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~~Q Was it dark?~~

~~A No, sir, ^{it} wasn't dark.~~

~~Q When you got to your uncle's house what did you do?~~

~~A Whenever I got to my uncle's house me and my aunt went to Kentucky Fried Chicken place on Dawson Street.~~

~~Q On Dawson Street?~~

~~A Yes, sir.~~

~~Q (How far is that from your ^{uncle's} aunt's house?)~~

~~A I don't know because I never measured it to see how far it was.~~

~~Q How did you go?~~

~~A ^{We} went in a car.~~

~~Q In her car?~~

~~A Yes, sir.~~

~~Q When you ^{we} got to the Kentucky Fried Chicken did you order some chicken?~~

~~A Yes, sir; we got some chicken.~~

~~Q how long did it take ^{for} your order to be placed?~~

~~A ^{It took} Just a few minutes.~~

~~Q Was there anyone with you or was it ^{I was me} just you and your aunt who went to the Kentucky Fried Chicken?~~

~~A Just me and my aunt.~~

~~Q When you left the Kentucky Fried Chicken where did~~

~~you go?~~ ↓

A Then I went back to my aunt's house. Then I gave my uncle his \$5.00 where I owed him and then I went back to the church.

Q (What time was it when you got back to the church?)

A I don't know, ~~Mr. Ferguson.~~

Q Well now, Allen Hall, didn't you just tell the jury that you came to the church at about 5 o'clock?

A I said I came to the church. You asked me whenever I first came to the church.

Q Yes.

A How did I meet Ben Chavis. I told you I came to the church around 5 o'clock the ^{first} time that I had been to the church.

~~Q Right. Did you say Excuse me. Go ahead.~~

~~THE COURT: Just a minute. Let's slow down a minute.~~

~~A But you did not~~

~~THE COURT: Just a minute. Let's slow down a minute. Give the witness an opportunity to answer the question. All right. Proceed.~~

A But you did not ask me what time did I come back from my uncles house, what time did I go to my uncle's house. You didn't bring my uncle's house in it

whatsoever when I first came to the church. You asked me when I first came to the church.

Q I asked you did you leave the church, didn't I?

A Yes, sir; but you asked me afterwards - you just asked me when I left the church. So I told you where I went when I left the church.

~~Q Where did you tell me you went?~~

~~THE COURT: I have told you to let the witness answer the question.~~

A You asked me whenever I left the church who I saw. I told you when I came to the church I saw Marvin Patrick, Ann Shephard and others standing on the porch of the church. I asked Marvin Patrick where was Ben Chavis. He said Rev. Templeton's house. I came to Rev. Temple's house, went over to Rev. Templeton's house. Then I saw Ben Chavis. I told him I would be back in a few minutes. He asked me how long I went around the corner. I came back and then at that time Ben Chavis told me about it. He asked me what occurred when I came back to the church. That is what I told you. That is what I told you. Ben Chavis told me about the situation among the black people. He told me about what we needed to do about that. We needed to carry guns

to school, about the crackers had did this and that. We were going to make the crackers beg and that we were going to burn and that he told me about the Chicago Strategy and asked me had I ever heard of it, and I told him no because I hadn't ever heard of it until he told me about it. Like I don't know whether there is a real thing called the Chicago Strategy. I don't know because it is the first I ever heard of it when he told me, and he told me about what we were going to do. Like that is all I know just by what he said.

THE COURT: All right. Ask your next question.

Q. Didn't you say that after you came back to the church from around the corner that he told you he needed gas?

A. No, sir. I said he never came back from around - whenever I came back from around the corner Ben Chavis told me about the Chicago Strategy, the situation the black people was in, what he was going to do. Then we went downstairs. Then we were talking about collecting money for gas to bomb business. Then John Robinson came into the door. Then before I could finish you asked me another question, Mr. Ferguson.

~~Q~~ ^{I said} ~~Didn't you say that after John Robinson~~ ^{we} you all got in John Robinson's van and went to Oleander Drive to get ~~some gas?~~

~~A~~ ~~Yes, sir; to get bullets and gas.~~

~~Q~~ ~~And then you left there and came back?~~

~~A~~ After we left Fields then we stopped to the service station and got some gas, 5 gallons of gas, and then we came back to the church, and then you wouldn't let me finish, and then you asked another question.

THE COURT: All right. proceed.

~~Q~~ When ^{we} you got back to the church, ~~isn't that the~~ ^{I said} point you say that Chavis showed ^{me} you how to make a firebomb?

~~A~~ Yes, sir.

~~Q~~ And that after that ^{me} you and Butch went over to Mike's Grocery?

~~A~~ Yes, sir.

~~Q~~ Then you came back and went to Rev. Templeton's house?

~~A~~ Yes, sir.

~~Q~~ ~~And you still say you went to your aunt's to get the fried chicken?~~

~~Q~~ ~~Sir?~~

~~Q~~ And you still say you went by your aunt's house and ate fried chicken?

SOL. STROUD: Objection.

THE COURT: Sustained. (Exception No. —) You have already questioned him about that. Anything further?

MR. FERGUSON: Yes, sir.

Q Now if I understood your testimony earlier, Allen Hall, you said that when you went to your aunt's house on Saturday morning that your aunt wasn't home. Is that correct?

A Yes, sir.

Q And that some girl friend named Sherrill was there.

A No, sir; not girl friend. I said a friend of my aunt's and mine was at the house.

Q Did you sign a statement on March 2, 1972, that you went by your aunt's house and your aunt gave you two chickens?

A I said I went by my aunt's house and my aunt was not home. I went to her house and got the chickens.

Q Did you say that in ^{my} signed statement?

A ~~Yes, sir,~~ but I corrected it. I told that I had went to my aunt's and that my aunt was not home and that Sherill gave me the chickens.

