

STATE OF NORTH CAROLINA
COUNTY OF WARREN

FILED

2021 MAY -5 P 4: 26

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO. 18 CRS 118-128, 50136

WARREN CO., C.S.C.

STATE OF NORTH CAROLINA

v.

LESTER KEARNEY,
Defendant.

MEMORANDUM IN SUPPORT OF
SETTING BOND

NOW COMES Lester Kearney, by and through counsel, to supplement the Motion for a Bond Hearing filed on March 22, 2021. In support of setting of an appropriate bond, Mr. Kearney offers the following:

I. Mr. Kearney should be released on an unsecured bond for the following reasons:

- Phone data available to the State and examined by the defense shows Mr. Kearney was nowhere near the Alford's home or the State Employee's Credit Union on March 9, 2018.
- Investigators planted Mr. Kearney's name with Keven Munn during Munn's interview and suggested it as a way Munn could help improve his predicament.
- The State pounced when Munn agreed with investigators' suggestion that Mr. Kearney participated.
- The State scheduled a press conference without testing whether any evidence supported Munn's versions of events or pointed to Mr. Kearney independently.
- The State's press conference resulted in old images of Mr. Kearney circulating through the media, tainting any hopes of a reliable identification procedure.
- A family member showed Mr. Alford the one or two images of Mr. Kearney circulated by media, suggesting that Mr. Kearney was the intruder.
- The State doubled down on the family member's suggestion when a State Bureau of Investigations agent present Mr. Alford with a single photo of Mr. Kearney.
- While Munn offered varying, inconsistent, and clearly dishonest statements, the State ignored evidence of Mr. Kearney's innocence.

II. The Crime Occurred between 8 and 10:30 a.m.

1) On the morning of Friday, March 9, 2018, an intruder broke into the home of Rev. John and Dr. Nancy Alford. According to Rev. Alford, he and his wife were sleeping in bed when a man came inside their bedroom. The intruder hit Rev. Alford in the head, knocking him back down into the bed, and eventually bound Rev. Alford's hands and legs, tied him to the bed, and covered his head.

2) According to Rev. Alford, the intruder held a knife and asked the couple about money. Rev. Alford told authorities the knife might have come from his own kitchen. When it was apparent that the couple did not have a lot of money in the house, the intruder asked about going to the bank and Dr. Alford said they banked at the State Employees Credit Union. Rev. Alford, whose head remained covered, then heard nothing for a long time and assumed that Dr. Alford and the intruder drove to the bank.

3) According to Rev. Alford, the intruder referenced an accomplice, telling the Alfords that if they did not cooperate his "buddy" would hurt Rev. Alford, but throughout the entire ordeal Rev. Alford only saw one person and heard one voice.

4) Surveillance footage from the State Employees Credit Union in Roanoke Rapids, NC, showed Dr. Alford driving her car, a 2011 silver Mercedes Benz C300, and eventually withdrawing money from a drive-through lane. Dr. Alford's transaction occurred at approximately 9:09 am. It is not clear from the footage whether someone was in the backseat of the car. The drive from the Alford home to the bank typically takes 30-35 minutes. Between waiting in line and making her transaction, Dr. Alford's car was at the bank for approximately eight minutes.

5) According to Rev. Alford, while his wife and the intruder were away from the house, he was able to get himself untied from the bed, but he did not get out of the bed.

6) According to Rev. Alford, when his wife and the intruder returned, Dr. Alford's voice sounded agreeable. Rev. Alford thought things were okay, but then he heard a crash and his wife cry out for help in the exercise room, the room next to the bedroom. Rev. Alford immediately got out of the bed and walked to the door to the exercise room but was greeted by a wall of flames. He was unable to see or reach his wife.

7) According to Rev. Alford, he then exited the bedroom via the door to his deck and walked around the house. He noticed that a side door was kicked in. He tried to re-enter the house through the side door, but the fire was too hot. He then walked around to the front of the home. By the time Rev. Alford reached the front of his home, neighbors had begun to reach the yard and prevented him from re-entering the gulf-enflamed house.

8) A neighbor called 911 at 10:29 am.

9) Dr. Alford's Mercedes was stolen and used by the intruder to flee the scene. It was the only vehicle taken from the property. Three other vehicles at the Alford home, a Suburban, a 2016 Malibu, and a 2003 Mercedes, were untouched.

10) Rev. Alford kept several guns in his home. Some guns were kept in a safe in the living room, and some in the master bedroom closet. His collection included two Berettas, a 9 mm Luger, bayonets, a Colt 45, among others. According to Rev. Alford, the intruder never asked about guns; the intruder said he only wanted money. One of Rev. Alford's sons reported seeing multiple gun barrels in the debris following the fire. Crime scene photos showed numerous guns in the debris of the fire.

