went missing. She was found the following day in a field next to a convenience store in Red Springs, naked from the waist down, wearing only a shirt and her bra pushed back over her head and behind her neck. Her underwear was found stuffed down her throat with a stick. Authorities determined that she had injuries to her vagina and anus, indicative of sexual assault, and died of suffocation as a result of the foreign objects blocking her airway. Injuries to her back indicated her body had been dragged across the field before its final resting place.

5. Several items were found near Sabrina Buie's body: a plywood board, a Schlitz beer can was found inside a paper bag, a Newport brand cigarette butt, matches, a jar of Vaseline, and a gum wrapper. Nine latent fingerprints were lifted from the beer can, two of which were suitable for comparison and analysis.

6. Among the first law enforcement agents to arrive at the scene were Red Springs Police Officer Larry Floyd and Agent Leroy Allen of the State Bureau of Investigation.

7. The crime scene was processed by numerous members of law enforcement, including SBI Agent Leroy Allen. Agent Allen documented the crime scene in a sketch of where the items

were found, personally recovered and vouchered pieces of physical evidence, and prepared a detailed crime scene report. In addition, he attended the autopsy of the body the following day, September 27, 1983, and continued to search the area, eventually locating Sabrina Buie's clothing on September 28, 1983 in the woods next to the field.

B. The Proximity of the Crime Scene to the Residence of Roscoe Artis

8. The field where Sabrina Buie's body was found was situated next to a convenience store and the home of an individual named Roscoe Artis. At the time of Sabrina Buie's murder, Roscoe Artis had a criminal record dating back to 1957. His criminal history consisted of almost exclusive crimes against women involving physical and sexual violence where he acted alone.

9. Artis' first conviction was in 1957 for assault on a female with intent to commit rape in Hoke County, North Carolina, and he was sentenced to twelve to fifteen years imprisonment.

10. Artis' second conviction occurred in 1967 while he was parole. Again, he was convicted for assaulting a young woman, first with a stick, and then by running her over with a car.

11. In 1970, Artis was arrested and charged with assaulting two different women in Gaston County, North Carolina. On another unknown date in Mecklenburg County, North Carolina, Artis was involved in an incident with a woman he claimed was a prostitute. That incident involved the woman being cut with a knife.

12. In 1974, Artis was convicted of assaulting a young woman with intent to commit rape in Gaston County. That young woman was 16 years of age at the time of the assault. In that case, Artis grabbed the victim and tried to take her into the woods. When she resisted, he beat her and choked her, threatened to kill her, and only stopped when a witness intervened and stopped the assault.

13. In 1975, Artis was again convicted of assault with a weapon. Further details on that matter are currently unknown.

14. In 1981, a young woman reported to the Gastonia Police that Artis had assaulted her with a brick. As a result, an arrest warrant was issued, but no further information is available on the resolution of that case.

15. On August 25, 1980, Bernice Moss was found dead in Gastonia, North Carolina. Her body was nude from the waist down, her shirt and her bra were all that she was wearing. Evidence showed that she had been beaten with a stick and an object stuffed down her throat. Artis was the last person seen with Bernice Moss before she died. He was considered a suspect and questioned, but not charged at that time.

16. After Bernice Moss' murder, Artis fled to Red Springs, North Carolina and lived with his sister next to the field where Sabrina Buie was found.

C. The Questioning and Arrest of Henry Lee McCollum and Leon Brown

17. On September 27, 1983, Henry Lee McCollum was questioned by Deputy Joel Garth Locklear of the Robeson County Sheriff's Office regarding Sabrina Buie. McCollum denied any involvement in her death, and he was released. Deputy Locklear memorialized this interrogation in a written report.

18. On September 28, 1983, at approximately 6:20 p.m., Deputy Locklear and Detective Ken Sealey of the Red Springs Police Department spoke with seventeen-year old Ethel Fumage, a high school student, regarding Sabrina Buie's death. She told investigators that she had heard from other kids at school that McCollum and Brown, along with two others she identified as David Murray and Chris Brown, were involved in Sabrina Buie's death. She gave no details or

sources of this information, nor did she have any personal knowledge that either Henry McCollum or Leon Brown were involved in Sabrina Buie's death in any way.

