

No. _____

Twelfth District

NORTH CAROLINA COURT OF APPEALS

STATE OF NORTH CAROLINA,)
)
 Plaintiff-Appellee,)
)
 v.)
)
 LEE WAYNE HUNT)
)
 Defendant-Appellant.)

From Cumberland County
 85CRS16651-16654

AMICUS CURIAE BRIEF OF THE
 NORTH CAROLINA CENTER ON ACTUAL INNOCENCE,
 THE DARRYL HUNT PROJECT FOR FREEDOM AND JUSTICE,
 AND THE INNOCENCE NETWORK

CLERK OF THE COURT
 OF NORTH CAROLINA

2007 AUG 13 A 9:59

FILED

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INTRODUCTION

In *In Re Miller*, 357 N.C. 316, 584 S.E.2d 772 (2003) (“*Miller*”), the Supreme Court, after a lengthy analysis of the public policies underlying the attorney-client privilege in circumstances where the client is deceased, outlined an *in camera* review procedure for trial courts to follow in order to determine whether the privilege remained applicable after death.

In this case, at a hearing on Petitioner’s Motion for Appropriate Relief conducted on January 8, 2007 and in a subsequent Order on that Motion dated April 23, 2007, the trial court failed to follow that procedure, ruling that it could not consider the testimony of the deceased client’s former lawyers, thereby

