

NORTH CAROLINA LAWYERS WEEKLY

County pays \$5.1M to Man wrongfully convicted of Murder

By: Phillip Bantz October 1, 2015

What's a year of a life worth? For Robert Wilcoxson, who spent more than a decade in prison for a murder he didn't commit, the ideal value was \$1 million a year. But life, much like litigation, is about compromise.

Wilcoxson has accepted about \$515,000 for each of the 11 years he spent in prison as part of a historic \$5.1 million settlement agreement with Buncombe County and its insurer. The North Carolina Innocence Inquiry Commission cleared him of murder in 2011 and his conviction was subsequently vacated.

One of his attorneys, David Rudolf of Rudolf Widenhouse & Fialko in Charlotte, keeps a national database of the payments that people like Wilcoxson have received for wrongful convictions. But reaching a number takes more than a mathematical formula.



Rudolf

"No case in North Carolina has been tried yet so we don't have a really good measuring stick in terms of what a trial jury would do," he said. "But if a jury in Chicago awards \$2 million a year and a jury in Hammond, Indiana, gives \$1 million, I'm going to put much more on what the jury in Hammond did because it's more similar to parts of North Carolina as far as the demographics go."

But he added, "At the end of the day, a case is what a jury gives you or what each side is going to settle for." He also noted that being cash-strapped factored into Wilcoxson's decision to settle rather than take the county to trial.

"Then there are appeals and it drags on for a year or two or three and these folks are in terrible shape, financially speaking," he said. "That's something the defense can take advantage of, knowing these people have just gotten out of prison."

Buncombe County's attorney, Curtis Euler, said the check Wilcoxson received for the time he spent behind bars represents the largest settlement payment in the county's history.

"I don't think we paid anything excessive," he added. "You don't know what a jury is going to award ... and that is something in the back of every defense counsel's mind: How much is a jury going to give someone for a year in prison? It's very hard to value these cases."

Wilcoxson's position was bolstered by the fact that the former Buncombe County sheriff who allegedly coerced and threatened him into falsely pleading guilty to participating in the murder is now serving 15 years in a federal penitentiary for corruption and extortion.

"He was the guy who set the tone for the department," Rudolf said of the disgraced sheriff, Bobby Medford. "It wasn't just that he was in prison, but that he was in prison for abusing his position as sheriff. It was Exhibit A that he couldn't be believed."

Wilcoxson is now in his mid-30s and living in Atlanta.

"He has a nice nest egg that he'll have professionally managed by a money manager," Rudolf said. "He's not going to go to Las Vegas and put it all down on black. Hopefully he'll have a productive life."

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WRONGFUL CONVICTION

Amount: \$5.125M, plus \$550,000 in statutory damages