11) Dr. Alford died of thermal injuries and inhalation of products of combustion. Blunt force injury of head significantly contributed to her death.

12) One of the first paramedics to treat Rev. Alford outside his home reported that his left eye was totally shut with swelling and he had a hematoma on his upper and lower left eye; his right eye was less swollen, but Rev. Alford had difficulty keeping it open. Both eyes were black and blue, and his hair, ears, and arms were burned. Rev. Alford remained hospitalized for approximately two weeks with significant second-degree burns.

III. Mr. Kearney's phone puts him somewhere other than the scenes of the crime during the times they occurred.

13) As part of their investigation, law enforcement officers conducted extractions of the cell phones and obtained the phone records for Mr. Kearney, Shadae Williams (Mr. Kearney's girlfriend at the time), Kevin Munn, and Kristina Saferite, among others.

14) Law enforcement also obtained "tower dumps" from the cell phone towers closest to the Alford home, the SECU in Roanoke Rapids, and the area in Haywood county where Dr. Alford's Mercedes was recovered. A tower dump allows law enforcement to see every cell phone number that used the tower for a phone call or text message during the requested time frame.

15) Mr. Kearney's phone records show that he called Danielle Simonton, the mother of his son, at 9:49 am on March 9.

16) The same records show that Mr. Kearney called his cousin, Timothy Kearney, at 9:50 and 9:53 am on March 9.

17) The same records show that Mr. Kearney called an Advanced Auto Parts at 9:55 am on March 9.

18) At the times of these calls, someone was robbing the Alford's in Littleton and Roanoke Rapids.

19) The extraction of Mr. Kearney's cell phone establishes that when he spoke with Ms. Simonton and his cousin Mr. Kearney, the phone was connected to Ms. Williams's wife at her home at 944 Summit Road, Littleton, NC.

20) This location is approximately 17 miles and 22 minutes away from the Alford home. It is approximately 11 miles and 15 minutes from Roanoke Rapids.

21) The tower dumps show that Mr. Kearney's phone did not "ping" off the towers near the Alford home on the morning of March 9.

22) The tower dumps show that Mr. Kearney's phone did not "ping" off the towers near the SECU on the morning of March 9.

23) The tower dumps show that Mr. Kearney's phone did not "ping" off the towers in Haywood county at any time during any time collected by law enforcement.

IV. The State relies on the obvious culprit without corroborating any of his story.

24) Two days after the Alford home invasion, several State Highway Patrol troopers and officers from the Haywood County Sheriff's Office engaged in a high-speed chase with a silver Mercedes near Crabtree, NC. The driver of the car, whose driving was described by one trooper as "so reckless that he would have done anything to evade law enforcement," successfully eluded capture.

25) Authorities were alerted to an explosion and car fire of a Mercedes in the early morning hours of March 12, 2018 in Waynesville, NC.

26) Authorities collected numerous statements and surveillance videos suspecting that the high-speed chase and car fire of a Mercedes in Haywood county on March 11-12 could be

related to the Mercedes stolen from a homicide scene in Warren county on March 9. Witnesses and surveillance established that the driver of the Mercedes in Haywood county was a white male, approximately 6 feet tall, with tattoos on the upper part of his left arm. One state trooper who observed the driver as he slowed down confirmed upon seeing a photograph of Kevin Munn that he was 95% certain that Munn was the driver of the car.

27) Surveillance footage from a dentist's office in Waynesville, NC, showed a person parking and leaving a Mercedes on the afternoon of March 11, shortly after the high-speed chase. In the early morning hours of March 12, surveillance showed that a person walked to the Mercedes, carried personal belongings away from the Mercedes, and then walked to a Nissan Quest van. The person then returned to the Mercedes, lit it on fire, then ran in the direction of the Nissan Quest which by then was off camera.

28) According to Kristina Saferite, that weekend Munn called a friend saying that he needed to be picked up in western North Carolina. Saferite and the friend drove a Nissan Quest registered to Munn's mother to pick up Munn. After getting picked up, Munn directed the group to drive to a nearby building where Saferite saw a car. After Munn removed some belongings from the car, Saferite heard a boom and assumed that Munn blew up the car.

29) Munn confessed to the police that he led a "high-speed chase," "torched the car," and that his sister picked him up.

30) Authorities confirmed through its VIN that the Mercedes that Munn set ablaze in Haywood county was the Mercedes registered to Dr. Alford.

31) Kevin Munn, who is white, has pleaded guilty to murdering Nancy Alford in Littleton, NC, on March 11, 2018, and to murdering Tommy Ellington in Henderson, NC, on October 2, 2017. He has yet to be sentenced for his crimes.

