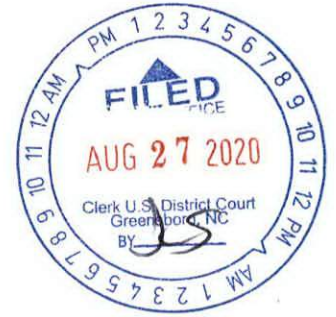


UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF NORTH CAROLINA  
1:16-CV-539



RONNIE WALLACE LONG, )  
)  
Petitioner, )  
)  
v. )  
)  
ERIK A. HOOKS<sup>1</sup>, Secretary, )  
N.C. Dep't of Public Safety, et al., )  
)  
Respondents. )

**ORDER**

THIS MATTER is before the Court on Petitioner Ronnie Wallace Long's Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. Petitioner alleged that his due process rights were violated under the United States Constitution. Additionally, Petitioner alleged that, but for the constitutional error, no reasonable fact finder would have found the Petitioner guilty at his 1976 criminal trial. Based on the foregoing, Petitioner alleged that his convictions should be vacated the charges against him dismissed, and Respondents release him from custody.

On August 24, 2020, the United States Court of Appeals for the Fourth Circuit, sitting *en banc*, held that Petitioner's due process rights were violated by the suppression of material, favorable evidence at trial. *See Long v. Hooks*, No. 18-6980, slip op. at 5, (4th Cir. August 24, 2020). The Court also held that the suppressed evidence could not have been discovered previously through the exercise of due diligence. *Id.* at 52.

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<sup>1</sup> Erik A. Hooks has been substituted as the Respondent in this matter as he has replaced Frank Lee Perry as the Secretary of the North Carolina Department of Public Safety.

On August 27, 2020, Respondent filed notice in this Court, asserting that in light of the Fourth Circuit's assessment of the evidence in this case, he has no viable path forward in this case. Accordingly, Respondents have agreed that this Court should grant the writ sought by Petitioner without delay.

This Court, having considered the Fourth Circuit's decision in this case and the notice subsequently filed by Respondents, finds that Petitioner has met his burden pursuant to 28 U.S.C. § 2244(B)(2)(b)(ii) and agrees that the Writ should be entered pursuant to 28 U.S.C. § 2254.

**IT IS THEREFORE ORDERED AND ADJUDGED** that Petitioner's Petition for Writ of Habeas Corpus (Dkt. 1) is hereby **GRANTED**; and,

**IT IS FURTHER ORDERED** that:

1. Petitioner's October 1, 1976, convictions for First Degree Rape and Burglary and the two life sentences he received as a result are **VACATED** (Cabarrus County File Nos. 76 CRS 5708-09);
2. Respondents shall release Petitioner, on his personal recognizance, as soon as practicable upon the entry of this order, but no later than August 28, 2020; and
3. The State decide by Friday, September 25, 2020, whether to dismiss the charges against Petitioner or retry him.

This 27<sup>th</sup> day of August, 2020.

  
UNITED STATES DISTRICT JUDGE