Q I am referring you to the last paragraph on page 3 of the statement that you signed on March 2, 1972. On page 4, top paragraph, next to the last sentence

in that paragraph in the first paragraph on page 4 counting the lines, it would be line 4 from the top, and I'll ask you if it doesn't say "I then went to my aunt's house, Mrs. Graham, and she gave me two chickens.?"

A Yes, sir; but I also said that I told Mr. Stroud that Sherill was at the house, that my aunt did not give me the chickens.

Q You changed that when you talked to Mr. Stroud?

A No, sir; I told him that there must have been a misunderstanding because I did not say my aunt gave me the chicken because I said at my aunt's house.

THE COURT: All right. Proceed.

~~Q~~ ^P Now prior to the time that you went to ^{my} your aunt's house on Saturday morning, ~~had you had anything to eat?~~

~~A~~ When I went to her house on Saturday morning?

~~Q~~ Yes, sir.

~~A~~ Yes, sir.

~~Q~~ You had already eaten when you got there?

~~A~~ Yes, sir.

~~Q~~ ^J Did you see Jerry Jacobs anymore after you left him that Saturday morning? ^{you that}

~~A~~ Yes, sir, that afternoon.

Q You didn't see him anymore between the morning and the afternoon?

A I saw him around the church.

~~Q~~ (What time did you ^{leave} go to East Arcadia on Saturday?)

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

~~Q~~ What is funny?

~~SOL. STROUD: Objection.~~

~~THE COURT: Just a minute. All right. Proceed.~~

Q Do you know about what time it was?

SOL. STROUD: Objection.

THE COURT: Sustained. (Exhibit No. —)

MR. FERGUSON: I'd like to have the answer in the record.

THE COURT: All right. Step down and whisper it to the Court Reporter.

A (Whispered) It could have been around 10 o'clock or earlier.

MR. FERGUSON: May I?

THE COURT: Yes.

(Court Reporter whispered the answer to Mr. Ferguson.)

~~Q~~ Do you know what time it was (when you got back from East Arcadia?)

~~A~~ ^{It was} Around Noon.

~~Q~~ ^I Did ~~you~~ come back to the church?

~~A~~ Yes, sir.

~~Q~~ Who ^I (went to East Arcadia.) with you?

~~A~~ Ben Chavis, Molly Hicks, Peanut and myself

~~Q~~ Just the four of ^{us,} you?

~~A~~ Yes, sir.

~~Q~~ When you ^I got back to the church ^I did you go inside of the church?

~~A~~ Yes, ~~sir~~; ^T that is whenever one of the trustees of the church said that we had to leave the church and that is whenever Rev. Templeton said that we had to leave the church, and when Roderick Kirby was witting at the corner with a shotgun in his lap, and that is whenever Chavis told us he'd have it back in the church before night. We were going to move everything over to the annex.

~~Q~~ When you ^I left the church where ~~did you go?~~

~~A~~ ^I Went over to the annex.

~~Q~~ ^I Do you ^{not} know what time that was?

~~A~~ No, sir.

~~Q~~ ^I Do you ^{not} know how long ^I you stayed over there?

~~A~~ No, sir.

~~Q~~ When you ^I left the annex where ~~did you go?~~

~~A~~ Then we went to the ^I Community Center and then we

broke in the Community Hospital which is behind the Community Center.

~~Q~~ ^{not} Do you know what time it was when ^d you got over there?

~~A~~ No, sir.

~~Q~~ ^{not} Do you know how long you stayed?

~~A~~ No, sir.

~~Q~~ ^d Now between the time that you went to the church and the annex, between that time, ^d did you ^{not} go anywhere else?

~~A~~ Nowhere; no, sir.

~~Q~~ I'll ask you if in the statement you signed for Mr. Stroud on March 2 if you didn't tell him that when you got back to the church you and some dude went up to 5th and Nun Street.

A. That wasn't your question, Mr. Ferguson. You asked me whenever I got back to the church when I went in the church, you asked me did I go in the church, and I said, "Yes, sir." You asked me where did I go after I went to the church, went on the inside of the church.

Q. I asked you if in the statement you signed on March 2 for Mr. Stroud you didn't tell him you went up to 5th and Nun Street after you got back to the church.

A. You just asked that question. Your previous question was whenever I got back from East Arcadia.

Q How about answering the question?

SOL. STROUD: Object.

THE COURT: I asked you to keep your voices down then give him an opportunity to answer the question.

MR. FERGUSON: I ask that the witness be directed to answer my question instead of wandering about.

Q I asked you if on March 2 you didn't sign a statement to the effect that when you got back to the church you and some dude went up to 5th and Nun Street.

A I signed the statement after I came back from East Arcadia this dude came up telling us about some dude had shot Reginald Epp's sister and then we went to the corner of 5th and Nun.

~~Q~~ (What time was that?)

~~A~~ I don't know for sure.

Q Do you know about what time it was?

SOL. JOHNSON: Objection.

THE COURT: Sustained. (Exception No. —)

Q How long did you stay up at 5th and Nun Street if you went up there?

A We went up there. I can't say right offhand how long we stayed, Mr. Ferguson.

~~Q Who all went to 5th and Nun Street when you got back?~~

~~A Sir?~~

~~Q Who went with you to 5th and Nun Street when you got back?~~

~~A Who went to 5th and Nun Street whenever we got back from 5th and Nun?~~

~~Q Whenever you got back from East Arcadia.~~

~~A (Just me and the other dude.)~~

~~Q Just you and the other dude?~~

~~A Yes, sir.~~

~~Q You don't know who the other dude was?~~

~~A No, sir.~~

~~Q You don't know what time it was whenever you came back from 5th and Nun?~~

~~A No, sir; like I said I didn't have any watch and I didn't look to see.~~

~~Q When you got back from 5th and Nun, did you leave the church?~~

~~A Not until we was instructed to leave the church, take the firebombs and guns and stuff out of the church and move over to the annex.~~

Q I'll ask you if you didn't sign a statement on March 2 referring to the defendant's paper writing

that's been marked and identified as Defendant's Exhibit "3" to the effect that after you came back from 5th and Nun Street "I left the church and messed around until about 5:30 P M and then went on back up to the church and listened to some records and jived with some of the other dudes there."

