

PAGE COUNT OF 50 PAGES

the testimony and for no other purpose. It is not substantive evidence. State's Exhibit number "65" is offered by the State and received in evidence for the purpose of illustrating and explaining the testimony of the witness and for no other purpose. It is not substantive evidence. You will disregard the Court's use of the word "photograph" a moment ago. You will not consider that in any respect. You will disabuse your mind as if you have never heard if.

MR. FERGUSON: Your Honor, may we be clear that we object to State's Exhibits "60", "61", "62", "63", "64", "65" and "66"? *(Exception No. —)*

SOL. STROUD: The State is withdrawing State's Exhibit number "66" at this time.

THE COURT: Your objection is "60", "61", "62", "63", "64" and "65"?

MR. FERGUSON: And "66" also and any further reference to "66".

MR. HUNEVOL: And "67".

THE COURT: Is there a "67", gentlemen?

MR. HUNEVOL: I'll probably do that at a more appropriate time.

(State's Exhibits "60", "61", "62", "63", "64"

and "65" were passed to the jury.)

MR. FERGUSON: Your Honor, may we at this time move to strike all previous reference to "66" made by this witness, the identification of which was done in the presence of the jury?

THE COURT: Objection overruled. (Exception No. —)

Q After leaving the basement area, Lt. Turner, did you have occasion to go into the residence of Rev. Templeton there in the building next to the Gregory Congregational Church on Nun Street?

MR. FERGUSON: Objection.

THE COURT: Overruled. (Exception No. —)

A Yes, sir; we did.

MR. FERGUSON: Move to strike his answer.

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

Q What, if anything, did you find in there?

MR. FERGUSON: Object.

THE COURT: Overruled. (Exception No. —)

A As we went in the front door of the home, which was 607 Nun Street, just to the right was located a fire extinguisher and a gas mask.

MR. FERGUSON: Move to strike.

MR. HUNEVOL: Move to strike.

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

A We went into the dining room portion of the house

and on the dining room table was a large assortment of surgical and medical supplies and instruments.

MR. FERGUSON: Move to strike.

MR. HUNEVOL: Move to strike.

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

A. The rear door of the home 607 Nun Street had a sheet or spread over the glass portion of the door blocking the view either in or out.

MR. FERGUSON: Move to strike.

MR. HUNEVOL: Move to strike.

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

(State's Exhibits "67", "68", "69" and "70" marked for identification.)

Q. Lt. Turner, did you take and develop photographs of the items that you have just described?

A. Yes, sir; I did.

MR. FERGUSON: Object; move to strike.

THE COURT: Overruled; motion to strike denied. *(Exception No. —)*

Q. Lt. Turner, I hand you what has been marked for identification as State's Exhibit number "67" and ask you if you can identify that.

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

A. Yes, sir; This is just to the right as you come in

the front door of the parsonage, 607 Nun Street.

MR. HUNEVOL: Move to strike.

MR. FERGUSON: Move to strike it.

THE COURT: Denied. (Exception No. —)

Q What is it a photograph of?

A It is a photograph of the fire extinguisher that I mentioned with a gas mask at the top of the fire extinguisher.

MR. FERGUSON: Move to strike.

THE COURT: Denied. (Exception No. —)

Q Is that a fair and accurate representation of the fire extinguisher and gas mask as you found them in Rev. Templeton's house on February 8, 1971?

MR. FERGUSON: Objection.

THE COURT: Overruled. (Exception No. —)

A Yes, sir.

MR. FERGUSON: Move to strike.

THE COURT: Denied. (Exception No. —)

Q I hand you what has been marked for identification as State's Exhibit number "68" and ask if you can identify that.

MR. FERGUSON: Objection.

THE COURT: Overruled. (Exception No. —)

A Yes, sir; I can.

MR. FERGUSON: Move to strike.

THE COURT: Motion to strike denied. (Exception No. —)

A. This is the table in the dining room of 607 Nun Street having the surgical supplies and medical supplies as I mentioned.

MR. FERGUSON: Objection.

THE COURT: Overruled. (Exception No. —)

MR. FERGUSON: Move to strike.

THE COURT: Denied. (Exception No. —)

Q. Is that a fair and accurate representation of what you saw on the dining room table in the parsonage next to the Gregory Congregational Church on February 8, 1971?

MR. FERGUSON: Objection.