32) On March 13, police officers brought up Mr. Kearney's name three times while interrogating Munn before Munn implicated Mr. Kearney in the Alford home invasion. The third time occurred in the following exchange, after police confronted Munn with his sister's admission that she picked him up in western North Carolina and saw the Mercedes:

Munn: Yeah, but [the Mercedes] got dropped off to me and I got paid to –

SA Staton: How did it get dropped off to you, Kevin?

Munn: Somebody dropped it off.

SA Staton: Who dropped it off to you? Because that's –

Munn: You said his name.

SA Staton: Huh?

Munn: You said his name.

SA Staton: What's his name?

Munn: You said his name.

Lt. West: Listen.

SA Staton: I need you to tell me.

Lt. West: Kevin, this is your opportunity.

Munn: You tell me – you asked me who – who did you ask who have I seen.

Lt. West: We asked you a bunch of names.

SA Staton: Yeah.

Lt. West: Listen Kevin.

SA Staton: Is it Kearney? Did Kearney drop the car off to you? Because I need to know that.

Munn: That's the person you guys asked me, won't it?

Lt. West: So he's the one that dropped the car off to you?

Munn: (Nods affirmatively.)

SA Staton: Lester Kearney dropped the car off to you?

Munn: (Nods affirmatively.)

V. Investigators made no effort to verify or challenge Munn's concession.

33) Kevin Munn was arrested on March 13, 2018.

34) On the same day, as detailed above, during an interrogation that began at approximately 5:35 pm, Munn implicated Mr. Kearney in the Alford home invasion after investigators suggested that Mr. Kearney was involved.

35) Mr. Kearney was arrested at approximately 12:30 pm on the next day, March 14, in the parking lot of a Walgreen's where he had just picked up a prescription.

36) During the time between Mr. Munn's concession and Mr. Kearney's arrest, investigators made no effort to independently verify Mr. Munn's confession. Instead, they ignored his numerous inconsistencies and jumped on the one piece of his story, albeit one they supplied, to obtain a warrant against Mr. Kearney.

VI. The State tainted any identification by holding a press conference.

37) After Mr. Kearney's arrest, District Attorney Michael Waters, Warren County Sheriff Johnny Williams, and State Bureau of Investigation Special Agent-in-Charge Michael Denning held a press conference announcing the arrests of Munn and Mr. Kearney.

38) Members of the Alford family attended the press conference and were acknowledged by the prosecutor and agents.

39) Rev. Alford remained in the hospital, accompanied by his daughter-in-law Marsha Alford. As a result of the District Attorney's announcement that Mr. Kearney had been arrested, photographs of Mr. Kearney were published on TV and news websites.

40) Rev. Alford was aware of the arrests. He was aware that the prosecutor was holding a press conference to announce the arrests. Rev. Alford knew that members of his family were attending the press conference to show solidarity with the State's actions.

41) The press published two old photographs of Mr. Kearney. The photos looked like booking photos or mug shots. Rev. Alford's daughter-in-law showed him one or both photos published by the press on her phone.

VII. The State doubled down on the family member's suggestive disclosure with an illegal photo procedure.

42) At no time between Munn's interrogation on March 13 and the District Attorney's press conference on March 14 did any law enforcement officer attempt to show a photographic

lineup containing images of Defendant with fillers as detailed by the Eyewitness Identification Reform Act, N.C.G.S. §15A-284.52.

43) On March 16, SBI Special Agent Snead met with Rev. Alford at the hospital purportedly “to determine which pictures of Lester Henry Kearney (suspect) and Kevin Burton Munn (suspect) his daughter-in-law, Marsha Alford (M. Alford), allegedly showed him on Wednesday, March 14, 2018. . . .”

44) Special Agent Snead proceeded to show Rev. Alford three photographs: two of Mr. Kearney and one of Munn.

45) This procedure did not conform with the Eyewitness Identification Reform Act, N.C.G.S. §15A-284.52, and further tainted any eyewitness identification.

VIII. Reverend Alford’s identifications are inconsistent with a description of Mr. Kearney.

46) Rev. Alford spoke to numerous people in the days after the crime and offered varying details in his description of the intruder.

47) Immediately after the crime, while Rev. Alford was still in front of his burning home, he told a paramedic that the intruder’s face was covered, nothing stuck out about the intruder’s voice, and the intruder did not have tattoos or piercings.

48) Later that same day, Rev. Alford told SBI Special Agent Bennett that the intruder had a black substance like military camouflage smeared over his face. Despite the makeup, Rev. Alford, who is white, described the intruder as a black man because of the man’s hands and his conversation. He described the intruder as 5’8” to 5’10”, 180 pounds, mild-mannered, no facial hair, and approximately 30 years old. He described the intruder as wearing a gray toboggan, dark winter jacket, and blue jeans.