A No, sir.

Q Turn to page 4, Defendant's Exhibit "3". I refer you to paragraph 4 on that page - well, paragraph 5. And I'll ask you to read the first sentence of paragraph 5.

~~THE COURT: Are you ladies and gentlemen getting too cool? Turn the air conditioner down.~~

A "I left the church, messed around until 5:30 P M and then went on back up to the church and listened to some records and jived with some of the dudes there. About dusk dark I saw Ben Chavis.

Q I asked you to read the first sentence, didn't I, Allen Hall?

A You told me to read the -

Q The first sentence.

A In paragraph 5.

Q So now you are saying you didn't leave the church and mess around until 5:30?

A Well I called over at the Community Center because over there at the Community Center we didn't shoot at no cars. We just broke in the Community Center and Community Hospital. I call that jiving around because we were just talking and, you know.

Q You call breaking into the Community Center just leaving the church and messing around until 5:30?

A I called over at the Community Center because we were not shooting at any cars. We were talking after we broke into the place just jiving around.

Q What was the next sentence after that?

A Then I came back to the church after we had broke into the Community Center and Community Hospital. Then Chavis said, Everybody that can hide their guns and put their guns in their pants leg and pull their coats or sweaters over them to hide them to do so and to go back to the church and so then he made again a statement about Rev. Templeton and Rev. Templeton's wife and he said that if any of us see Rev. Templeton's wife trying to contact the police or anybody -

MR. FERGUSON: Your Honor, I move to strike that.

THE COURT: What is the question?

MR. FERGUSON: What was the second sentence to paragraph 5, the statement you signed on March 2, 1972, which you signed on March 2, 1972, which you tried to read to the jury a minute ago.

THE COURT: He is speaking about a statement. Are you not?

MR. FERGUSON: Yes, sir.

THE COURT: Refer to the statement.

(Witness picks up paper writing.)

THE COURT: What was the question?

MR. FERGUSON: I asked him what was contained in the second sentence, paragraph 5.

A. "I saw Ben Chavis come over to the church."

Q. Read the beginning of the sentence, Mr. Hall.

A. "i saw Ben Chavis come over to the church."

Q. Would you read where the sentence begins? Doesn't the sentence begin with an "About disk dark I saw Ben Chavis come over to the church."?

A. No, sir.

SOL. STROUD: Objection to his tone of voice.

There is no need of him raising his voice.

THE COURT: keep your voice down. Go ahead.

A. No, sir. The first part it says "I left the church

and messed around until about 5:30 P M and then went back to the church and listened to some records and jived with some of the other dudes there." Period. "About dusk dark," coma.

~~Q~~ Go ahead.

~~A~~ But the beginning of this sentence say "I saw Ben Chavis come over to the church." Period. And that is all.

Q Are you saying the sentence begins after the coma? Doesn't the second sentence say "About disk dark," coma "I saw Ben Chavis come over to the church."

A "I saw Ben Chavis," coma "come over to the church."

~~THE COURT: All right. Proceed.~~

Q Now did you say anything at all in that statement about going to any Community Center, breaking into it?

A At the time I was giving the statement I told about going into the Community Center and whenever I called Mr. Stroud I made a correction what was not in the statement what I had said, like I told you.

Q Is there anything in the signed statement about going to the Community Center and breaking in?

SOL. STROUD: Your Honor, objection to his tone of voice.

MR. FERGUSON: Your Honor, how is he going to

it was not in the statement. I told Mr. Stroud that it was not in the statement that I was going to the Community Center, and I told him about the dates what was wrong, which Friday was the 6th. I guess you can see that.

THE COURT: All right. Now just a minute. Ladies and gentlemen, would you like to have a short recess at this time? All right. Would you step down, Mr. Hall, please? We'll take about a 10 minute recess.

(The jury retired from the courtroom.)

(The Court recessed from 11:28 until 11:40 A M.)

THE COURT: Let the jury come back.

(The jury returned to the jurybox.)

THE COURT: Mr. Hall, would you return to the stand, please?

ALLEN HALL, witness for the State, already duly sworn, returned to the witness stand and testified as follows:

CROSS EXAMINATION BY MR. FERGUSON Continues:

~~THE COURT: At anytime you ladies and gentlemen get too cool let me know.~~

Q Now ¹ During the Friday night, Saturday you say that

I was
~~you were~~ at the church were there ^{no} cars riding through
the community?

~~A Friday night?~~

~~Q yes.~~

~~A Not that I recall; no, sir.~~

Q Do you recall at anytime during the time you were there shots being fired at the church?

A Well the only time that I would say that shots were fired was whenever we fired upon somebody.

Q And you are saying now that no shots were ever fired at the church from passing cars?

A We were shooting into cars. Cars were shot at the church, but I couldn't say whether passing cars were doing the shooting because most of them around there, the ones that was at the church, was calling themselves protecting the church were doing more shooting inside the church than shooting the ones that was at the church.

Q I am just asking you, Allen Hall, if cars passed through the community shooting into the church. That is all I am asking you. Can you answer that yes or not?

A Cars passed?

Q Did they shoot at the church? Was there some shooting

at the church from passing cars?