THE COURT: Overruled. (Exception No. —)

A. Yes, sir; it is.

MR. FERGUSON: Motion to strike.

THE COURT: Motion to strike denied. (Exception No. —)

Q. I hand you what has been marked for identification as State's Exhibit number "69" and ask you if you can identify that.

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

THE COURT: Overruled. (Exception No. —)

A. Yes, sir. This is another view of the same table showing the medical supplies and surgical instruments on the table there in the dining room of 607

Nun Street parsonage.

MR. FERGUSON: Move to strike.

THE COURT: Motion denied. *(Exception 1)*

Q Is that photograph a fair and accurate representation of the table and the objects on the table it in Rev. Templeton's house on the 8th of 1971?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

A Yes, sir; it is.

MR. FERGUSON: Move to strike.

MR. HUNEVOL: Move to strike.

THE COURT: Motion to strike denied.

Q I hand you what has been marked for identification as State's Exhibit number "70" and ask you if you can identify that, please.

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

A Yes, sir; this is the rear door of the parsonage at 607 Nun Street, showing the bed sheet or sheet that was draped over the door blocking the door either in or out.

MR. FERGUSON: Move to strike.

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

Q Is that photograph a fair and accurate representation of that door as you found it on the 8th of February, 1971?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

A Yes, sir; it is.

MR. FERGUSON: Move to strike.

MR. HUNEVOL: Move to strike.

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

SOL. STROUD: May it please the Court, the State moves that these four photographs be admitted into evidence as State's Exhibit number "67, "68", "69" and "70".

MR. FERGUSON: May it please the Court, we object to the introduction into evidence of State's Exhibits "67", "68", "69", "70". *(Exception No. —)*

THE COURT: Members of the jury, State's Exhibits "67", "68", "69" and "70" are offered by the State and received in evidence by the Court for the purpose of explaining and illustrating the testimony of the witness if you, the jury find that they do illustrate and explain the

testimony of the witness and for no other purpose.

They are not substantive evidence.

MR. HUNEVOL: Object.

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

(State's Exhibits "67", "68", "69" and "70 passed to the jury.)

SOL. STROUD: State has no further questions of this witness. Tender him for cross examination.

MR. FERGUSON: We move to strike the testimony of this witness, your Honor.

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

CROSS EXAMINATION BY MR. FERGUSON:

~~Q Lt. Turner, do I understand that when you went into the church that you were accompanied by police personnel?~~
I was

~~A That is correct, yes, sir.~~

Q And there was no one in the church at that time other than police personnel. Is that correct?

A Yes, sir; there was National Guardsmen.

Q I mean official people is what I am talking about.

A Yes, sir.

Q Who was in charge of the National Guard contingent that was there?

A I believe Colonel Davis.

Q And when you went to the Templeton residence no one was there other than the same people who accompanied you from the church. Is that correct?

~~A~~ Mr. Butler was there.

~~Q~~ Mr. Butler, ^{the} church Trustee?

~~A~~ Yes, sir.

Q How many people altogether were there in the church, in the basement of the church, when you went to the basement?

A When we made the photographs and the search, three, myself, Sarg. Hobbs and a Sarg. Goodman or either Goodson with the National Guard.

Q Now some persons had already gone through the basement of the church before you got there. Isn't that correct?

A I have no knowledge of that; no, sir.

Q Weren't you called there to the scene after some people had gone into the basement and looked around and searched around down there?

A They said they had been in the basement. I have no firsthand knowledge. I did not see them in the basement.

~~Q~~ Who were these people?

~~A~~ Capt. Corbett was the only one that I talked to.

~~Q~~ And as I understand it, ^{I was} you were called there to

↓
take photographs of the items that they had observed there. ~~Is that correct?~~

~~A. Yes, sir.~~

Q That is all.

MR. HUNEVOL: Request limiting instructions for Shephard, your Honor.

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

MR. HUNEVOL: Move to strike the entire testimony of the witness.

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

MR. FERGUSON: We renew our motion to strike.

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

SOL. STROUD: State calls Sarg. Hobbs.