19. Based upon this tip, Agent Allen, Agent Snead, and Detective Ken Sealey of the Red Springs Police Department went to Henry Lee McCollum's home at approximately 9:10 p.m. on September 28, 1983, and transported him to the Red Springs Police Department headquarters to be interrogated. At headquarters, he was fingerprinted and placed in an interrogation room.

20. Henry Lee McCollum was interrogated by law enforcement agents continuously for several hours, not permitted to see his mother or make any phone calls. The interrogating officers were the same law enforcement agents who had processed the crime scene and thus possessed knowledge of the details of the crime scene and the condition of the victim's body.

21. Over the course of over four and one-half hours, law enforcement agents, including Snead, Allen, and Sealey repeatedly accused Mr. McCollum of participating in the rape and murder of Sabrina Buie, verbally threatening him when he proclaimed his innocence. At no time was Mr. McCollum read his Miranda rights during his hours-long interrogation, or permitted to speak with an attorney or remain silent. Whenever he tried to remain silent, he was verbally and physically threatened by law enforcement officers.

22. While McCollum was being held in the interrogation room, McCollum's mother arrived at the police station with her daughter and 15-year old Leon Brown to find out what was happening. Law then interrogated each of them individually, threatening them with arrest and prosecution as well, and relayed these threats to Henry McCollum. Additionally, law enforcement agents repeatedly told Mr. McCollum that other eyewitnesses had placed him at the scene of the crime and otherwise implicated him in Sabrina Buie's sexual assault and death, and further told him forensic evidence existed implicating him as well.

23. These were lies. In fact, no physical evidence or independent witnesses existed linking either Mr. McCollum or Mr. Brown to the scene of the crime or to the crime itself. Nor did any evidence exist that implicated either Mr. McCollum and Mr. Brown's mother or sister in the commission of the crimes. In fact, at the time, they were questioned, both Mr. McCollum and Mr. Brown were conclusively eliminated as the sources of identifiable fingerprint evidence found at the crime scene where Sabrina Buie's body was found.

24. Before they commenced their interrogation of Henry McCollum, Snead, Allen, and Sealey had personal knowledge of what physical evidence existed, where the evidence was found at the crime scene, and the condition of the evidence.

25. Snead, Allen, and Sealey imparted this knowledge upon Henry McCollum during the interrogation.

26. Snead, Allen, and Sealey further expressed the view that McCollum had not acted alone when accusing him of raping and murdering Sabrina Buie, specifically questioning McCollum about his younger brother, Leon Brown. The three law enforcement agents repeatedly promised McCollum that if he implicated his co-perpetrators, they and the court system would be lenient with him. The law enforcement agents further promised McCollum that if he simply admitted he played a minor role in the offense, such as restraining the victim, they and the court system would be lenient with him,

27. At 1:37 a.m. on September 29, 1983, Henry Lee McCollum signed two statements written by law enforcement agents. These statements contained the details of the crime scene, the condition of evidence, the condition of the victim's body, and implicated Leon Brown, Chris Brown, Darryl Suber, and Louis Moore. In his statement, McCollum allegedly told police that he had simply held the victim down while the others had raped and murdered her, and told police

that Darryl Suber had brought a knife to the scene and had stabbed Sabrina Buie, and that Darryl Suber had smoked the Newport cigarette found at the scene of the crime. McCollum also allegedly told police that the victim's underwear was pink. His statement to police did not mention the name Roscoe Artis.

28. In fact, Sabrina Buie had not been stabbed. The autopsy of Sabrina Buie revealed no wounds consistent with stabbing.

29. In fact, the victim's underwear was white; when they were found, they were stained with blood giving them a pink appearance.

