

NORTH CAROLINA GENERAL ASSEMBLY
1979 SESSION

CHAPTER 958
SENATE BILL 808

AN ACT TO APPROPRIATE FUNDS ON BEHALF OF ELBANKS WHITE.

Whereas, Elbanks White, a black resident of Wilkes County, North Carolina, was arrested on the 24th day of April, 1976, and charged with the offense of second degree murder of one Shirley Billings; and

Whereas, the first trial of Elbanks White for said offense on August 10, 1976, resulted in a mistrial, and his second trial for said offense on August 29, 1976, resulted in a mistrial; and

Whereas, a judgment was finally entered for murder in the second degree on November 17, 1976, following his third trial for said offense; and

Whereas, a certified copy of the judgment from the Supreme Court entered on July 5, 1977, reversed the order of the trial court which entered the judgment of conviction of murder in the second degree on the basis of insufficient evidence; and

Whereas, Elbanks White remained incarcerated from his arrest on April 24, 1976, until certification of the judgment from the Supreme Court in July, 1977; and

Whereas, Elbanks White was employed by American Drew, Inc., Chair Plant Division, prior to his arrest in April, 1976, and was earning approximately ninety-two dollars (\$92.00) per week; and

Whereas, Elbanks White returned to his employment at American Drew in July, 1977, following his release from custody, and has been regularly employed and has been earning approximately one hundred forty dollars and eighty cents (\$140.80) per week; and

Whereas, no statutory authorization presently exists for the unjust confinement of Elbanks White while awaiting the court's decision in said matter; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. The North Carolina Courts Commission, if created by House Bill 1437, 1979 Session, is directed to study the issues recited in the preamble to this act and shall report to the 1979 General Assembly, Second Session 1980.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 8th day of June, 1979.