

# **EXHIBIT 2**

**For Federal civil complaint  
-- MOTION UNDER RULE 45 ASKING THE  
CLERK TO SUBPOENA ATTORNEY JOHN  
SCOTT COALTER FOR DISCOVERY AND TO  
PROVE THE FACTUAL MATTER UNDER  
COMPLAINT --**

**Brian David Hill v. Executive Office  
for United States Attorneys (EOUSA),  
United States Department of Justice  
(U.S. DOJ)**

**Civil Case Number 4:17-cv-00027**

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# WINSTON-SALEM JOURNAL

Sunday, July 28th, 2013

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### Agent violated its practices, SBI says

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Posted Saturday, August 16, 2013 1:00 am | Updated 8:29 pm Tue Dec 17, 2013

JournalNow Staff

RALEIGH

The State Bureau of Investigation has concluded that one of its agents violated its practices when, without telling anyone, he changed a report to bolster the prosecution's case in a murder trial involving a Clemmons dentist.

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In a letter obtained by The Associated Press, Erik Hooks of the SBI's professional-standards division said he believes that "a second separate report concerning the re-examination of evidence should have been issued" by Special Agent Gerald Thomas. He also said that the SBI concluded that Thomas didn't adhere to the agency's administrative practices.

The letter, dated July 6, was sent to Brad Bannon, one of the attorneys who represented Kirk Turner, a dentist in Clemmons, on charges that he killed his wife. Turner had said that he killed his wife in self-defense after she attacked him with a 7-foot spear in September 2007 at their home in Davie County.

A jury acquitted him last year, finding him not guilty by reason of self-defense.

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Thomas' actions in the case were first made public this week by the Raleigh News & Observer, which said that Thomas reported initially that the bloodstain pattern on Turner's T-shirt "was consistent with a bloody hand being wiped on the surface of the shirt." The newspaper's article was part of its series about the SBI.

Thomas then changed the report -- but kept the same Sept. 14, 2007, date on it -- to say that the bloodstain "was consistent with a pointed object, consistent with a knife, being wiped on the surface of the shirt," the newspaper reported.

The latter theory coincided with that of prosecutors, who contended that Turner killed his wife, Jennifer, then wiped his knife on his shirt. Prosecutors claimed that he staged the scene by ramming the spear's 18-inch blade through his thigh twice.

To verify the prosecution's theory, Thomas and another agent, Duane Deaver, did two tests which they recorded on video, the newspaper said.

The video shows Thomas twice putting on a clean shirt, dipping a knife in blood, and wiping the blade on his shirt to try to get a stain resembling the knife's outline. After the second attempt, Deaver, who was filming, said: "Oh, even better. Holy cow, that was a good one. Beautiful. That's a wrap, baby."

Evidence showing that the report had been changed affected the jury's decision, the jury foreman told the newspaper.

"And this guy's presenting evidence in a murder trial, and he's got two different reports with the same date on them, and nothing indicating his information has changed," foreman Landon Potts said. "Everybody on the jury was stunned by that. I think that really crippled the prosecution's case from the beginning."

Bannon, who provided a copy of the SBI letter to the AP by e-mail yesterday, was part of a group of criminal-defense lawyers who met in March with staff members from the N.C. Attorney General's Office to express their concerns about the SBI's work. That led to the internal review, during which Bannon was interviewed about Thomas' work and the Turner case.

The voice mail at Thomas' SBI office in Greensboro said that he was out of the office until Wednesday, and Deaver has declined repeated AP attempts to interview him. Bannon did not respond to phone calls or e-mails to discuss the letter.

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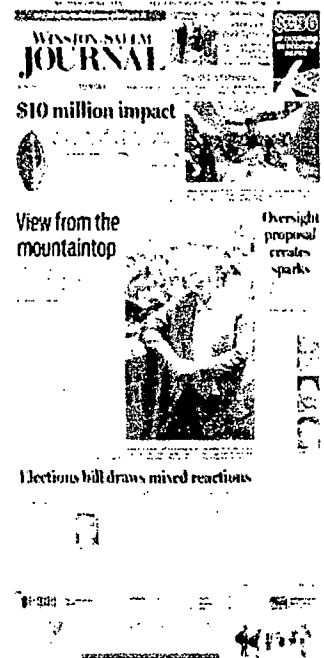
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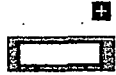
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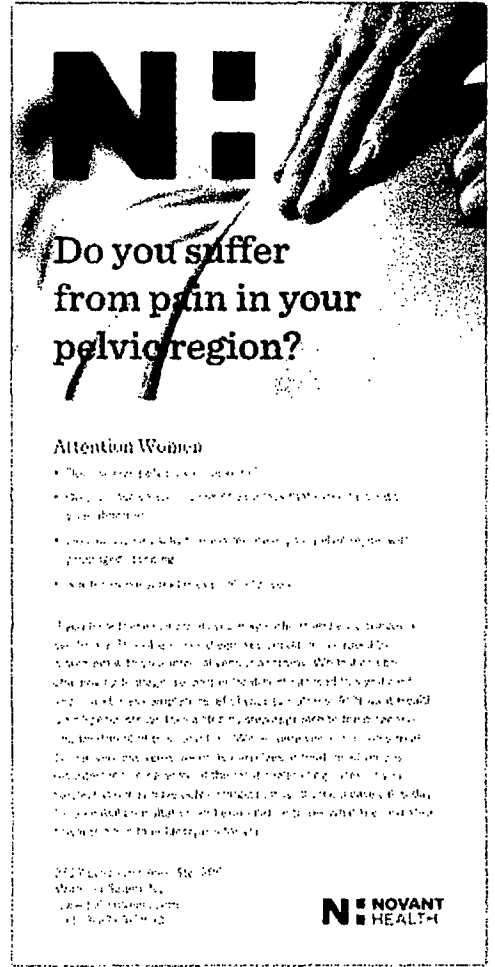
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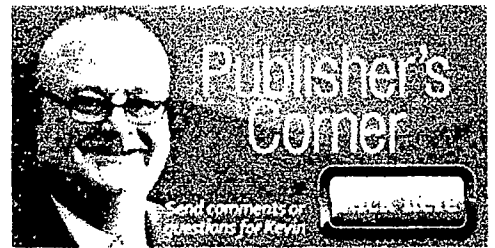
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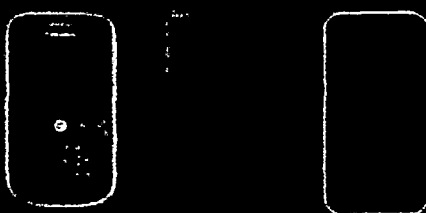


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