30. The same three law enforcement agents, now joined by Detective Joel Garth Locklear of the Robeson County Sheriff's Office, and Red Springs Police Department Chief Luther Haggins then took 15-year old Leon Brown into custody at the Red Springs Police Department.

31. Prior to this, neither Henry Lee McCollum nor Leon Brown had ever been arrested or charged with a crime.

32. The same law enforcement agents then subjected 15-year old Leon Brown continuous interrogation for over an hour, denying him access to his mother and an attorney. Leon Brown, like Henry McCollum, was verbally threatened and told that if he did not confess, his mother and his sister would also go to jail. Like Henry McCollum, law enforcement lied to Leon Brown by telling him witnesses and evidence existed implicated him in Sabrina Buie's rape and murder. Leon Brown likewise signed a written confession admitting to his involvement in the crimes. His statement to police likewise did not mention Roscoe Artis.

33. Neither the law enforcement agents who investigated Sabrina Buie's death nor the Robeson County District Attorney ever charged Chris Brown, Darryl Suber, or Louis Moore with any crimes.

34. On September 29, 1983, the same law enforcement agents interviewed Darryl Suber, who submitted to a polygraph test. Suber told police he was in Maxton, North Carolina on the night of the murder in the company of others, and also expressed the view that McCollum and Brown were innocent. Suber told police that he only drank Budweiser beer, and only smoked Salem Lights brand cigarettes. His alibi was corroborated by several others to the same police officers.

35. In fact, Louis Moore had moved from Red Springs, North Carolina to Kentucky with his grandmother in June, 1983, approximately three months prior to Sabrina Buie's murder, and had not returned to North Carolina since moving. Police conclusively established his presence in Kentucky on the date of the murder.

36. On the contrary, law enforcement ruled out Chris Brown, Darryl Suber, and Louis Moore as having any participation in the rape and murder of Sabrina Buie. None of their fingerprints matched any fingerprints found at the scene, nor did any other witness place them at the scene of the murder or otherwise implicate them in the crimes against Sabrina Buie.

37. Both Henry Lee McCollum and Leon Brown were charged with rape, murder, and related offenses by the Robeson County District Attorney, and were held in custody pending trial.

D. The Identification of Roscoe Artis as a Suspect in the Death of Sabrina Buie By the Red Springs Police Department

38. Approximately one month after Henry Lee McCollum and Leon Brown were arrested, charged with Sabrina Buie's rape and murder, and held in the Robeson County Jail on

those charges pending trial, on October 22, 1983, eighteen-year old Joann Brockman was found dead behind a barn in Red Springs, North Carolina.

39. Joann Brockman's body was naked from the waist down, and found with her shirt and her bra pulled over her head. She had been beaten with a stick, her body dragged, and evidence showed she had been sexually assaulted. The cause of death was manual strangulation.

40. Witnesses told law enforcement that Ms. Brockman had been seen in the presence of Roscoe Artis just before she went missing.

41. The same day, Roscoe Artis was arrested by Deputy Joel Garth Locklear of the Robeson County Sheriff's Office. When Artis was arrested, police noticed blood on his clothing that was later determined to be Joann Brockman's blood. Artis gave three statements to police; two of those statements were confessions whereby he admitted to murdering and sexually assaulting Joann Brockman.

42. Roscoe Artis was charged with rape and murder, and detained in the Robeson County Jail awaiting trial on those charges related to Joann Brockman's murder, the same jail where Henry Lee McCollum and Leon Brown were held.

43. On October 2, 1984, one week before the trial of State of North Carolina v. Henry Lee McCollum and Leon Brown commenced, an arrest warrant was issued for Roscoe Artis charging him with first-degree murder of Bernice Moss. The charges remained pending until 1990, when the case was dismissed by the District Attorney.

44. Three days later, on or about October 5, 1984, Red Springs Police Department requested the State Bureau of Investigation to conduct comparisons of the latent prints found at the crime scene to known fingerprints of Roscoe Artis and an individual known as L.P. Sinclair.

Both Artis and Sinclair were listed as “suspects” by the Red Springs Police Department on the fingerprint request form.

