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Indicted Murderer of 7 year old Kayla Yvonne Allen, likely to plea to lesser charge

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Jacksonville, NC - Indicted Murderer of 7 year old Kayla Yvonne Allen, likely to be allowed to plea to lesser charge

Indicted Murderer to be offered a potential Plea Deal

Carolyn Futrell's defense attorney is motioning the court to suppress the evidence of Kayla's stomach content because the defense alleges they could not obtain a sample for private testing.

If the defense attorney is able to suppress the evidence of Kayla Yvonne Allen's stomach content, this could open the door for a plea deal.

The STATE MEDICAL EXAMINERS OFFICE should have known that when a healthy child dies, or anyone dies of poisoning, the victim's body should have a forensic autopsy, according to Dr. Harry Bonnell, forensic pathologist.

August 24, 2003, 7 year-old Kayla Yvonne Allen was found dead. According to toxicologist reports, Kayla had been drugged with two antidepressants and poisoned with Atroban pesticide.

Nine months later, on May 20, 2004, Carolyn Futrell, legal guardian, was indicted for forcibly poisoning Kayla on August 24, 2003 in their Richlands, NC home – fourteen months after the child, at age six, had made her allegations of abuse by Carolyn to law enforcement in June 2002.

On May 20, 2004, NC DSS released a report stating they had completed an internal investigation and discovered no wrongdoing in how Kayla's case was dealt with. If they do not learn from their mistakes, the DSS is going to continue making the same mistakes.

Hope4KidZ, Inc. believes an outside investigation into the actions, or lack thereof, of the Department of Social Services in Onslow County North Carolina is warranted.

During the three-year period leading up to Kayla's death in August 2003, no less than six reports about Kayla being abused and/or neglected by Carolyn Futrell were made to the NC Onslow County DSS, and law enforcement officials in Onslow County and Taylor, MI.

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Each year since 2004 the District Attorney of North Carolina, George Hudson, has set and reset the court date. The enormous amount of stress on Kayla's surviving family members has been brutal to bear.

According to a press release from Onslow County Sheriff Ed Brown issued on May 20, 2004, when Carolyn Futrell was arrested for the homicide of Kayla: "The method of murder was an insecticide poison imploded into the body of 7-year-old Kayla Allen." Earlier, an autopsy report completed in January 2004 stated that the cause of Kayla's death was pesticide poisoning.

August 22, 2005, the law firm of Thomas J. Lamb filed a wrongful death action against the state of North Carolina for failure to protect Kayla.

In February 2006, Carolyn Futrell was released from jail on a \$200,000.00 bond and has had custody of her two younger sons.

December 2007, Assistant District Attorney, Ernest Lee, of Richlands, North Carolina has summoned Kayla's Estate Manager, Aunt Heather Baker of Michigan, to be in Jacksonville, North Carolina for a hearing on January 7 and 8, 2008.

According to the docket

http://www1.aoc.state.nc.us/www/data/ONSLOW/calendar/SUPERIOR.MOTION_.01.07.08.AM.001S.CAL.txt

Carolyn Futrell is not going to trial but to a motion hearing. Since there will not be a trial, the only potential reason District Attorney George Hudson would request Heather Baker's presence is to discuss a plea deal for Carolyn Futrell if the defense attorney is able to get the evidence of Kayla's poisoning suppressed.

Hope4KidZ, Inc. hopes the District Attorney will be compelled to exhume Kayla Yvonne Allen and have a forensic autopsy completed in order to meet the needs of the DA and the defense counsel. Hope4KidZ, Inc. has pressed for ADA Earnest Lee to file an order of exhumation in order to have a forensic pathologist complete the autopsy since April 2004.

Judge John Smith is expected to be overseeing the events of January 7 & 8, 2008 in courtroom 001S.

On January 7, 2008, child advocates, friends, and family will attend the Jacksonville, Onslow County Courthouse, in North Carolina to show support for Kayla Yvonne Allen.

Case # 2004054837 CRS
NC vs. Carolyn Futrell
Onslow County Superior Court
Judicial District 4

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