THE COURT: Members of the jury, it is nearly 4 o'clock Friday afternoon. We are going to take a recess until Monday morning. Everyone else remain in the courtroom. I want to again caution you not to discuss these cases with anyone nor allow anyone to discuss them with you or in your presence. Do not discuss them among yourselves until after all the evidence is in, the charge of the Court and you have the matter for your deliberation. I instruct you not to read any account of this trial if such should

appear in the Press. I instruct you not to listen to or view a television account of this trial if such should appear nor listen to a radio account of this trial if such should appear. Members of the jury, let me again caution you when you leave the courthouse please go immediately from the courthouse and from the grounds and to your destination. Do not linger along the way. When you return Monday morning please come immediately to your jury-room. Do not linger on the grounds of the courthouse, in the courthouse corridors. Come immediately to your room and there await the opening of court. Members of the jury, all of you go and come back at 9:30 Monday morning.

(The jury retired from the courtroom.)

THE COURT: Let's take a recess until 9:30 Monday morning.

(The Court recessed at 4 P M.)

.....

October 9, 1972

9:43 A M.

THE COURT: Let the jury come in.

(The jury came into the jurybox.)

SOL. STROUD: State calls Sarg. Hobbs.

THOMAS CLAYTON HOBBS, called as a witness on behalf of the State, being duly sworn, testified as follows:

DIRECT EXAMINATION (BY SOL. STROUD:)

~~Q State your name to the Court, please, sir.~~

~~A Thomas Clayton Hobbs.~~

~~Q You are a Sargeant with the Wilmington Police Department?~~

~~A ment?~~

~~A Yes, sir.~~

~~Q How long have you been a member of the Wilmington Police Department?~~

~~A 13 years next month.~~

Q In February of 1971 were you a detective with the Wilmington Police Department?

A I was temporarily assigned to the Detective Division during that month; yes, sir.

~~Q Sarg. Hobbs, on Monday, February 8, 1971, did you have occasion to go to the Gregory Congregational Church with Lt. Turner of the Wilmington Police Department?~~

~~A I did.~~

leave question of answer

MR. FERGUSON: Objection.

THE COURT: Objection overruled. (Exception No. —)

A. I did; yes, sir.

Q. What was your occasion for going there at that time?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

THE COURT: Overruled. (Exception No. —)

A. I was to be part of the search team that was making the search of the basement and the church and the surrounding areas.

MR. FERGUSON: Move to strike.

MR. HUNEVOL: Move to strike.

THE COURT: Denied. (Exception No. —)

Q. When you arrived at the church where did you go?

MR. FERGUSON: Objection.

THE COURT: Overruled. (Exception No. —)

A. I went to the rear of the church into the basement.

Q. Who was with you at that time?

MR. HUNEVOL: Move to strike.

THE COURT: Motion to strike denied. (Exception No. —)

MR. FERGUSON: Objection.

THE COURT: Overruled. (Exception No. —)

A. Lt. Turner.

Q. And what procedure did you and Lt. Turner use in searching the basement and other areas in relation-

ship to the church?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

A Went in the rear of the building, the door on the north side. Immediately turned to the right, started a counterclockwise check of this area.

MR. FERGUSON: Move to strike.

MR. HUNEVOL: Move to strike.

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

Q And what, if anything, did you observe at that time?

MR. HUNEVOL: Objection.

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

A As we walked into the door immediately to my left was a stove that was covered partially by a blanket. To my right was a heating unit. This was a dirt floor. There was a chair sitting in front of the heating unit facing in a northward direction. Also in this same area was a window facing in the northward direction. On the west side of the heating unit was another window facing in a westward direction with a chair at this window facing also in a westward direction. There were several rounds of shotgun shells on the ground along with several .22 boxes, ammunition boxes.

MR. FERGUSON: Move to strike.

MR. HUNEVOL: Move to strike.

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

Q Did you continue your search of the basement?

Strike that. As you found these items and other objects, as you have described, what, if anything, did you and Lt. Turner do?

MR. BALLANCE: Objection.

THE COURT: Overruled. (Exception No. —)

A Lt. Turner would first take a picture of the items as they were found. I would pick them up and mark them with my initials and the date.

MR. FERGUSON: Motion to strike.

THE COURT: Motion to strike denied (Exception No. —)

Q After you picked up the items and marked them, what, if anything, did you do with them?

MR. FERGUSON: Objection.

MR. HUNEVOL: Overruled. (Exception No. —)

A They were placed in plastic evidence bags.

MR. FERGUSON: Move to strike.

