



**Center for Criminal Justice and
Professional Responsibility**

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March 18, 2020

The Honorable Roy Cooper
North Carolina Office of the Governor
20301 Mail Service Center Raleigh, NC 27699-0301
Via First Class and Electronic Mail

Re: Commutation for Ronnie Wallace Long, OPUS No. 247905

Dear Governor Cooper:

On March 16, 2020, the United States Court of Appeals for the Fourth Circuit granted Ronnie Wallace Long's petition for rehearing en banc. Long v. Hooks, No. 18-6980, 2020 WL 1243647 (4th Cir. Mar. 16, 2020). A jury convicted Mr. Long of first degree sexual assault in 1976. He has steadfastly maintained his innocence since the day of his arrest – and we now represent him in his efforts to prove it.

The rehearing on Mr. Long's habeas petition will focus on serious constitutional errors at his trial, including the sustained withholding of several pieces of evidence that could have demonstrated his innocence to the jury or to state courts that reviewed his conviction. The fact that the State withheld the evidence cannot seriously be disputed. The State instead argues that the evidence was immaterial to the outcome of trial, and that is the core issue being considered by the full Fourth Circuit.¹

Unfortunately, because of the COVID-19 virus, the Fourth Circuit has postponed arguments that are already scheduled, and it is therefore unclear when it will be able to hear Mr. Long's case. The magnitude of the COVID-19 public health crisis is well known to you, as demonstrated by your issuance last week of Executive Order 116, which is intended to protect the well-being of North Carolina residents. We are writing now to ask you to take specific action to protect Mr. Long from the risk of illness by commuting his sentence and freeing him from prison. Our understanding is that your office ordinarily does not take such actions while there are ongoing legal proceedings, but these are exceptional times calling for exceptional actions.

The COVID-19 virus *will* make its way into North Carolina's prisons, and Mr. Long is at high risk for severe illness from the virus, as he is above 60 years old and has a chronic underlying medical condition. The prison system is inadequate for social distancing, which is the recommended step to avoid the spread of COVID-19. The only way incarcerated persons can

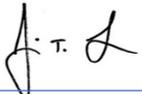
¹ The particulars of Mr. Long's case are included in the Fourth Circuit brief enclosed with this letter.

maintain distance from one another is if they are placed in administrative segregation, which results in full isolation that studies have found can be tantamount to torture. Given the serious questions about Mr. Long's responsibility for the crime of which he was convicted, and the significant evidence of his innocence that was uncovered and is now a part of the record before the Fourth Circuit, subjecting Mr. Long to the heightened risk of a COVID-19 infection after 44 years of incarceration serves no rational penological purpose and is wholly unnecessary to protect public safety.

It is clear that you have the authority to take this extraordinary step. Article III, Section 5 of the North Carolina Constitution specifically enumerates commutations as a power residing with your office. Moreover, while we think unnecessary, if you have any concerns regarding Mr. Long's conduct if he is released, the same provisions of the North Carolina Constitution permit you to attach conditions that you think are necessary to protect the public while Mr. Long continues to pursue his unconditional exoneration. Other than dismissing his claim of innocence, Mr. Long would accept any reasonable condition in exchange for releasing him from prison to mitigate the risks posed by COVID-19.

As always, we stand ready to present you with more information to support this request or participate in a discussion with you about it. As with all North Carolina citizens, keeping Mr. Long safe and healthy is of paramount importance.

Sincerely,



Jamie T. Lau



G. Chris Olson



Theresa A. Newman

Attorneys for Mr. Long

Attachments:

- (1) Long's Opening Brief to the United States Court of Appeals for the Fourth Circuit
- (2) Decision of Fourth Circuit Panel

Forthcoming Supplemental Attachments:

- (1) Certified copies of Indictment, Verdict, and Judgment.

Cc: The Honorable Josh Stein, Attorney General