State of North Carolina

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August 28, 2015

The Hon. R. Andrew Murray
District Attorney, District 26
700 E. Trade St.
Charlotte, NC 28202

Dear Mr. Murray:

I write to notify of our office's intended resolution of 13CRS237256 *State of North Carolina v. Randall Wesley Kerrick* which our office has overseen on behalf of the State.

As you know, a true bill of indictment on the charge of voluntary manslaughter was returned January 27, 2014 after a previous, incomplete grand jury had declined to return an indictment. The case proceeded to trial in July 2015 and concluded August 21, 2015.

After three days of deliberation the jury foreman in the criminal proceeding declared the jury had reached an unbreakable impasse, and The Honorable Judge Robert C. Ervin declared a mistrial.

Upon speaking with jurors, it is our understanding that the jury had deadlocked by a vote of eight jurors for acquittal and four jurors for conviction on the charge of voluntary manslaughter.

In consideration of the jurors' comments, the evidence available to the State, and our background in criminal trials, it is our prosecutors' unanimous belief a retrial will not yield a different result. While our prosecutors tried to seek a conviction, it appears a majority of the jurors did not believe the criminal conviction was the appropriate verdict.

Our prosecutors believe they were able to introduce the relevant evidence and examine the witnesses, including the defendant, appropriately and that the jury fully considered the details of the case. However, meeting the standard of proof of beyond a reasonable doubt could not be achieved.

Our office will submit a dismissal of the charge which will complete disposition of the case. Please feel free to contact me if you should have any questions.

Sincerely,

Robert C. Montgomery
Senior Deputy Attorney General

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