A. I can't really say, Mr. Ferguson.

Q. I refer you to page 59 of what has been marked as Defendant's Exhibit "2" which is a copy of the Transcript of the Preliminary Hearing. Sorry. Let me refer you to page 58. Now the last question on that page where I was examining you I asked you had there been cars parked in the area that night, persons doing the shooting. What was your answer?

A. "Yes, sir."

Q. You were testifying under oath at that time, were you not?

A. Yes, sir; but -

Q. My next question was -

SOL. JOHNSON: Your Honor, may he finish his answer?

THE COURT: (to witness) Are you finished?

A. No, sir.

MR. FERGUSON: I object to gratuitous remarks on the part of the witness. (Exception No. ---)

A. I said you remember yourself I wasn't hardly given the opportunity to finish my question and you never did really explain your question, specifically what you were talking about. You never gave me full

time to answer the questions whatsoever.

MR. FERGUSON: Move to strike that remark.

THE COURT: Motion denied. Proceed. Next question. *(Exception No. —)*

Q My next question at the Preliminary Hearing was "How many cars went through the area shooting?" What was your answer?

A "I can't say."

Q The next question was "Several?" What was your answer?

A "I can't say. I don't know how many there were."

Q My next question was "You do know there were cars going in that area by the church shooting, don't you?" What was your answer?

A "Right." But -

Q I just asked you your answer.

MR. JOHNSON: Objection.

THE COURT FINISH YOUR ANSWER. *(Exception No. —)*

A Still, Mr. Ferguson, at the Preliminary hearing, as you recall, I was not given full chance to fully answer your question. As soon as I would say one word you would jump on another before I would finish your sentence.

Q Are you trying to tell the jury now you didn't know

what you were saying at the Preliminary Hearing?

A I know what I was saying. I did not have a right to fully answer my question at the Preliminary Hearing because Mr. Ferguson had a sentence said before you can finish one question and before you can answer it he asked another one, but before you can finish that he would answer another before you could give an answer to the first question.

Q Mr. Stroud was present at the Preliminary Hearing, wasn't he?

A Yes, sir.

Q And he objected when he felt like he should?

SOL. JOHNSON: Objection.

THE COURT: Sustained. *(Exception No. —)*

MR. FERGUSON: Your Honor, request this witness not talk about the Preliminary Hearing, and I will not ask him what happened.

THE COURT: Proceed.

MR. FERGUSON: Your Honor, would you indulge me just a moment?

THE COURT: Yes, sir.

π J
Q You told the jury on Friday, ~~as I recall~~, that approximately two months before this trial you ~~were~~ *I was* moved to Onslow County jail or prison unit there.

~~Is that correct?~~

~~A~~ Yes, sir.

Q When you left the Onslow County prison were you moved back to Lumberton?

SOL. STROUD: Object.

THE COURT: Go ahead.

~~Q~~ ~~Were you moved back to Lumberton after you left the Onslow County Prison Unit?~~

A No, sir.

Q *Were you* moved back to another Prison Unit?

A Onslow County.

~~Q~~ ~~Well~~ did you remain at the Onslow County Unit right up to the time the trial started?

~~A~~ Yes, sir.

Q Are you presently being kept in a Prison Unit?

SOL. STROUD: Objection.

THE COURT: Sustained. *(Except Mr. Ferguson)*

MR. FERGUSON: I'd like to have his answer in the record.

THE COURT: Step down and whisper to the Court Reporter.

A (Whispered) I have been kept with deputies and policemen and so Mr. Ferguson wouldn't try to contact and make any threats whatsoever.

SOL. STROUD: May I see what he said first?

MR. FERGUSON: I object to the Solicitor seeing it before I do. (Exemption No. —)

SOL. STROUD: Your Honor, may we approach the bench?

(Conference at the bench.)

THE COURT: You will not give the answer out until after the trial, Madam Reporter.

MR. FERGUSON: Your Honor, we move for a mistrial.

THE COURT: Motion denied. Proceed. (Exemption No. —)

Q Are you staying in any prison facility whatsoever now, Allen Hall?

SOL. JOHNSON: Objection.

THE COURT: Objection sustained. (Exemption No. —)

Q What special treatment have you received since you have agreed to be a witness in this case?

A I haven't agreed to be a witness for the State, as you put it. All I just told like I haven't agreed on nothing. All I just said was that I will tell the truth what happened. I haven't agreed to anything.

Q My question is "What special treatment have you received?"

A None whatsoever.

Q ~~You~~ don't consider being taken by ^{my} your mother's house special treatment?

A ~~No, sir.~~

Q Would you consider staying somewhere other than a prison facility such as a hotel to be special treatment?

SOL. JOHNSON: Objection.

THE COURT: Sustained. (*Exception No. 1*)

Q I don't care to ask this witness anything else.

CROSS EXAMINATION BY MR. HUNEVOL:

Q Mr. Hall, on Friday night the 5th of February, 1971, when you went down to 5th and Nun to get that white man, you were going down there to kill him, weren't you?

SOL. STROUD: Objection.

THE COURT: Sustained. (*Exception No. 1*)

Q On the same evening when you were going down towards 5th and Nun, Mr. Hall, you were going to burn out his place, his private residence. Isn't that correct?

SOL. STROUD: Object.

THE COURT: Overruled.

A Well at the order that Ben Chavis had gave us, I

would say that all of us intention was to burn down the residence, throw the firebomb into the place. Like I said everybody there was listening to Ben Chavis's orders.

MR. FERGUSON: Move to strike that response.

THE COURT: Motion denied. (*Exemption No. —*)

Q And Friday the 5th of February, you had the chance if you had chose to do some - to not listen to Mr. Chavis's purported orders. Isn't that correct?

SOL. JOHNSON: Object.