49) The next day, Rev. Alford further detailed that the intruder wore a flat black makeup without shine or sheen. Despite the makeup, Rev. Alford described the intruder as a black man based on his neck and hands. Rev. Alford reiterated that the man had no tattoos.

50) Mr. Kearney, who is Black, has prominent tattoos on his neck and both hands.
[See Exhibit 1]

51) On March 12, Rev. Alford described the intruder as having a round face, dark eyes, a “normal nose,” and no facial hair.

52) On March 16, Rev. Alford said he recognized a photo of Mr. Kearney shown to him two days prior as the intruder, in part due to the “African American features” of his nose and mouth. Rev. Alford went on to say that he recognized the nose, mouth, ears, and eyes.

53) There is nothing from undersigned counsels’ review of the discovery that includes Rev. Alford’s description of the perpetrator’s ears or mouth prior to March 16.

54) When he was arrested on March 14, Mr. Kearney had facial hair.

55) On April 25, 2018, at Mr. Kearney’s probable cause hearing, Rev. Alford provided a different description of the intruder’s face camouflage: “Like little squares somewhere between a dark gray and a black. He had two on his forehead and like on his cheek and it kind of distorted his face just a little bit.” He further testified that he looked “directly at his face and ... looked at the contour of his face and the color of his skin.”

56) According to the Innocence Project, 69% of DNA exonerations of wrongfully convicted people involved eyewitness misidentification. Further, 84% of the misidentification cases involve a misidentification by a surviving victim, and 42% involved a cross-racial misidentification.¹

¹ See <https://innocenceproject.org/dna-exonerations-in-the-united-states/>

IX. While Munn offered varying, inconsistent, and clearly dishonest statements, the State ignored evidence of Mr. Kearney's innocence.

57) Since his arrest, Munn has given multiple varying and inconsistent statements about his involvement and Mr. Kearney's alleged involvement in the Alford home invasion. His primary statements were made upon his arrest on March 13, 2018; shortly before his guilty plea on April 25, 2018, and April 30, 2018; and in his testimony when trying to withdraw his guilty plea on October 23, 2019, and November 14, 2019.

58) Upon initially being questioned by police on March 13 about the invasion of the Alford home, Munn said that he was in Greensboro from Thursday to Saturday and so could not have committed the crime in Littleton on Friday. He also denied having ever been to Haywood county in his entire life. Later in the same interview Munn admitted these statements were lies.

59) Rev. Alford testified at Defendant's probable cause hearing that while he was tied to his bed and his head was covered with a blanket, he overheard Dr. Alford ask the intruder, "Do you know Tommy Overby?" The intruder replied, "Yes I know him. He talks a lot."

60) Tommy Overby is a contractor who worked at the Alfords' home and at Dr. Alford's office.

61) Kevin Munn worked for Mr. Overby for approximately three months. Mr. Overby fired Munn for stealing money from Dr. Alford's office. Munn knew Dr. Alford and said everyone called her Nancy. Munn also worked at the Alfords' home with Mr. Overby.

62) Mr. Overby told police he did not know Mr. Kearney, never employed Mr. Kearney, and had never heard Mr. Kearney's name.

63) The police did not ask Mr. Kearney a single question about Tommy Overby during his multiple hour interrogation.

64) When law enforcement asked about how Mr. Kearney communicated with Munn about the Alford home invasion and getting rid of the car, Munn said, “I hadn’t talked to him before [] he got in contact with me on Facebook. It’s on my Facebook. . . . He said, ‘I need to talk to you.’ . . . He said, ‘I have something for you to do. I got some money for you.’ . . . He asked could he come back there and meet me.”

65) Munn later said that the only way Mr. Kearney contacted him was through Facebook, and that if he wanted to contact Mr. Kearney it would be through Facebook. Munn said that he and Mr. Kearney “talk[ed] about some licks” on Facebook, and that Mr. Kearney contacted him on Facebook four hours after the Alford home invasion.

66) As part of its investigation, law enforcement obtained all of Facebook’s business records for the accounts of Munn and Mr. Kearney. The records show that Mr. Kearney sent a friend request to Munn on February 6, 2018, which was accepted by Munn on the same day. That is the only interaction that occurred between the two on Facebook. The conversations that Munn described to the police never occurred.

67) On April 25, 2018, Munn admitted that he never communicated with Mr. Kearney on Facebook.

68) Munn told law enforcement on March 13 that he did not know anything about the invasion of the Alford home, but that Mr. Kearney asked him to get rid of a car by running it off a mountain. Because Munn told police Mr. Kearney hadn’t given him any money, they asked him how he planned to get home from western North Carolina. Munn said, “Uber.” When they pointed out that he said he didn’t have any money, Munn replied, “Man, I don’t know. . . . To be honest with you, I hadn’t thought that far ahead.”

