

~~Q In other words, you were in jail and you were looking for some way to get out?~~

~~A I was, you know, well I'll go ahead and tell the truth. I said since I had never been in no kind of trouble before in my life, I said maybe they will give me probation.~~

~~Q Now I'll ask you the question again. You were in jail and you were looking for a way to get out. Is that correct?~~ *I was in*

~~A Yes, sir; but the right way.~~ *way*

Q Now did you get the probation you were looking for?

A I wasn't looking for it.

~~Q Did you get probation?~~ *not*

~~A No, sir.~~

~~Q When did you go to trial?~~

~~A I went to trial in January of '72,~~

~~Q This past January?~~

~~A Yes, sir.~~

~~Q And that was when you got 12 years?~~

~~A Yes, sir.~~

~~Q And you had not signed any detailed statement about this matter before that, had you?~~

~~A Would you please repeat your question?~~

~~Q You had not signed any detailed statement about~~

~~these defendants or about these charges before that, had you?~~

~~A. No, sir.~~

Q Now did you ever stop looking for a way to get out of jail?

A Only the right way after I received my time, why then I know that the only way to get out then was by pulling my 12 years.

~~A. Do you recall having made the statement before that you could not pull 12 years?~~

~~A. No, sir.~~

~~Q. You never said that?~~

~~A. No, sir.~~

~~Q. You never expressed that to anybody?~~

~~A. No, sir.~~

~~Q. Now you talked to some of the prison authorities regarding whether or not you would testify for the prosecution in this trial, did you not?~~

~~A. No, sir.~~

~~Q. Now do you recall having made the statement before that the reason you made a statement about this matter is that your conscience was bothering you?~~

~~A. Yes, sir.~~

~~Q. And that you decided to tell the whole truth?~~

~~A. Yes, sir.~~

~~Q~~ Do you recall that you said that you had made that statement or made that decision the night before you ^{at} were arrested?

~~A~~ Yes, sir.

~~Q~~ Now at any rate after you were arrested it took ^{it was} you some 9 or 10 months, 8 or 9 months, before you made the statement that you made on February 18.

~~Is that correct?~~

~~A~~ Yes, sir.

~~Q~~ Was your conscience bothering you all that time?

~~A~~ My conscience wasn't bothering me for what I have done because I had confessed and told what I had did.

~~Q~~ But you don't know where that confession is?

~~A~~ No, sir.

Q Now do you consider yourself as having a photographic memory?

SOL. JOHNSON: Objection.

THE COURT: Objection sustained. (Explain No.)

Q Do you have a photographic memory?

MR. JOHNSON: Objection.

THE COURT: Sustained. (Explain No.)

Q When was the first time that you saw the diagram behind you there on the board; those three diagrams?

A It was here in the courthouse.

~~Q~~ Here in the courthouse was the first time ^Q you had seen the diagrams?

~~A~~ Yes, sir.

I can't recall

~~Q~~ And when was the first time ^{was Q} that you had seen the photographs, the area photographs?

~~A~~ I can't recall.

~~Q~~ Was ^T that before ^Q you came to the courtroom?

~~A~~ Yes, sir.

~~Q~~ ^Q Do you know how long before?

~~A~~ No, sir, I can't recall.

~~Q~~ Who showed you the photographs?

~~A~~ I was showed to them by Mr. Stroud.

~~Q~~ ^{Detectives were} Was anyone else present? ^{also}

~~A~~ Yes, sir.

~~Q~~ Who else was present?

~~A~~ Detectives.

~~Q~~ What detectives?

~~A~~ Det. Brown.

~~Q~~ Who else?

~~A~~ And Det. Monroe and Det. Fredlaw ^{were present.}

~~Q~~ ^T Is that all that was present?

~~A~~ Yes, sir.

~~Q~~ ^Q And you can't recall when that was?

~~A~~ No, sir.

Q Did Det. Brown or Det. Monroe make any statements to you at that time?