THE COURT: Sustained. (*Exemption No. —*)

Q On the same evening when you went down to the intersection of 6th and Nun Street you had a weapon with you when you went down there, didn't you, every time you went to teh intersection of 6th and Nun Street?

~~A 6th and Nun? Everytime I went there?~~

~~Q Right?~~

A No, sir; not everytime I went down to 6th and Nun.

Q When you went to 6th and Nun.

THE COURT: Wait a minute. Give him the chance to answer the question.

A Not everytime I went down to the intersection of 6th and Nun.

~~Q~~ When you went down to the intersection of 6th and

Nun on February 5, Friday evening, to shoot at cars,
^{I was}
~~you were~~ armed at that time. ~~Isn't that correct?~~

~~A Yes, sir.~~

Q And you were shooting at cars of every description
that came by. Isn't that correct?

A Yes, sir; that was the order from Ben Chavis.

MR. FERGUSON: Move to strike that response.

THE COURT: Motion denied. *(Exemption No. ...)*

Q You were attempting, were you not, Mr. Hall, to
kill indiscriminately any person that came by in
cars? Isn't that correct?

A No, sir; not me. For instance, but like Ben Chavis
said if the cars don't stop to shoot in there, to
kill the people. Like all I could just do is look
at him and say, "Yes, O K." But further what was
in my mind to me I might shoot down below the car.
I might shoot up over the car, but I wasn't about to
shoot in no car whatsoever to kill somebody because
I realized that like a gathering down the church
conversating - you are in a group of blacks talking -
but going to commit a murder, that is another -
^{I am}
~~Q You are~~ saying you might shoot above the car and
might shoot below the car?

~~A Yes, sir.~~

Q You shot into some of those cars. Isn't that correct?

THE COURT: Let the witness answer the question.

MR. HUNEVOL: Your Honor, I waited about 10 minutes.

THE COURT: You know you didn't wait 10 minutes. Go ahead.

Q You said you might shoot above the car and you might shoot below the car. Are you telling the court and jury you never shot at the car and into a car at 6th and Nun on February 6, 1971?

A I can't say to my knowledge I have shot into a car. I can't say I ever shot in a car because really at the time I was out there I said my intentions was to shoot over the car, under the car, but not into the car because just like I said earlier like in the conversating in a group of blacks talking about the struggle, that is one thing, but going out there killing a person that is another thing. Like you can live with yourself just inside of a place listening to a person saying kill this and kill that and do that because really, like if I would thought then I would have realized my own self Chavis made or saying these things.

THE COURT: Ask your next question.

MR. FERTUSON: Motion to strike that.

THE COURT: Motion to strike allowed.

MR. FERGUSON: Ask for instructions.

THE COURT: Members of the jury, you will not consider the last statement made by the witness.

Q Do you deny that under direct examination earlier last week by Mr. Stroud and under cross examination by Mr. Ferguson that you stated that you shot at cars?

A I said I shot at cars, but whatsoever I never said I shot into cars because I don't know whether I shot into a car or not.

Q So you could have shot into any of the cars you shot at. Isn't that correct?

SOL. JOHNSON: Objection.

THE COURT: Sustained. *(Sustained No.)*

Q When you went down to 5th and Nun are you stating to this jury and this Court when you firebombed that place when you threw that firebomb toward the back porch of that private residence in order to get that man out so that you could ambush them, you did not intend to kill them?

SOL. JOHNSON: Objection.

THE COURT: Objection sustained as to the form

of the question. (Exception No. —)

Q When you went down to 5th - correction - 6th and Nun Street on February 5th to get that white man out of that apartment you went downthere with a firebomb. Isn't that correct?

A I never went to no white man's apartment on no 6th and Nun.

Q Or 5th and Nun. Correction. You went down to the corner of the intersection of 5th and Nun on the evening of February 5, isn't that correct?

A Yes, sir; I went down there.

Q And you had a firebomb with you. Isn't that correct?

A Yes, sir; myself, Ben Chavis, Marvin Patrick, Connie Tyndall.

Q Didn't you say earlier on cross examination and on direct examination that there was just one person with you on Friday night and you didn't know who that person was?

A No, sir. You must be misunderstanding, Mr. Hunevol. You are talking about 5th and Nun.

~~Q I am talking about 5th and Nun. That is correct.~~

~~A~~ But if you understood more careful when Mr. Ferguson asked me about that he was talking about Mike's Grocery on Friday night, which I said was Butch;

and he asked me did I know who Butch were, and I said I didn't know his name, but if you would try to remember whenever he said at 5th and Nun on a Friday night I said myself, Ben Chavis, Connie Tyndall and Marvin Patrick went.

Q ~~And you had a firebomb on that evening. Isn't that correct?~~

A ~~Yes, sir.~~

Q ~~And who lit the firebomb for you?~~ *me,*

A ~~Ben Chavis.~~ *↑*

Q ~~Ben Chavis now lit the firebomb and you threw the firebomb. Is that correct?~~ *f*

A ~~Yes, sir.~~

Q ~~And you were armed at that time. Isn't that correct?~~ *I was*

A ~~Yes, sir.~~

Q What were your intentions when and if that man came out of the house? What did you plan to do?

A Well all my teaching was to throw the firebombs and to get out of there.

Q ~~So you weren't going to use your weapon at all?~~ *I wasn't* *me*

A ~~No, sir, not to kill a man I wasn't.~~ *←*

Q You were going to shoot above them or below them?

A No, sir; I was just going to throw the firebomb and leave, which I did.

~~Q~~ On the 5th day of February, 1971, you said you also went up to 7th Street, the intersection of 7th and Nun. Isn't that correct?

~~A~~ Yes, sir.

Q You said on direct examination you also said on cross examination that you were shooting at cars going back and forth on 7th Street. Isn't that correct?