45. The fingerprint comparison for Artis and Sinclair was never completed. One year later, on October 5, 1985, after the trial of State of North Carolina v. Henry Lee McCollum and Leon Brown ended in a guilty verdict and sentences of death for both McCollum and Brown, the Red Springs Police Department cancelled the request.

E. The First Trial of McCollum and Brown and Subsequent Appeals

46. Henry Lee McCollum and Leon Brown were tried separately in the Robeson County Superior Court with rape and capital murder. At trial, the State’s theory was that five males, identified as Henry Lee McCollum, Leon Brown, Chris Brown, Darryl Suber, and Louis Moore had lured the victim to a field. Once in the field, one of the males smoked a cigarette, and all of the males participated in the rape and murder of Sabrina Buie by stuffing her underwear down her throat, suffocating her. According to the State’s theory, her body was dragged across the field where it was later found.

47. At trial, the aforementioned law enforcement officers testified as witnesses for the State. The evidence against McCollum and Brown consisted chiefly of their confessions.

48. Both McCollum and Brown were convicted of first-degree rape and first-degree murder on October 25, 1984, and sentence to death. They timely appealed their convictions and sentences.

49. On February 3, 1988, the North Carolina Supreme Court reversed their convictions and sentences in State v. McCollum, 321 N.C. 557, 364 S.E.2d 112 (1988), and ordered new trials as to each.

F. The Conviction of Roscoe Artis for the Rape and Murder of Joann Brockman

50. On August 31, 1984, Roscoe Artis was convicted in the Robeson County Superior Court for the rape and murder of Joann Brockman, and was sentenced to death. The sentence was later commuted to life imprisonment without parole.

51. Roscoe Artis remains incarcerated pursuant to that judgment of conviction.

G. The Second Trial of McCollum and Brown and Subsequent Appeals

52. Henry Lee McCollum was retried separately in 1991 in the Cumberland County Superior Court. Again, he was found guilty of first-degree murder and first-degree rape on November 22, 1991, and was sentenced to death. The North Carolina Supreme Court affirmed the conviction and sentence in State v. McCollum, 334 N.C. 208, 433 S.E.2d 144 (1993), and the United States Supreme Court denied certiorari in McCollum v. North Carolina, 512 U.S. 1254 (1994), with Justice Harry Blackmun writing a dissent.

53. Leon Brown was retried in 1992 in the Bladen County Superior Court, and found guilty of first-degree rape on June 10, 1992, and sentenced to life imprisonment without parole. His conviction and sentence were affirmed by both the North Carolina Court of Appeals and the North Carolina Supreme Court in State v. Brown, 112 N.C.App. 390, 436 S.E.2d 163 (N.C.App. 1993) and State v. Brown, 339 N.C. 606, 453 S.E.2d 165 (1995), respectively.

H. Conditions of Incarceration

54. After Henry Lee McCollum and Leon Brown were convicted, they were sent to Death Row to await execution. Leon Brown, 15 years of age at the time he was convicted, was initially placed in solitary confinement on Death Row, segregated from the adult male population

for his safety. This decision was later revisited, and Leon Brown was released into the adult population.

55. While on Death Row, both Henry Lee McCollum and Leon Brown were befriended by Artis Roscoe, who was older and fostered an older-brother relationship with McCollum and Brown. This friendship continued for years. All the while, Artis repeatedly assured McCollum and Brown that he knew that both were innocent of the Sabrina Buie case, never revealing his true role in her murder. When revealed in 2014, both McCollum and Brown found it extremely difficult to accept that Roscoe Artis was responsible for the murder of Sabrina Buie when he had seen them face to face daily for decades, all the while maintaining a friendship based upon fraud.

56. While on Death Row, both men developed friendships and bonds with other inmates in the same predicament. Over the 31 years of incarceration, both McCollum and Brown watched their friends leave their cells for the last time on the way to their executions. They lost over 40 friends during their incarceration to execution, each wondering when their turn to be executed would come.

