

FILED

STATE OF NORTH CAROLINA
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

2013 DEC 23 AM 11:53

11 CRS 8657
13 CRS 7784

WAKE CO., C.S.C.

STATE OF NORTH CAROLINA)	
)	
v.)	
)	ORDER
AMANDA SMITH HAYES,)	
<i>Defendant</i>)	

THIS MATTER comes before the Court upon the Defendant’s Motion filed December 16, 2013 to allow Defendant’s attorney to retain possession of a physical item that was found in Defendant’s 2009 Dodge Durango while it was in the possession of Defendant’s attorneys for the purposes of allowing them to perform examinations and tests on it. The consideration of this motion has been assigned to the undersigned by Order dated December 18, 2013 entered by the Honorable Donald W. Stephens.

Also before the Court is a similar motion filed December 23, 2013 pertaining to a knife that was found in the Defendant’s vehicle after it was returned to the Raleigh Police Department.

After considering the written submissions of the State and the Defendant, and all matters of record, the Court orders the following:

1. The “physical items” found in the Defendant’s vehicle, which have subsequently been identified in open court as a biohazard suit and gloves, are to be immediately returned by Defendant’s counsel to the State and shall remain in the custody or control¹ of the State.
2. The knife, which is currently in the State’s custody, shall remain in the custody or control of the State.

¹ For the purposes of this order, “custody or control” shall include forensic testing facilities.

3. To the extent that the Defendant wishes to inspect, photograph or, under appropriate safeguards, examine and/or test any of the items described above, the Defendant shall proceed in accordance with N.C. Gen. Stat. 15A-903(a)(1)(d) and shall communicate with the District Attorney's office in an effort to arrange a mutually satisfactory process for having any items examined or tested.
4. Any testing or examination of any item shall be done in a manner that does not delay the trial of this matter.

This the 23rd day of December, 2013.



Paul C. Ridgeway
Superior Court Judge

Certificate of Service

The undersigned certifies that the foregoing was served upon all parties by fax or hand delivery as follows:

Johnny Gaskins
Two Hannover Square, Suite 1740
Raleigh, NC 27601
(919) 834-3400

Rebecca W. Holt
Assistant Wake County District Attorney
Wake County Courthouse
Raleigh, NC 27602

Benjamin O. Zellinger
Assistant Wake County District Attorney
Wake County Courthouse
Raleigh, NC 27602

This the 23rd day of December, 2013.