A I said coming on 7th Street that Chavis said if the cars didn't slow down or turn their lights off to shoot into the car and whenever you hollered for them to halt if they didn't slow down, if they keep on moving fast to shoot into the cars.

Q And that is what you were doing; shooting into the cars?

A I can't say whether I shot into the car.

Q You said you were shooting in the direction of the cars. You said that on direct examination, didn't you?

A I can't say whether I shot into the cars or not.

~~Q~~ I will repeat my earlier question. ^{I was} Were you not shooting at cars going down 7th Street on Friday night, 5th of February?

~~A~~ Yes, sir, shooting at cars.

~~Q~~ ^l You didn't care whether ^l you killed people out there or not, did you?

~~A~~ Yes, sir; I cared.

Q Why were you shooting at automobiles? Why were you shooting at them?

A I guess you can understand you can still be shooting at a car which is by law by just shooting up overhead of the hood of the car. You could still be shooting at a car. You could still be shooting at a car by just shooting higher than the car or shooting below the car. But like I said, I was shooting over the car. Like I don't know where one of the bullets went on the inside or not because I really don't know. I can't say honestly where one of them went in or not. All I can say to my knowledge none didn't go in. To my knowledge I was shooting enough above the car for none to go in. I can't say honestly during the whole time during the period at the church no bullets went inside the car.

Q You can't honestly say as well no bullets did not go into the car. Isn't that correct?

SOL. JOHNSON: Object.

THE COURT: Sustained. (Exception No. —)

Q Mr. Hall, on Saturday evening you set out, did you,

due to your unsuccessful attempt on Friday evening, you set out to firebomb the house on Nune Street?

A Yes, sir. on orders from Ben Chavis.

~~Q~~ On MR. HUNEVOL: Move to strike that.

THE COURT: Motion denied. *(Exception No. 1)*

Q Did you not, in fact, on the evening of February 6, Saturday night, go down there to firebomb and ambush the fellow who was in that house on the corner of 5th and Nun Street?

A Ambush? We didn't ambush him. Like I told you, Ben Chavis said, "Go down there. Whenever the man come out shoot him to kill him." So he told Chili not to shoot before he shoot. So then Chavis told Ricky to light the firebomb and throw it, which was on a Saturday night, and when Ricky lit the firebomb and threw it, the car pulled in there and Chavis said - excuse me - "I told that trigger happy son of a bitch not to shoot. Then we started shooting at police cars and then we went back -

MR. HUNEVOL: I move to strike all this.

MR. FERGUSON: I move to strike it.

THE COURT: Motion denied. *(Exception No. 1)*

Q Going back to my original question. Was it not

you intention when you went down to the corner of 5th and Nun Street on Saturday evening to firebomb and ambush that guy when he was forced to come out of his apartment as a result of his house being on fire? Will you please answer that question?

~~A Was it my intention?~~

~~Q Yes, sir.~~

A I couldn't honestly say so, Mr. Hunevol, because really to be honest with you I couldn't say that it was my intention to burn Mike's Grocery or to shoot at the policemen or to ambush the white man or kill him because like before this occurred like to me black, white, no matter what color you was to me if you treated me right and I treated you right I didn't care what color you was, but I couldn't say that was intention. Like all I can say I was along there with them and like I say by being along there with them in a court of law I was just as guilty as committing the crime myself.

~~Q Could you tell the race of the people who were in the automobiles coming down 6th and 7th Streets that night?~~

~~A Repeat your question please.~~

Q Were you able to distinguish the race of the motorists

who were driving down 7th and 6th Streets on Friday evening when you were shooting at them?

A. Black.

~~Q. They were all black?~~

~~A. Most of them was black.~~

~~Q. So you were shooting at white and black people.~~

~~Is that correct?~~

~~A. All of us were shooting at white and black because Chavis said that if they wasn't here in touch, if they wasn't supporting him or at the church supporting guns, ammunition and stuff they was Uncle Toms. They wasn't considered as black people. They were considered as colored people; that they was Uncle Tom, white man, nigger and stuff like that there.~~

Q. I believe you said earlier on cross examination that during this time that you were very much under the influence of other people. Isn't that correct?

A. I didn't say other people. I said at that time, I said - which I understand - which I said I realize that I was under the influence, if you may let me explain that to you. To me at that time - well, still sort of now, I consider like if I just met you in the streets whatsoever and we talk, to me I

consider you as a friend and to me when I consider a person as a friend I go all the way with them. Like well I'll neglect myself to help a friend. I'll go with just to help my friends and that is why I could say I would have easily been influence. Like instead of using my own mind saying "No, I'm not going to do this, Chavis. No, I am not going to do this." Because of my own mind I just - well, here go a friend. I am going to stick by him whatsoever. I didn't think, you know. And so that is why I said I was very easily influenced because at that time I wasn't thinking. I was listening to Chavis because I said after me and him had talked I never seen him before. He had never seen me before. And, you know, like it looked like to me at that time that he really cared about the people. Like the front that he was putting on at that time was good. You know, like to me and to a lot of other blacks in Wilmington he was really caring about the people, but we never did know about what was going on in the back of his mind was it just help Chavis. And I am just going to use the word "black power" because that is thw word that was coming all the while the people that protest was

black power, and he used that word to get all the black people he found. So ignorance - I must say I put myself in the category of being dumb and ignorant to listen to his propaganda.

MR. HUNEVOL: I move to strike that and give instructions to Mr. Hall to be more responsive.

MR. FERGUSON: I move to strike.

THE COURT: Motion denied. Proceed. *(Exception No. —)*

Q So your answer to my question is that you were and you did consider yourself to be very susceptible to influence at that time in February of 1971. Is that correct?

A Yes, sir; to a certain extent.