57. Both McCollum and Brown were picked on and bullied by both other inmates and staff as a result of their intellectual disabilities, with both men having to defend themselves from attacks over the years. Being younger, physically and mentally weaker, Leon Brown was repeatedly the victim of sexual assault from other inmates, violently raped and brutalized.

58. Brown developed severe and permanent mental illness as a result of his incarceration, diagnosed with Schizoaffective Disorder, Bipolar Type, Borderline Intellectual Functioning, and developed diabetes and hypertension. McCollum has developed diabetes and suffers psychological injuries as well, with symptoms commonly associated with Post-Traumatic Stress Disorder.

*I. The Motion for Appropriate Relief and
Investigation by the North Carolina Innocence Inquiry Commission*

59. Both Henry Lee McCollum and Leon Brown filed Motions for Appropriate Relief, seeking post-conviction relief and collaterally attacking their convictions.

60. While that motion was pending, Leon Brown wrote a letter to the North Carolina Innocence Inquiry Commission requesting review of his case in 2009. The Commission opened up a file and commenced an investigation into the case.

61. In June, 2010, the Commission obtained a court order directing the Red Springs Police Department to provide the Commission with the evidence and original reports from the case file, which was served upon the department. On November 12, 2010, Investigator Sharon Stellato of the Commission spoke with Captain Kevin Locklear from the Red Springs Police Department, who informed her that his department had no physical evidence, files or reports in the case at all. He claimed that the Department's entire file had been turned over to the State Bureau of Investigation in 1983. He reiterated the same in a faxed letter to the Commission the next day, November 13, 2010.

62. Investigator Stellato continued to request information from the Red Springs Police Department, but received no response. She visited the Police Department in person, and spoke with Captain Locklear directly, informing him that state records indicated that the files were, in fact, maintained by the Red Springs Police Department. Captain Locklear agreed to search again, and this time located a box of the files and the original evidence, which was provided in 2014.

63. The box located by Captain Locklear contained the forensic evidence, including latent prints, hair samples, swabs, the cigarette butt, the beer can, and the other pieces of physical evidence, as well as original reports and crime scene photographs.

64. The cigarette butt was tested again by the North Carolina State Crime Laboratory and a DNA profile was developed from the butt.

65. Darryl Suber voluntarily provided the Innocence Inquiry Commission with a DNA sample on February 19, 2014, which was compared to the DNA sample found on the cigarette butt. He was conclusively excluded as the source of the DNA from the cigarette butt.

66. Both Henry Lee McCollum and Leon Brown's DNA profiles were analyzed and compared to the DNA profile on the cigarette butt. Both of them were conclusively excluded as the source of the DNA from the cigarette butt.

67. Roscoe Artis' DNA profile was in the North Carolina Combined DNA Index System (CODIS) database by virtue of his conviction for the rape and murder of Joann Brockman. An initial comparison of his DNA on file in the CODIS database to the DNA profile from the cigarette butt indicated a high probability that Roscoe Artis was the source of the DNA from the cigarette butt.

68. Investigator Sharon Stellato interviewed Roscoe Artis on four occasions regarding the Sabrina Buie murder. The first interview occurred in March, 2011. During that interview, Artis told investigators from the Commission that he recalled the Sabrina Buie murder, and that the police had taken seven boys in for questioning, and that two boys he knew as Henry and Leon had been charged, but he knew that those two boys were innocent. He claimed to know nothing about the murder, only that the two boys were innocent.

69. Artis was interviewed a second time by investigators from the commission on July 11, 2014. This time, Artis claimed that he did not know Sabrina Buie, but he had seen her around town at times, getting into cars. He claimed he did not know the day that Sabrina Buie had been murdered. When confronted with the fact that his DNA on file in the State's database

matched DNA recovered from the crime scene from an unspecified item, he told investigators that he did know Sabrina Buie, and that she had visited his sister's house once or twice and had gone to the store to buy cigarettes for him. He claimed to never have had any contact with Sabrina Buie except in his sister's driveway, and claimed his DNA must have been planted at the crime scene.

