



North Carolina General Assembly
House of Representatives
State Legislative Building
Raleigh 27601-1096

October 22, 2009

Hon. Roy Cooper
Attorney General

Hon. Alvin Keller
Secretary, Dept. of Correction

HAND DELIVERY

We are writing to express our concern over the failure of the Departments of Correction and Justice to timely notify the General Assembly of the potential consequences of the Court of Appeals decision in State v. Bowden. Like crime victims and the general public we were alerted to this matter only after the News and Observer wrote a story on 16 October 2009 following the Supreme Court order of 9 October 2009. The sentence credits which the Department appears poised to grant do not statutorily apply to these 20 prisoners. A thorough legal review will show that the Department's policy is flat out contrary to the statutes.

We are concerned with the haste with which the potential release of these felons is being considered. Only inmate Bowden has filed a motion. His case has been remanded for a hearing to determine sentence reduction credits that he is eligible to receive and how those credits are to be applied. It is premature to consider releasing other prisoners convicted between 8 April, 1974 and 30 June, 1978 who were given life sentences, in the absence of a court hearing on the application of sentence reduction credits in each case. We believe the statutes specifically excluded this class of prisoner from receiving day for day/good time credits.

Please stop the rush and apply the statutes. Do not voluntarily release these violent felons.

We are authorized to state that Sen. Phil Berger, Senate Republican Leader, concurs.

Sincerely,

Rep. Paul Stam
Republican House Leader

Rep. Nelson Dollar
Republican Deputy Whip

Cc: Members of the North Carolina House and Senate