Q What has occurred since February of 1971 - February 5 and 6, 1971, up to and including this present moment which has altered your emotional, your psychological, your mental frame of mind so that you are not today as easily influence as you were back in '71? What has occurred?

A Well one thing about it.-

MR. FERGUSON: Objection.

THE COURT: Overruled. *(Exception No. —)*

A I had time to find my real self. I had time to think for my own self and to really see what had

happened in Wilmington and to really see that we wasn't helping the blacks and we wasn't helping to better the blacks; that all we were doing was destroying the blacks instead of helping them by burning down their homes, by shooting in their neighborhood, by shooting at them and by shooting at the whites. The only way we could build up Wilmington was not by destroying it - and I realize that I was out there whatsoever; that if anything at that time would have came up to me and asked me, said, "What you doing out here?" The only thing I could say was, "I am fighting for the rights of the black which have been handed down for years and years." That is the only thing anybody say. So I am just fighting for the rights of blacks. Everybody use the same thing. Nobody never know the real meaning, and I could say - and then I say, "Well because Ben Chavis come from Oxford, because he said this and said that" which to me was nothing but a world of fantasy, and that he can do this. He was going to do this and he was going to do that, and he send us out to raise money, but when the time come those black people houses what got burned down, who is going to build them a new house? Who is going to put

furniture in their house, food in their children's stomachs, clothes to their childrens back, provide them with a place to live? Ben Chavis collected money. What could we give? What have those people who lose everything get? What do Mike get? What are the people who lose their sons or husbands, what do we have to offer them for the lives that were taken? We can't give a life, Mr. Hunevol. What do we have to offer?

Q How were you apprized of this information? Who told you this?

A Nobody told me. I just realized it my own self that what was going on was wrong, and that the only way that you could build up the world and to get anything you have got to work for it. You can't go out there and say "I am going to burn down this man's store because he won't come in there and let me buy a loaf of bread because I am black." The thing it was about a lot of blacks like I hate to say it myself - like there is a black and white you have got on both sides. Like you have got the white people say, "Don't hate the black." You have got the blacks, "Don't hate the whites." To me like the leader of the whites in Wilmington and Ben Chavis

to my knowledge now they were working together. The longer they keep something fired in Wilmington, the can always get money; and there will always be confusion, and Wilmington is set back 50 years behind times just because of that event.

Q What you are saying, Mr. Hall, you are not under the influence of any person right now, and you are no longer easily influence by any event or any person.

A Yes, sir.

MR. FERGUSON: Your Honor, I move to strike the previous response.

THE COURT: Motion denied. *(Exception No. —)*

A I am saying, Mr. Ferguson, that now I take time. I find out who my real friends are. I look at things more clearly before I just dive on in there without knowing if there is any water at the bottom of whether there is just a suck hole at the bottom or where there is glass at the bottom. I take more time to think instead of just saying, "Well it's a friend." Just going off the dive knowing it for myself.

Q Getting back to February of 1971, when you had gone down to firebomb that place and set up an ambush for the white guy who lived on the corner of 5th and

Nun, you stated the police came up. Is that correct?

A Would you please repeat your question?

Q February 6, 1971, Saturday night, you set out to firebomb and ambush the fellow down at 5th and Nun. Is that correct?

A Yes, sir; we went out there.

~~Q Right. And shortly after you arrived some police officers came up. Isn't that correct?~~

~~A Yes, sir.~~

Q And immediately you started to firebomb them. Isn't that correct?

A Mash Potato shot first.

Q Did you also shoot at those police officers, Mr. Hall?

A I shot in the direction where they was; yes, sir.

Q And you are telling us now that you were not shooting at the police officers, but you were shooting in the direction of the police officers?

A Mr. Hunevol, if you can understand, a police officer pulled up here and you are shooting in the direction of the police officer, common sense would tell you you are shooting at them if you are shooting in the direction. I guess you can understand that.

~~Q What you are saying now you were shooting at police~~

~~officers?~~

A I was shooting in the direction of the police officers.

Q After your explanation to me of what direction means, meaning that it is analogous to shooting at, you admit now on the stand that on this particular evening you were shooting at the police officers who drove up to 5th and Nun. Isn't that correct?

A I was shooting in the direction of the police officers when they drove up to 5th and Nun.

Q Officer Genes was shot getting out of one of those automobiles on that corner on that night. Isn't that correct?

A I don't know. I wasn't there when he got shot.

Q Wasn't he the police officer, Mr. Hall, who was shot on that night?

SOL. STROUD: Object.

THE COURT: Let him answer.

A I wasn't there when Officer Genes got shot. I didn't know Officer Genes. I can still say I don't know Officer Genes. I do not know who the detective was who pulled up there that night. All I presume it was a detective car by the helmets they had on. I do not know none of them whatsoever. I can't say Officer Genes got shot because to my knowledge at

at that time it could have been you, Mr. Ferguson, Mr. Stroud or Mr. Johnson or either Deputy Roberson.

~~Q~~ (One of the officers got shot on that corner at the time ^{I was} ~~you were~~ shooting at them.) ~~Isn't that correct?~~

~~A~~ I found out later ^{that}

~~Q~~ At the time ^{I was} ~~you were~~ shooting ^I ~~you~~ didn't really care whether one of them was hit or not. ~~Isn't that correct?~~

~~A~~ ~~Yes, sir, I cared.~~

Q Why were you shooting out there?

A Like you can put it like this. You car. You can say "Well, I am just going to shoot the gun. I hope narry one don't get shot. I just hope narry one don't get shot." Period. You know what I mean because like to me you have to take an aim at something of what you definitely are shooting at. I can't say whatsoever because I never have took a dead aim on anything I was shooting at. All I know I put the gun up there and look in another direction and just pull the trigger.