70. On July 31, 2014, Investigator Sharon Stellato interviewed Roscoe Artis for the third time regarding the Sabrina Buie case. Artis now admitted that on the night she went missing, Sabrina Buie had come over to his sister's home, and that it was raining out. He claimed to give Sabrina Buie a hat and coat to wear when she left. He acknowledged that he had failed to tell investigators this fact in his two previous interviews. Artis further told Investigator Stellato that he did not work on weekends like he previously had claimed.

71. Artis further claimed that Sabrina Buie left his sister's home on a bicycle, now claiming that she had ridden off in the direction of a store, not in the direction of her home. He also said in this interview that on the day prior to her disappearance, he had seen Sabrina Buie get into a white truck. When confronted with these inconsistencies by Investigator Shellato, he denied making any prior inconsistent statements, even when reminded that all of his interviews had been recorded.

72. At this third interview, Roscoe Artis voluntarily provided a sample of his DNA to the Commission investigators.

73. After this third interview, Artis wrote the Innocence Inquiry Commission on August 15, 2014, and asked the investigators to come back and visit him again. In that letter he reiterated that it was raining on the night of Sabrina Buie's disappearance.

74. On August 22, 2014, Roscoe Artis was interviewed again by investigators from the Innocence Inquiry Commission. Again, Artis claimed that on the night of Sabrina Buie's disappearance, it was raining. He repeated his previous statements about giving Sabrina Buie a hat and coat, but was unable to provide the color or type of the hat and coat. Artis claimed that he was never aware of the hat and coat until only recently when he spoke with his niece on the telephone and she had "reminded" him that the niece had given Sabrina Buie the hat and coat. When confronted with his prior inconsistent statement that his sister, not his niece, had allegedly given Sabrina Buie the hat and coat, he again claimed that it was his niece, and that she would corroborate his statements.

75. Artis was then confronted with the fact that the Innocence Inquiry Commission had already interviewed his family members, who had actually contradicted his statements. Artis then claimed that his family members had faulty memory.

76. During the August 22, 2014 interview, Artis volunteered "Why would I get out of bed at two or three in the morning in the rain, go to her, find that little girl and do this to her and then come back to bed?" He had never before been provided the time of Sabrina Buie's death.

77. Artis also told the Innocence Inquiry Commission that if the police had done their job correctly, McCollum and Brown would never have been sent to prison.

78. The Innocence Inquiry Commission established that there was no precipitation on the night of September 24, 1983, contrary to Roscoe Artis' claims. In addition, recorded interviews with Artis' family members contradicted his claims to investigators.

79. A sample of Artis' DNA that he voluntarily provided in July, 2014 was sent to the North Carolina State Crime Laboratory for DNA analysis and comparison to the DNA profile generated from the cigarette butt. The results of that test are as follows: The probability of

selecting someone other than Roscoe Artis with a DNA profile that is consistent with the DNA profile obtained from the cigarette butt is approximately 1 in 25 billion in the North Carolina Caucasian population, 1 in 1.84 billion in the North Carolina black population, 1 in 12.6 billion in the North Carolina Lumbee Indian population, and 1 in 89.9 billion in the North Carolina Hispanic population; finally, the probability of selecting someone other than Roscoe Artis with a DNA profile that is consistent with the DNA profile obtained from the cigarette butt is 1 in 4.2 trillion for the African-American population.

I. The Hearing Upon the Motion for Appropriate Relief and Order of the Court Granting the Motion and Vacating McCollum and Brown's Convictions

80. On September 2, 2014, a hearing upon the Motion for Appropriate Relief for both Henry Lee McCollum and Leon Brown was held in the Robeson County Superior Court, the Honorable Douglas B. Sasser presiding. Investigator Sharon Stellato testified as a witness at the hearing. Without opposition from the District Attorney, the Court granted the Motions for Appropriate Relief, and vacated the convictions and sentences. District Attorney L.J. Britt, III then moved to dismiss the cases against both men, and the court ordered their immediately release from custody.