69) Munn gave numerous varying explanations for why he assisted Mr. Kearney in the crime:

- Mr. Kearney promised to give him \$5,000 for getting rid of the car (although Munn took the car without receiving any money from Mr. Kearney, even for gas, and without a plan for disposing of the car);
- Munn showed Mr. Kearney where the house was on the Wednesday prior to the crime and then the two smoked marijuana and drank beers that they purchased together at a store in Norlina (although there is no witness or surveillance to support that the two were ever together at the store);
- Munn was in debt to Mr. Kearney because despite not having seen each other for 10 years, Mr. Kearney gave Munn \$1500 in the fall of 2017 so that Munn could buy Christmas presents for his children;
- After learning that there were guns in the house, Mr. Kearney sought Munn's help in locating the Alford home;
- Munn was in debt for drugs purchased from Mr. Kearney's people; and
- Mr. Kearney threatened Munn's life if he did not help commit the crime.

70) On April 25, 2018, Munn told in elaborate detail how he and Mr. Kearney supposedly went to the Alford home the morning of March 9, that Munn saw Mr. Kearney break into the home, he watched Dr. Alford drive away in her Mercedes with Mr. Kearney in the backseat, he saw the car return, he gave Mr. Kearney a can of gas to light the house on fire, and they left together in Dr. Alford's Mercedes.

71) On November 14, 2019, Munn recanted the entire tale under oath, saying that he never went to the Alford home that morning.

72) Munn told the police that Mr. Kearney's motive for the crime was stealing guns from the home and that Mr. Kearney told him after the crime that he stole guns and would try sell them on Facebook.

73) According to Rev. Alford, the intruder never said anything about guns. Further, there is no evidence from Facebook records or anywhere else in the discovery that Mr. Kearney attempted to sell any guns after the invasion of the Alford home. As previously detailed, numerous guns were found in the debris of the house fire.

74) When Munn was arrested in a different vehicle, he was in possession of Dr. Alford's GPS. He initially told officers that he picked it up in a pawn shop in Henderson, but eventually admitted that it was from Dr. Alford's Mercedes and that he "kept it like a dumbass."

75) After his arrest, Munn had multiple phone calls with his sister Kristina Saferite about moving evidence and mailed her a suggested timeline that she should adhere to in talking with the police.

76) Munn has given multiple different stories regarding Mr. Kearney's supposed involvement in the 2017 murder of Tommy Ellington, including the following:

- Mr. Kearney told others that he shot Mr. Ellington;
- Munn described the location of the Ellington house to Mr. Kearney but was not present when the crime occurred;
- Munn led Mr. Kearney to the Ellington house the morning of the crime but did not witness the crime; and
- Mr. Kearney requested Munn's help in moving Mr. Ellington's body.

77) In truth, a month prior to Mr. Ellington's murder, Munn broke into the Ellington home with his face covered and was confronted by Ellington's wife holding a gun. Mrs. Ellington allowed Munn to leave the house without harming him.

78) Within an hour of Mr. Ellington's murder, Munn was seen at a store three miles from the Ellington home (in a county where Munn didn't live). Further, Munn's DNA was found inside a pants pocket worn by Mr. Ellington.

79) Presumably the same evidence collected at the Ellington scene was analyzed for Mr. Kearney's DNA. The District Attorney has never charged Mr. Kearney in the Ellington crime.

80) In November 2019, Munn admitted that he had no knowledge that Mr. Kearney had anything to do with the murder of Mr. Ellington and that when he implicated Mr. Kearney he was lying to keep him in custody. As previously stated, Munn pleaded guilty to the murder of Mr. Ellington.

81) Munn is a known drug addict who admitted many times to law enforcement his addiction and the memory and judgment problems it causes.

82) Since his arrest, Mr. Kearney has maintained his innocence.

83) During his interrogation on March 14, 2018, Defendant asked the police multiple times if he could take a polygraph:

- "Is it possible I could take a polygraph for anything?"
- "I asked the dude if I could take a polygraph, man, to be honest with you."
- "I don't know what else to tell you so you can believe me. I'm willing to take a polygraph or do anything else needed to be done."
- "I want to take a polygraph. I'm urging you."

- “And when we take the polygraph, be as detailed as you would like....”

84) During his interrogation, the officers told Defendant, “There’s always a possibility ... to take a polygraph,” and, “[I]f you’re willing to take a polygraph, then that ... can be arranged....”

85) During Defendant’s probable cause hearing, District Attorney Waters stated, “I’ll stipulate that not only with [previous defense counsel] will have a chance to give his client a polygraph, so will we, but if that’s what he wants.”

