

NEWS RELEASE

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District Attorney

July 23, 2009

Marion Gales pleads guilty in homicide case

Marion Gales pled guilty today to Voluntary Manslaughter and was sentenced to 80-105 months in prison. The District Attorney's Office agreed to the guilty plea to the charge of Voluntary Manslaughter and a sentence of 80-105 months in prison after an analysis of the strengths and weaknesses of the evidence in the case. Several critical points are summarized as follows:

On April 6, 2008, the victim's shirtless body was found facedown next to a house on Oaklawn Avenue. In July, dna testing showed that Marion Gales's dna was under the victim's fingernails and was on swabs obtained from the victim's body during a post-mortem rape examination.

The Medical Examiner ("ME") originally could not determine whether this was a homicide, accident, or other manner of death. The ME was also unable to determine by what means the victim died or was killed. He noted minor injuries to her head, arms, and back, but did not find any of those injuries serious enough to have caused her death. He noted the level of cocaine in her blood and noted that the cocaine may have "caused or contributed to her death." He noted that the possibility of strangulation and/or suffocation "cannot be excluded." After the results of the dna testing came back, the police provided the results to the ME. Based on the dna and other information about the case, the ME determined that the cause of death "is best listed as undetermined homicidal means." The ME was still unable to determine by what means she died. He said, "Strangulation/suffocation remains a very likely possibility. Blunt force head trauma may also have been involved. There is also the presence of cocaine; what role, if any, it may have had in contributing to her death is not entirely clear." When asked how certain he was that her death was a homicide, as opposed to accident or other manner, he said he was at least 80% certain. He said he would label this as "most likely homicide." When asked specifically about the possibility that the victim died as a result of excited delirium, he said he could not rule that out. He said excited delirium is a diagnosis made in a situation where a victim ingests drugs, then soon thereafter fights with someone. The victim's body temperature soars and the victim often rips his or her clothes off because of the heat. The rapid increase in body temperature ultimately leads

to the victim's death within minutes of the fight. He said there is no way to see evidence of excited delirium in an autopsy in the typical case. He noted that the victim had no shirt on when her body came to the medical examiner's office. He also noted that the victim could have died purely from a cocaine overdose. The level of cocaine in her blood was 15% higher than the level at which a diagnosis of cocaine overdose can be made.

The fact that the victim had the defendant Marion Gales's dna under her fingernails does not prove that a homicide occurred. The dna could have been transferred, among other times, during consensual sex or during an ordinary fight. The victim's reputation was that she lived on the streets, was a crack addict, a prostitute, and a fighter. Police learned of one incident in the past where the victim had been kidnapped and assaulted by a man who accused her of stealing his car.

Marion Gales was interviewed by the police in this case. After steadfastly denying any connection to the victim or knowledge about the case, he ultimately admitted that he had had sex with her. He said that his friend Woodrow had smoked crack with her and that Woodrow and the victim had argued about drugs. Gales said that, later, Woodrow had shown Gales her body, which was covered up by clothes and a blanket, and had told Gales, "I f---ed that b---- up."

Woodrow was interviewed by the police two times. He denied ever touching the victim. Woodrow agreed to a polygraph examination. Prior to the second interview, where he was polygraphed, Woodrow told the detective, "Man, I've been praying about this. This is going to kill my mother. I'm in this trouble for just helping out a friend." The detective reports that Woodrow failed the polygraph, showing 99% deception. The results of polygraph examinations are not admissible in court in North Carolina.

Based on the inability to pinpoint the cause and manner of death, and the unanswered questions as to the specific acts committed by Marion Gales and Woodrow, the District Attorney's Office concluded that it was in the interests of justice to accept a guilty plea to the offense of Voluntary Manslaughter with a sentence of 80-105 months in prison, rather than seek a jury trial on the charge of murder.

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