THE COURT: Motion to strike denied. (Exception No. —)

Q Now after you found the items that you have referred to to your right in the basement of the church and to your left, did you continue your search in the basement of the church?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

A. We did.

Q. What, if anything, did you observe?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

A. There were other shotgun shells between the heating unit and the wall which would be facing the west. I did not go in the front part of the church at the time I was picking up these items and placing them in the plastic bags.

MR. FERGUSON: Move to strike.

MR. HUNEVOL: Move to strike.

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

Q. What did you observe with regard to the windows at the rear of the church?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

Q. In the basement.

A. The window facing the northward direction, it appeared it had been partially broken out, as also the window appeared to be on the west side of the building.

MR. FERGUSON: Move to strike.

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

Q The windows toward Nun Street in the basement of the church, were they intact or were they open?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

A ~~Towards Nun Street?~~

Q ~~Yes, sir.~~

A ~~No, sir,~~ they were intact. That would be the front of the church.

Q Could you see anything up in the front of the church at this time?

A No, sir; I could not.

MR. BALLANCE: Move to strike.

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

Q After searching the basement, what, if anything, did you do?

MR. FERGUSON: Objection.

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

A We left the basement of the church proceeding in the grounds to the rear of the church and then from there into the parsonage.

MR. BALLANCE: Move to strike.

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

Q When you were in the grounds to the rear of the church and the parsonage, what, if anything, did you find there?

MR. HUNEVOL: Object.

THE COURT: Overruled. (Exception No. —)

A There were several spent and unspent shells of .45 caliber ammunition.

MR. HUNEVOL: Move to strike.

THE COURT: Denied. (Exception No. —)

Q When you reached the area in front of the church going to the parsonage, what, if anything, did you observe there?

MR. FERGUSON: Objection.

THE COURT: Overruled. (Exception No. —)

A There was also shotgun shells that was found in front of the church and also the parsonage that was picked up, identified and placed in plastic bags.

MR. HUNEVOL: Move to strike.

THE COURT: Denied. (Exception No. —)

Q Upon entering the parsonage with Lt. Turner, what, if anything, did you observe there?

MR. HUNEVOL: Objection.

THE COURT: Overruled. (Exception No. —)

A Immediately to my right as I stepped into the door on a fire extinguisher was a gas mask and an empty

binocular case.

MR. FERGUSON: Move to strike.

MR. HUNEVOL: Move to strike.

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

Q And what did you find after that, if anything?

MR. FERGUSON: Object.

MR. HUNEVOL: Object.

THE COURT: Overruled. (Exception No. —)

A After leaving this room we continued into the dining room where there was a large table in this room that was covered with several assortment or several items that appeared to be of a medical nature.

MR. HUNEVOL: Move to strike.

MR. FERGUSON: Move to strike.

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

A They were also a picture taken of these. They were marked and placed in a plastic evidence bag.

MR. HUNEVOL: Move to strike.

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

Q When you were in the parsonage did you take anything? Did you recover any other physical evidence other than what you have just described?

MR. FERGUSON: Objection.

THE COURT: Overruled. (Exception No. —)

A. In the parsonage was also several empty boxes of B B shots, .22 caliber ammunition box and one other ammunition box.

MR. FERGUSON: Move to strike.

MR. HUNEVOL: Move to strike.

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

~~Q. Where did you find that?~~

A. They were in the dining room.

Q. Now was the house furnished? Did it have items that a house would have, such as personal clothing, personal items, things of that nature?

MR. FERGUSON: Object.

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

A. Yes, sir; it was furnished.

~~Q. Did you touch any of these items?~~

~~A. Not I; not, sir.~~

Q. After leaving the parsonage what, if anything, did you do?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

A. Came out of the house onto Nun Street and started just a look and search of the immediate grounds walking from in front of the church westward to 6th and Nun.

Q Would you point that out on the diagram, please?

(Witness stands and points on diagram.)

A 6th Street, Gregory Church, we came out of this building here; came in a westward direction to the area of 6th and Nun. As I was walking back I looked and was looking around and picked up several empty shells of .22 caliber ammunition.

MR. FERGUSON: Move to strike.

THE COURT: Motion to strike denied. (Exception)

(State's Exhibits "71", "72", "73", "74", "75", "76-A", "76-B", "77", "78", "79", "80", "81", "82" marked for identification.)

Q Sarg. Hobbs, I hand you what has been marked for identification as State's Exhibit number "71" and ask if you can identify that, please.

