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March 24, 2014

Mr. Scott David Allen
#0005091
c/o Central Prison
4285 Mail Service Center
Raleigh, NC 27699-4285

Dear Scott:

I received your letter of March 15, regarding several different matters.

First of all, enclosed is a copy of the entire file provided by the Chief Medical Examiner pursuant to our discovery. We can discuss issues raised by the documents and differences between the observations of the medical examiners during our next visit.

I know you would like to view the entire ATM tapes. We have been through them, and with the assistance of an expert developed the still photographs that you have seen. I will look into the possibility of getting you a second look at these tapes, given the importance of the tapes to your defense.

As to the lack of testing in your case, and missing and contaminated evidence, I think those issues are sufficiently raised in the MAR and SMAR to sponsor testimony at the evidentiary hearing. However, I have had a number of discussions with Gregg McCrary about specific errors and omissions in the crime scene investigation and testing, which we may want to highlight in a short amendment prior to the hearing, even though our existing claims subsume the evidence. There are also some forensic tests we may want to undertake. Among other things, McCrary and I have discussed the following:

- The shotgun shells found at the scene were never examined for fingerprints. The shells that had been fired were never examined to determine whether they were fired from the same weapon. No one ever tested the shotgun seized from the bedroom of the trailer to determine whether it was involved in the shooting.
- The bloody knife was tested for the presence of blood, but the blood was never confirmed to be human blood, nor typed or associated with a source.
- The Medical Examiner did not test Chris Gailey's blood for cocaine or other toxins.

- Records relating to Chris Gailey's pager were either not obtained or never produced to the defense.
- There were keys found in Gailey's pocket - they were not to his truck, so what did they fit?

Some of these items we may not want to pursue, because the evidence has been stored improperly, or has been contaminated, or is more useful to raise on direct or cross-examination to embarrass the State and to show how many questions remain in this case. Some, indeed, like the pager records, probably no longer exist. We can discuss this list at our next meeting.

Sincerely,

UNTI & SMITH, PLLC



Michael L. Unti

cc: Margaret C. Lumsden, Esq.