Q So all during this weekend you are telling me - all during the time you shot somebody, whether police officers, private citizens, you with a pointing gun in the direction of where people were standing

and randomly firing, you really didn't want to shoot the people.

SOL. JOHNSON: Objection.

THE COURT: Sustained. (*Exception No. 1*)

Q Do you mean to tell me, Mr. Hall, that when you were firing at those cars on 7th Street, on Friday night when you were firing down towards those police officers, when you were in the ambush behind Mike's Grocery store for approximately an hour and a half on Saturday night ambushing, firing at those police and firemen, emergency personnel for an hour and a half you were looking in another direction? You were hoping and praying to God you didn't hit those officers?

SOL. JOHNSON: Objection.

THE COURT: Objection sustained. (*Exception No. 2*)

Q On Saturday night the 6th of February you went over and threw firebomb in the top of Mike's Grocery store. Isn't that correct? After that, sometime after that, you set - poured gasoline on the front door of Mike's Grocery store on Saturday night. Isn't that so?

A Yes, sir; I poured gasoline on the front door of Mike's.

Q You were armed during this time, were you not?

A Yes, sir; but you left out the first of it about Father Jones.

MR. HUNEVOL: Your Honor -

THE COURT: All right. Proceed.

MR. HUNEVOL: I would rather he not tell me what I have left out.

Q Mr. Hall, after Mike's was aflame, you and purportedly some of the defendants were in back of Mike's Grocery Store behind that garage, were you not?

A No, sir.

Q Are you denying now that you were ever behind Mike's Grocery store when that was a fire and the house or two houses next to him on 6th Street were fired? Do you deny being back there?

A Mr. Hunevol, if you asked whenever I poured the gasoline on the doorway of Mike's. You said I was then behind Mike's and I said no, sir, because then, as you recall - I guess you remember.

MR. HUNEVOL: I object to Mr. Hall paraphrasing my question. (*Exception No. —*)

THE COURT: Mr. Hunevol, he is trying to answer your question, isn't he?

MR. HUNEVOL: He is trying to avoid by every

means possible to -

THE COURT: Ask the question over again.

Q I said after. I said after - after, Mr. Hall. I didn't say immediately after.

THE COURT: Don't argue with the witness, Mr. Hunevol. Ask the question. *(Exception No. ---)*

Q Mike's was set, after, were you not behind Mike's, behind that little garage in that little wooded area behind Mike's Grocery store?

A After Mike's was on fire and after Reginald Epps came back and told Ben Chavis and all of us that a brother's house was on fire, but they was already shooting at firemens and policemens before me and before Reginald Epps came there and said that them brothers' houses was on fire, and that is whenever at that time after we pulled some of the furniture out and put water on the houses, that is whenever I was behind there in the wooded area.

Q Now you do admit being behind Mike's with a weapon. Isn't that correct?

A I always admitted being behind there, but your first question was after I had poured the gas wasn't I behind there?

MR. HUNEVOL: I object to him telling me what

my first question was. (*Exception No. ---*)

THE COURT: Proceed.

Q Mr. Hall, did you also state on direct examination and cross examination that you stood behind Mike's with a weapon and were firing at - upon emergency personnel, both police and firemen in the vicinity of the corner of Ann Street and 6th Street? Do you not admit to doing that on Saturday evening on direct examination and cross examination?

A Yes, sir; Saturday night.

Q And are you telling this jury and this Court that when you fired upon those emergency personnel that you were looking in the opposite direction pointing your gun towards them and firing, hoping that you wouldn't hit them? Is that what you are telling this jury and this Court?

A I was hoping that narry one wouldn't get shot because I had never fired a gun before whatsoever. Like the firemens was coming up in the path behind us. Not the path, but between the garage and the church. I mean, and Mike's Grocery and the house - well, I just had the gun just shooting. That is all. Because I didn't have no aim on nobody. I didn't take the gun and just aim it at no particular

person whatsoever. I just put the gun up there and just pulled the trigger because that is all I know what to do.

Q If you were hoping that you never killed anyone on the 5th and 6th day of February, 1971, why were you out there shooting even in the direction, Mr. Hall?

SOL. STROUD: Objection.

THE COURT: Sustained. (*Exception No. —*)

Q Mr. Hall, could you state on cross examination and direct examination - Strike that. On corss examination by Mr. Ferguson, did you state that on February 5 and 6 of 1971 you felt as though the intersection of 6th and Nun moved from some place up around 7th and Nun to some place down around 5th and Nun?

A No, sir; I didn't say moved. I said -

Q O K. Did you state that you thought that the intersection of 6th and Nun Street extended to some place close to 7th and Nun down to some place close to 5th and Nun? Is that what you stated on cross examination?

A I stated that 7th and Nun come around, turned off, come on Nun Street, and I stated that I thought then that 6th and Nun went all the way down to the

corner of 5th Street.

~~Q~~ And you thought this back in February 1971?

~~A~~ Yes, sir.

Q But later on before you made your statement in February of 1972 you knew that that wasn't the case. Isn't that right?

A I knew where the streets ran; yes, sir.

~~Q~~ And when you ^{I was my} at your Preliminary Hearing in March of 1972, you also knew that the corner of 6th and Nun was a fixed intersection, did you not?

~~A~~ Yes, sir.

Q In March of 1972?

A Yes, sir.

Q And you were not in March of 1972 laboring under the impression as you were back in February of 1971 that the intersection of 6th and Nun Street went up to somewhere near 7th and Nun or went down to some place around 5th and Nun?

SOL. JOHNSON: Objection.

THE COURT: Overruled.

A Mr. Hunevol, if you can remember in March whenever the diagram was drawn on the board at the Preliminary Hearing Judge Blount told Mr. Ferguson to let me draw my own streets and diagram of the streets,