MR. BALLANCE: Objection.

THE COURT: Overruled. (Exception No. —)

A Yes, sir; this was found in the basement.

~~Q What is that?~~

~~A This is a plastic evidence bag that these items were placed in as I picked them up and marked them and placed them in this bag.~~

Q What items are in that plastic bag?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

A This is four shotgun shells, one .22 empty cartridge box, one .25 caliber cartridge box.

MR. FERGUSON: Move to strike.

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

Q Where were these items found?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

A These were found in the basement of the church around the heating unit on the right side of the church as you walk in the door.

MR. HUNEVOL: Motion to strike.

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

Q Now Sarg. Hobbs, in connection with this I hand you what has been admitted into evidence as State's Exhibit number "61" and ask if you can identify that.

MR. BALLNACE: Object.

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

~~A Yes, sir.~~

~~Q What is it?~~

A This is a picture of the area immediately to the right as you walk in the door in front of the heating

unit facing in a northward direction from the basement of the church.

Q And these items that you have just testified about in that plastic bag, where were they found in relation to what that photograph depicts?

MR. BALLANCE: Objection.

MR. HUNEVOL: Objection.

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

A These were found immediately in front of the heating unit between the heating unit and the window on the north side.

MR. FERGUSON: Move to strike.

MR. HUNEVOL: Move to strike.

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

Q Do you see the items in that photograph?

A Yes, sir.

MR. HUNEVOL: Object; move to strike.

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

Q Would you show that to the jury, please?

(Witness turns photograph toward jury.)

SOL. STROUD: May it please the Court, the State would offer into evidence this plastic bag containing these items the officer identified and testified about as State's Exhibit number "71".

MR. HUNEVOL: Objection.

THE COURT: Objection overruled. *(Exception No. ---)*
They may be admitted.

SOL. STROUD: Your Honor, may I pass this among the jury?

MR. FERGUSON: Object.

THE COURT: Overruled. *(Exception No. ---)*
(Sol. Stroud hands State's Exhibit "71" to the jury.)

Q Sarg. Hobbs, I hand you what has been marked for identification as State's Exhibit number "72" and ask if you can identify that.

MR. FERGUSON: Objection.

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

A Yes, sir; this is a plastic bag, plastic evidence bag, containing one spent shotgun shell that was found in the basement of the church at 609 Nun Street February 8, 1971.

MR. HUNEVOL: Move to strike.

THE COURT: Motion to strike denied. *(Exception No. ---)*

MR. FERGUSON: Move to strike.

THE COURT: Motion to strike denied. *(Exception No. ---)*

SOL. STROUD: The State moved that this shotgun shell be admitted into evidence as State's

Exhibit number "72".

MR. FERGUSON: Object. *(Exception No. —)*

THE COURT: Let it be received in evidence as State's Exhibit number "72".

Q Sarg. Hobbs, I hand you what has been marked for identification as State's Exhibit number "73" and ask if you can identify that, please.

MR. FERGUSON: Objection.

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

A Yes, sir; this is a plastic evidence bag containing spent and loaded .45 caliber cartridges that was found in the back yard and near the house of 607 Nun Street February 8, 1971.

MR. FERGUSON: Move to strike.

MR. HUNEVOL: Move to strike.

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

SOL. STROUD: May it please the Court, the State moves these shells be admitted into evidence as State's Exhibit number "73".

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

THE COURT: Let them be received in evidence. *(Exception No. —)*

Q Sarg. Hobbs, I hand you what has been marked for identification as State's Exhibit number "74" and

ask if you can identify that, please.

MR. HUNEVOL: Objection.

MR. BALLANCE: Objection.

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

A. Yes, sir; this is a plastic evidence bag containing one spent shotgun shell found in the backyard of 607 Nun Street February 8, 1971.

MR. FERGUSON: Move to strike.

MR. HUNEVOL: Move to strike.

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

Q. What was located at 607 Nun Street?

A. The parsonage of the church.

SOL. STROUD: May it please the Court, the State moves that this shotgun shell be admitted into evidence as State's Exhibit number "74".

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

THE COURT: Objection overruled. *(Exception No. —)* Let it be admitted into evidence.

Q. Sarg. Hobbs, I hand you what has been marked for identification as State's Exhibit number "75" and ask if you can identify that.