86) On July 27, 2018, previous defense counsel sent a letter to the Warren County Detention Center informing staff that he had arranged for Defendant to take a polygraph examination at the Detention Center on August 14, 2018.

87) The Warren County Sheriff’s Office obtained an Order to transfer Defendant to the Department of Public Safety on August 13, 2018, the day before he was scheduled to take his polygraph examination.

88) Superior Court Judge Henry W. Hight, Jr. signed an Order, consented to by Assistant District Attorney Melissa Pelfrey, and filed on October 1, 2018, allowing Defendant to complete a polygraph examination at Central Prison.

89) Michael Edward Lane, CE, CCE, PCSOT, administered a polygraph examination of Defendant at Central Prison on October 11, 2018, during which he asked Defendant four relevant questions:

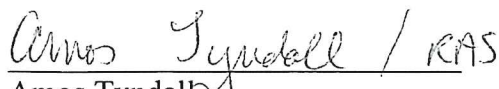
- Are you the person who set the house on fire?
- Are you the person who took Mrs. Alford to the ATM machine?
- Were you ever at the Alford’s residence on the day of the crime?
- Are you withholding any information about what happened to the Alfords?

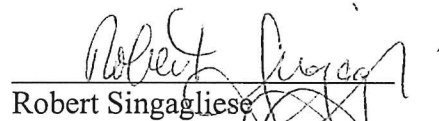
90) Mr. Kearney answered "No" to all the relevant questions.

91) Mr. Lane concluded his polygraph examination report, "[I]t is the opinion of this examiner that this examination strongly supports the '**Truthfulness**' of [Defendant] concerning the relevant questions as noted and answered above." [See Exhibit 2]

WHEREFORE, given the substantial evidence of Defendant's innocence of the charges in the above-captioned cases, Defendant requests an unsecured bond with conditions.

Respectfully submitted, this the 5th day of May, 2021.


Amos Tyndall
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NC Bar # 19309
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amos@amostyndall.com


Robert Singagliese
123 W. Main St., Ste. 601
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(919) 354-7220

CERTIFICATE OF SERVICE

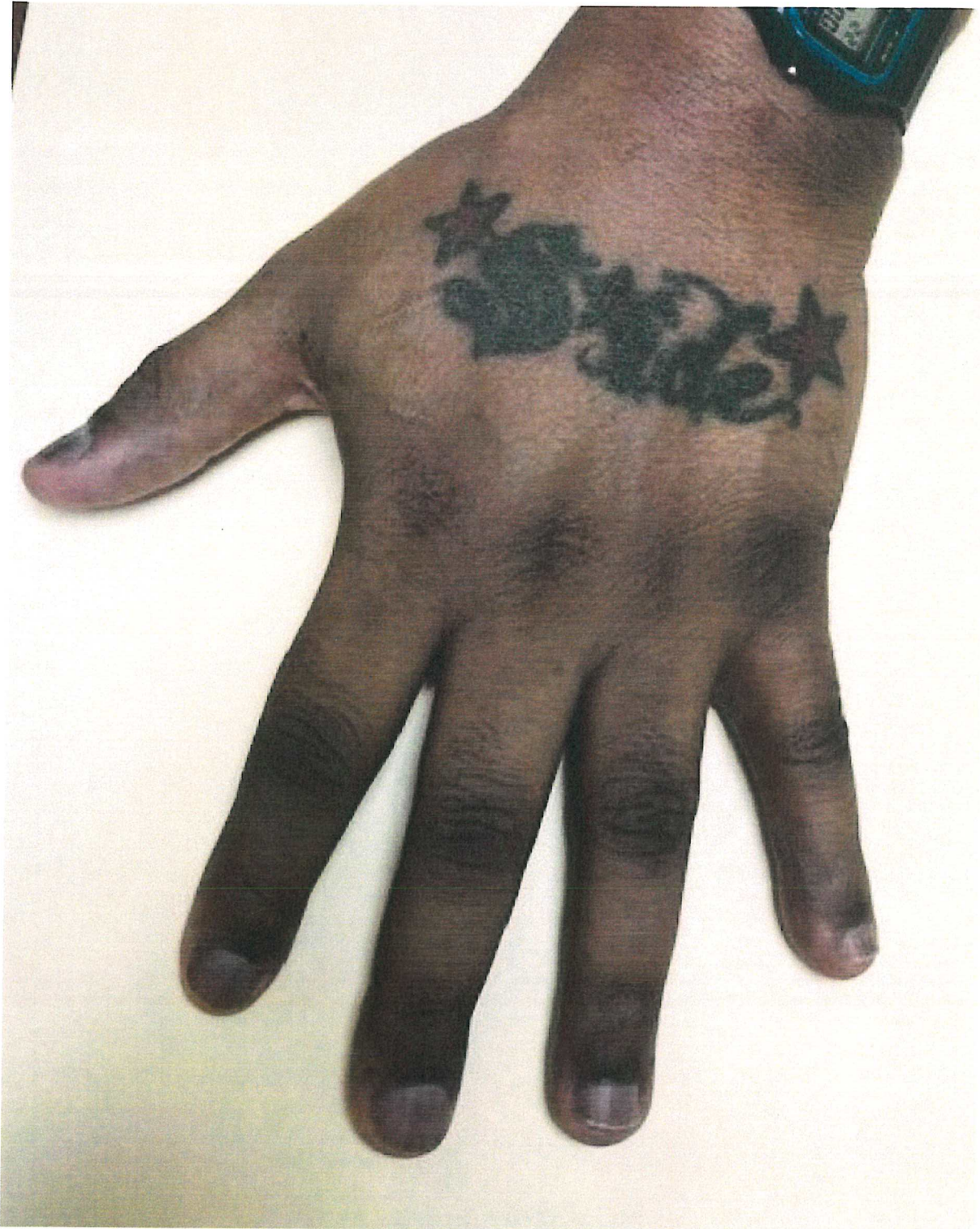
I certify that I served a copy of the foregoing **Motion** by hand delivery upon:

Michael Waters
District Attorney
109 S. Main St.
Warrenton, NC 27589

This the 5th day of May, 2021.


Robert A. Singagliese

EXHIBIT 1



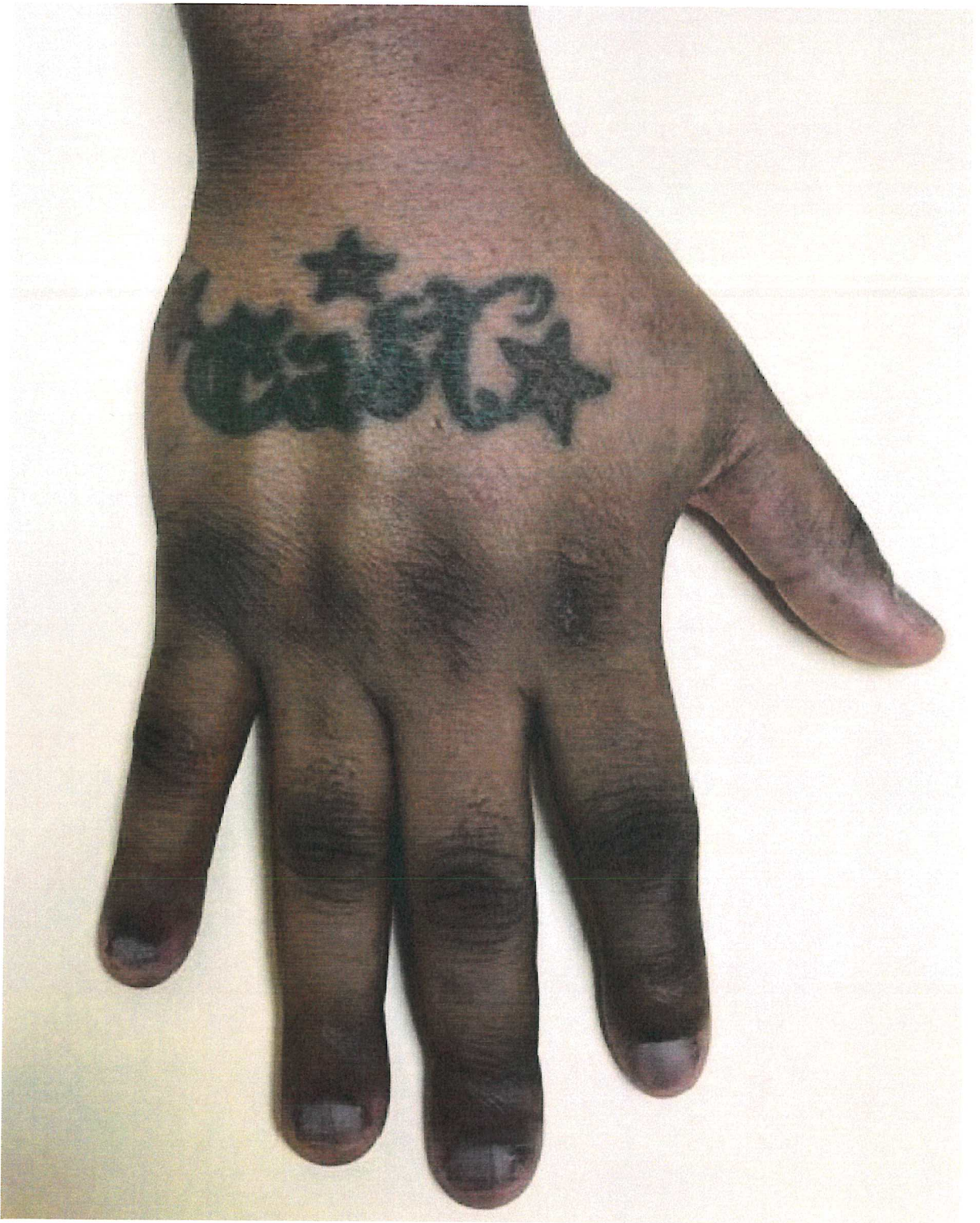
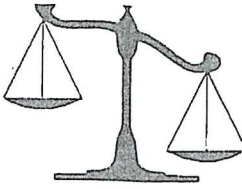