81. Both men were released from the Department of Adult Corrections the following day, September 3, 2014.

J. The Pardons of Innocence Issued by Governor Pat McCrory on June 5, 2015

82. Following their release, both McCollum and Brown applied to the Governor for Pardons of Innocence. On June 5, 2015, Governor Pat McCrory issued both Henry Lee McCollum and Leon Brown Pardons of Innocence.

CLAIM FOR FINANCIAL COMPENSATION

83. North Carolina General Statutes § 148-82 et seq. provide for financial compensation by the Industrial Commission for wrongful imprisonment upon exoneration.

84. As set forth above, McCollum and Brown were convicted of felonies and imprisoned for 31 years in the North Carolina Department of Public Safety.

85. As set forth above, McCollum and Brown were exonerated by a Superior Court of the State of North Carolina.

86. As set forth above, McCollum and Brown were issued Pardons of Innocence by Governor Pat McCrory for the convictions at issue herein.

87. Both Henry Lee McCollum and Leon Brown are actually innocent of the crimes for which they were convicted, condemned to death, and incarcerated for 31 years.

88. McCollum and Brown are entitled to the statutory maximum compensation of \$750,000.00 each pursuant to North Carolina General Statutes § 148-84(a).

CLAIM FOR LOSS OF LIFE OPPORTUNITIES

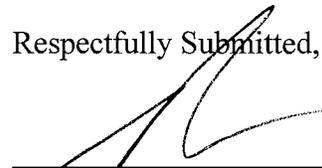
89. North Carolina General Statutes § 148-84(c) provides for compensation in the form of job skills training for no less than one year through a State program, and assistance in admission to and expenses for tuition and fees at a public North Carolina Community college or constituent institution of the University of North Carolina.

90. Henry Lee McCollum and Leon Brown hereby request the foregoing services be provided at the State's expense to obtain necessary educational and vocational training.

WHEREFORE, Claimants HENRY LEE MCCOLLUM and LEON BROWN respectfully request that the Commission grant this petition in its entirety, together with such other and further relief as may be just, proper and equitable.

Dated: JUNE 19, 2015

Respectfully Submitted,

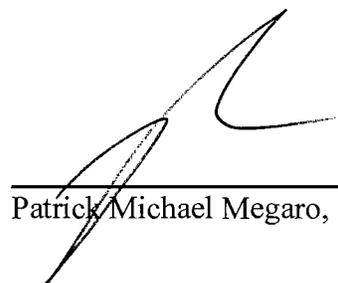


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CERTIFICATE OF SERVICE

I, Patrick Michael Megaro, hereby certify that a copy of the foregoing Petition, Verification, and Exhibits were filed via United States Postal Service with the following parties listed below on JUNE 19, 2015:

North Carolina Industrial Commission
Dockets Section
4336 Mail Service Center
Raleigh, North Carolina 27699-4336



Patrick Michael Megaro, Esq.

VERIFICATION

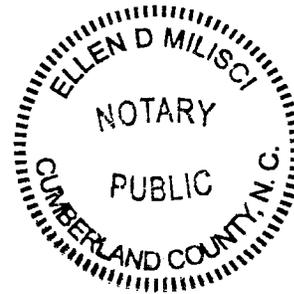
I, HENRY LEE MCCOLLUM, read, write and understand the English language, have read the foregoing Petition in its entirety and understand the contents thereof, and hereby verify that the facts contained in the foregoing Petition are true to my own knowledge.

Henry Lee McCollum
HENRY LEE MCCOLLUM

Subscribed and sworn to before me this

16 day of June, 2015

Ellen D Milisci
Notary Public



I, LEON BROWN read, write and understand the English language, have read the foregoing Petition in its entirety and understand the contents thereof, and hereby verify that the facts contained in the foregoing Petition are true to my own knowledge.

Leon Brown
LEON BROWN

Subscribed and sworn to before me this

16 day of June, 2015

Ellen D Milisci
Notary Public