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

A Yes, sir; this is a plastic evidence bag containing an empty .22 long cartridge box that was found February 8, 1971, in the yard behind the Gregory Congregational Church near the fence to the rear of 315 South 6th Street.

MR. FERGUSON: Objection: MOVE TO strike.

MR. HUNEVOL: Objection; move to strike.

THE COURT: Overruled; motion to strike denied. *(Exception No. —)*

SOL. STROUD: May it please the Court, State moves this be admitted into evidence as State's Exhibit number "75".

MR. FERGUSON: Object.

THE COURT: Let it be admitted into evidence. *(Exception No. —)*

Q Sarg. Hobbs, I hand you what has been marked for identification as State's Exhibit number "76" and ask if you can identify that, please, sir.

MR. FERGUSON: Objection.

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

A Yes, sir; this is a plastic evidence bag containing one spent shotgun shell that was found in the street in front of Gregory Church February 8, 1971.

MR. FERGUSON: Move to strike.

MR. HUNEVOL: Move to strike.

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

SOL. STROUD: May it please the Court, State

moves this shotgun shell be admitted into evidence as State's Exhibit number "76-A".

MR. FERGUSON: Objection. *(Exception No. —)*

THE COURT: Overruled. *(Exception No. —)* Let it be admitted into evidence.

Q Sarg. Hobbs, I hand you what has been marked for identification as State's Exhibit number "76-B" and ask if you can identify that, please.

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

A Yes, sir; this is a plastic evidence bag containing one spent shotgun shell that was found in front of 607 Nun Street, the parsonage, on the morning of February 8, 1971.

MR. HUNEVOL: Motion to strike.

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

MR. FERGUSON: Move to strike.

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

SOL. STROUD: May it please the Court, the State moves this be admitted into evidence as State's Exhibit number "76-B".

MR. FERGUSON: Objection. *(Exception No. —)*

THE COURT: Objection overruled. Let it be

received in evidence.

Q Sarg. Hobbs, I hand you what has been marked for identification as State's Exhibit number "77" and ask if you can identify that, please.

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

A Yes, sir; this is a plastic evidence bag containing spent and unspent .32 and .22 caliber ammunition that was found scattered on the sidewalk, the grass plaza and near the curblin of Nun Street from Gregory Church to 6th and Nun on February 8, 1971.

MR. FERGUSON: Move to strike.

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

SOL. STROUD: May it please the court, the State moves that these spent shells be admitted into evidence as State's Exhibit number "77".

MR. FERGUSON: Objection.

THE COURT: Objection overruled. *(Exception No. —)* Let them be admitted into evidence.

SOL. STROUD: May it please the Court, may I pass the Exhibit among the jury?

MR. FERGUSON: Object.

THE COURT: Objection overruled. *(Exception No. —)*

(Sol. Stroud passed the Exhibit to the jury.)

Q Sarg. Hobbs, I hand you what has been marked for identification as State's Exhibit number "78" and ask if you can identify that, please.

MR. BALLANCE: Object.

MR. HUNEVOL: Object.

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

A Yes, sir; this is a plastic evidence bag containing one gas mask, one empty binocular case that was found in the parsonage at 607 Nun Street on the morning of February 8, 1971.

MR. FERGUSON: Move to strike.

MR. HUNEVOL: Move to strike.

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

Q In connection with this I hand you what has been received in evidence as State's Exhibit number "67" and ask if you can identify that, please.

MR. BALLANCE: Objection.

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

A Yes, sir; this is a picture that was taken of these two items prior to placing them in the plastic evidence bag.

Q Would you show -

MR. FERGUSON: Motion to strike.

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

Q Would you show that to the jury, please?

MR. FERGUSON: Object.

THE COURT: Objection overruled. (Exception No. —)

(Witness turns Exhibit toward jurybox.)

SOL. STROUD: May it please the Court, the State will move these two items be admitted into evidence that are contained in this bag as State's Exhibit number "78".

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection

THE COURT: Overruled. (Exception No. —) Let them be admitted.

(Exhibits passed to the jury.)

Q Sarg. Hobbs, I hand you what has been marked for identification as State's Exhibit number "79" and ask if you can identify that, please, sir.

MR. FERGUSON: Object.

MR. HUNEVOL: Object.