A You know, they just showed me the pictures, you know, and asked me if I could identify anyone or if I knew anything about the picture whatsoever.

Q ~~Now~~ had you been shown pictures of any of the defendants in this action before?

A ~~Yes, sir.~~

Q ~~When was that?~~

A In February ^{of 1972.}

Q ~~Of what year?~~

A ~~1972.~~

Q ~~February of 1972, was that the first time you were shown photographs of the defendants?~~ *I was*

A ~~Yes, sir.~~

Q ~~Who~~ ^{me} (showed you those photographs?)

A Det. Monroe, Det. Brown. ↑

Q ~~Was anyone else present?~~

A Mr. Stroud *was also present.*

Q Why did you hesitate to say Mr. Stroud?

SOL. STROUD: Objection, your Honor.

A I don't know.

Q ~~Was anyone else~~ ^{me} present? *was*

A No, sir.

Q ~~Where were you~~ ^{I was} when you ~~were~~ ^{was} shown photographs? ↓

I was
A At Cherry Hospital.

Q Was that on February 18?

~~A Yes, sir.~~

~~Q Was Jerome Mitchell ^{was} shown those photographs?~~

~~A Yes, sir.~~

Q How many photographs were you shown?

A I couldn't say right offhand, Mr. Ferguson.

~~Q You can't say offhand how many photographs you
were shown?~~

~~A No, sir.~~

Q How can you say how many shots were fired in February 1971 and you can't tell the jury how many photographs you saw in February 1972?

A Mr. Ferguson, if you can say for yourself those like a lot of photographs they just show me. I didn't take time to count them. All I did when I was showing them.

They ~~me~~ Showed you a whole lot of photographs. You didn't know how many?

~~A No, sir, because I never have counted them whatsoever.~~

Q Were you counting shots on February 6, 1971?

A I remember saying several shots.

Q You don't ever remember saying a specific number of shots that anybody fired?

A As I recall I said approximately 5 times.

Q Approximately how many photographs did you see?

A I couldn't say for sure. I don't know for sure.

So I just say several.

~~Q~~ Do you remember Connie Tyndall shot 5 times?

~~A~~ Yes, sir; but I meant approximately 5 times.

Q Do you remember saying McKoy shot 4 or 5 times?

A That is not sure. I was not sure whether he shot 4 or whether he shot five.

~~Q~~ Are you not sure about the testimony you were giving?

~~A~~ I wasn't sure about how many shots that he had fired.

~~Q~~ What did the photos look like?

~~A~~ The photos was in black and white.

~~Q~~ Black and white?

~~A~~ Yes, sir.

Q Whose idea was it to show you photos?

SOL. STROUD: Objection.

THE COURT: Objection sustained. (Exp. bench.)

MR. FERGUSON: Your Honor, we have a motion we would like to make at this time at this point in the examination. May we approach the bench?

(Conference at the bench.)

~~Q~~ ^{Plena} Were you shown photos of persons other than the defendants?

A Yes, sir.

Q How many of those were you shown?

~~SOL. STROUD: I didn't hear the question.~~

~~Q How many of those were you shown?~~

A Well others was in there with the defendants who I didn't know, and I'd saw at the church, but I didn't see taking activities in what was going on.

~~Q So now you had photos with you at the time you made the statement in February. Is that correct?~~

~~A Yes, sir.~~

~~Q Now had you seen any photos on May 30, 1971, when you made the first statement? Anybody show you photos then?~~

~~A Yes, sir.~~

~~Q Who showed you photos at that time?~~

~~A Det. Monroe and Det. Brown showed me.~~

Q Were these the same photos that you saw in February?

A Some of them.

~~Q Some of them were the same?~~

~~A Yes, sir.~~

~~Q Some of them were not?~~

~~A Yes, sir.~~

~~Q Do you know how many you were shown then?~~

~~A No, sir.~~

Q What did Dt. Brown say to you when he showed you

the photographs?