EXHIBIT 2



EASTERN NORTH CAROLINA POLYGRAPH SERVICES

Providing Forensic Polygraph and Training Services

MICHAEL E. LANE, CE, CFLE

Certified Examiner

Certified Forensic Law Enforcement Examiner

Post Conviction Sex Offender Testing

404 West Nash Street

Wilson, NC 27893

Tel: 252-230-2334

E-Mail: mlane8@nc.rr.com

www.easternpolygraph.com

NC License # 367-P

VA License # 1601.000897

Mr. Lester H. Kearney.
105 Barvis Court
Southern Pines, North Carolina
DOB: 12-06-1983 Age: 34
SSN: 085-68-8929
Gender: Male
Race: Black
NCOL: None
Cell Phone: 919-904-6899

Polygraph File Nos: 18-126-TW
Date of Exam: 10/11/2018
Location: Central Prison
1300 Western Blvd
Raleigh, North Carolina 27606
Requestor: Atty. Larry Norman
101 South Main Street 27549
Louisburg, North Carolina
919-496-6003
xfrgop@aol.com

Type of Exam: Murder

Pre-Test Examination:

Mr. Kearney is a 34 year old black male, who was born in Queens, New York. He is single and has one child, age 4. Mr. Kearney dropped out of school in the 7th grade. He is currently unemployed at this time. Mr. Kearney is presently incarcerated at Central Prison in Raleigh, North Carolina. He has been charged with the following: 1.) First Degree Murder (Capital), 2.) First Degree Arson, 3.) Robbery with a Dangerous Weapon (2 counts) 4.) Breaking and Entering, 5.) First Degree Kidnapping (2 Counts) 6.) Larceny of a motor vehicle, 7.) Possession of a stolen vehicle, 8.) Conspiracy Robbery with a dangerous Weapon, 9.) Conspiracy Breaking and Entering, 10.) Conspiracy First Degree Murder.

Allegation/Purpose for Exam:

The purpose of this exam is to see if Mr. Kearney forced Mrs. Nancy Alford to go to an ATM machine and withdraw money and then returned to her residence where he allegedly set the residence on fire causing her death.

Pre-Test Interview:

During the pre-test interview with Mr. Kearney emphatically denies any involvement in this crime involving the death of Nancy Alford. He said that he doesn't know who committed the crime. He stated that he was with his girlfriend during the period of time that the crime occurred.

Examination:

Mr. Kearney was examined using the Utah Technique 4-relevant questions test. The Utah Technique was studied by three different universities and found to have the highest rate of accuracy for polygraph formats. It is the main type of exam used by Government and Law Enforcement agencies.

Utah:

- 1R. Are you the person who set the house on fire? (Alford residence)
Answer: No
- 2R. Are you the person who took Mrs. Alford to the ATM machine?
Answer: No
- 3R. Were you ever at the Alford's residence on the day of the crime?
Answer: No
- 4R. Are you withholding any information about what happened to the Alfords?
Answer: No

Polygraph Examination Result

The data collected during this polygraph examination was evaluated and scored using numerical and/ or global procedures. Consistent and significant responses commonly associated with **non-deception were observed** at the relevant questions, and a numerical evaluation of the data placed the final value well within the **truthfulness range**. Therefore, it is the opinion of this examiner that this examination strongly supports the 'Truthfulness' of Mr. Kearney concerning the relevant questions as noted and answered above.

Examiner's Observation

During my pretest interview, I observed Mr. Kearney's meaningful behavior and verbal responses to be indicative of truthfulness. All of Mr. Kearney's answers were given in a timely manner while maintaining constant eye contact and using realistic words pertaining to what happened on the day of the crime. There wasn't any change in his behavior from the pre-test interview.

Michael Edward Lane, CE, CCE, PCSOT
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