A Well the only thing that was showed was -

Q The question I asked you was what did Det. Brown say to you when he showed you the photographs?

SOL. JOHNSON: We object.

THE COURT: Sustained. (Sustained No. —)

~~Q~~ Did Det. Brown ^{did come} say anything to ^{me} you when he showed you the photographs?

~~A~~ Yes, sir.

Q What did he say?

SOL. JOHNSON: We object.

THE COURT: Sustained. (Sustained No. —)

MR. FERGUSON: Your Honor, may we approach the bench?

THE COURT: Yes.

(Conference at the bench.)

~~Q~~ ^I Could you identify ^{some} any of the photos ^{you} saw in May of 1971?

~~A~~ Yes, sir.

~~Q~~ And ^S some of those photos were photos of the defendants, were they not?

~~A~~ Yes, sir.

~~Q~~ ^I Did you see photos of Ben Chavis in May of '71?

~~A~~ Yes, sir.

Q ~~Did you see photographs of Marvin Patrick?~~

A ~~Yes, sir.~~

Q ~~Did you see photographs of any of the persons on trial here other than those two?~~

A ~~Ann Shepard.~~ *Others.*

Q ~~Anyone else?~~

A ~~Yes, sir.~~

Q Did you know who the photographs were at that time; who the persons were being shown on the photographs?

A The photographs, all that I saw, was photos at the funeral procession which was Ben Chavis and Marvin Patrick and Ann Shepard.

Q ~~Between May 30, 1971, and February 18, 1972, were you shown anymore photographs by Detectives, or Solicitor, or anybody?~~ *I was*

A ~~Will you please restate your question again?~~

Q ~~Between May 30, 1971, and February 18, 1972, were you shown photographs by any detective or the Solicitor or anyone?~~

A ~~Yes, sir.~~

Q ~~(How many different occasions were you shown photographs?)~~ *I was*

A ~~I couldn't say right offhand.~~

Q ~~Several times?~~

A ~~Yes, sir.~~

Q More than 5?

A I couldn't say right offhand, Mr. Ferguson.

Q ~~You~~ have no idea how many times you saw p
graphs?

A ~~No, sir.~~

Q Now I believe you said that you were put
in May or June. I think you said May, di

A I was picked up in May.

Q ~~Do you know what date in May?~~

A The 14th of May.

Q After the time you were picked up did you
casion to go ^s ~~back~~ ^{past} to Gregory Congregation

A ~~I only went past there.~~

Q I am saying after you were picked up and
jail, did you have occasion to go back to
Congregational Church?

A Not inside, but I just walked past it.

Q ~~When was that?~~

A ~~That was~~ ^{I was} May 14, the night whenever - the afternoon
picked up, the evening of it and that night
back from downtown I walked back through

Q ~~Let me ask you this. You said February~~
first time you ^{were} ~~were~~ inside the Gregory C
Church. Is ~~that correct?~~

A ~~Yes, sir.~~

I was
Q ~~Now you were arrested on May 14, 1971?~~

A ~~Yes, sir.~~

Q ~~You got out on bond that same day. Is that correct?~~

A ~~Yes, sir.~~

I was
Q ~~Then you were picked up again. Is that right?~~

A ~~No, sir.~~

Q ~~Did you go back to the jail?~~

A I suppose to have appeared in court on that Friday, and after my mama heard about Chavis and them telling me to leave town she came off my bond when I went to court that Friday.

Q ~~So you stayed in jail from then on?~~

A ~~Yes, sir.~~

Q ~~Was your ^{his} bond ^{was not} raised as a result of your going to court?~~

A ~~No, sir, it was \$200.00.~~

Q ~~How did you stay in jail from that time until the present time?~~

A ~~Yes, sir.~~

Q ~~I mean you ^{I am} are in prison right now except for being down here at this trial. Is that right?~~

A ~~Yes, sir.~~

Q ~~Between that time when your ^{M.M.} mother went off your bond and you ^{I was} were put in jail and today, have you~~