THE COURT: Overruled. (Exception No. —)

A Yes, sir; this is a plastic evidence bag containing assortment of medical equipment, 1 box of elastic strip extra large Band-Aids; 2 elastic rolls; a package of plastic syringes; a package of Alco Wipe; another package of Alco Wipe; a package of silk 40; bottle C B methialate; one dressing pack;

extra wide plastic, which was found at 607 Nun Street on February 8, 1971.

MR. FERGUSON: Move to strike.

THE COURT: Motion to strike denied. (Exception No. —)

Q In connection with this, Sarg. Hobbs, I hand you what has been received into evidence as State's Exhibit number "68" and "69" and ask if you can identify them, please.

MR. FERGUSON: Object.

MR. HUNEVOL: Object.

THE COURT: Overruled. (Exception No. —)

A Yes, sir. This is a picture that was taken prior to removing the items from the dining room table and placing them in the plastic bags.

Q Would you show those two photographs to the jury, please?

MR. FERGUSON: Object.

MR. HUNEVOL: Objection.

THE COURT: Overruled. (Exception No. —)

(Witness shows photographs to the jury.)

Q Now, Sarg. Hobbs, referring you to these two photographs, what are the containers, the three containers, there in the forefront of that photograph, those three large containers?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

A. These are containers that were filled with clothes that had an alcoholic odor to them and were covered with a thin plastic material.

MR. HUNEVOL: Move to strike.

MR. FERGUSON: Move to strike.

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

Q. Also in that photograph is a jar with some instruments in it.

MR. FERGUSON: Objection.

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

Q. What was in the jar?

MR. FERGUSON: Object.

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

A. This was a glass container containing scissors, appearing to be medical nature and a fluid that had an alcoholic odor to it.

MR. FERGUSON: Move to strike.

MR. HUNEVOL: Move to strike.

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

SOL. STROUD: May it please the Court, the State would move that the items contained in this

plastic evidence bag be admitted into evidence as State's Exhibit number "79".

MR. FERGUSON: Object.

THE COURT: Objection overruled. *(Exception No. —)* Let them be admitted.

MR. HUNEVOL: Object.

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

Q Sarg., would you take this bag and take the items out individually and identify them, please?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

A This is a packet of surgical combine dressing; 1 box of elastic strip extra large Band-Aids; 2 elastic rolls; a package of plastic syringes; a package of Alco wipe; another package of Alco wipe; a package of silk 40.

Q With regard to the silk, do you know what that silk is used for?

MR. BALLANCE: Objection.

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

A I know of my opinion as to what it is used for.

Q What is that?

MR. HUNEVOL: Objection; move to strike.

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

A For operation, sewing of cuts and things of this nature.

Q Sutures?

MR. FERGUSON: Object; move to strike

(Exemption No. —)

A Yes, sir.

MR. FERGUSON: Move to strike.

THE COURT: Overruled.

(Exemption No. —)

A Yes, sir. Bottle of Methiolate; 1 dressing pack.

Q What is in that dressing pack?

MR. FERGUSON: Object.

THE COURT: Overruled.

(Exemption No. —)

A Small scissor type knife and these tweezers.

Q Are those surgical instruments??

A Yes, sir.

MR. HUNEVOL: Objection.

THE COURT: Overruled.

(Exemption No. —)

MR. HUNEVOL: Move to strike.

THE COURT: Motion to strike denied.

(Exemption No. —)

A And another dressing pack.

Q Is that all that is in that bag?

A Yes, sir.

SOL. STROUD: May it please the Court, may I pass these items that were admitted into evidence in that plastic bag among the jury?

THE COURT: Members of the jury, the Court will reverse itself and sustain the objection as to what his opinion was as to one of those items. You will disabuse your minds as to that as if you had not heard it as to what his opinion was as to one of those items. It may be received in evidence.

SOL. STROUD: May it be passed among the jurors, your Honor?

THE COURT: Yes, sir.

(Passed among the jury.)

SOL. STROUD: Your Honor, with regard to these two items I am just showing them if that is all right.

THE COURT: Yes, sir.

Q Sarg. Hobbs, I hand you has been marked for identification as State's Exhibit number "80" and ask if you can identify that.

MR. FERGUSON: Object.

MR. HUNEVOL: Object.

THE COURT: Overruled. (Exception No. —)

A Yes, sir; this is a plastic evidence bag containing 6 rolls of tape, one bottle of Excedrin; one can of Air-O-Fast Dressing; 2 plastic Xylocaine. The last

one is Hydrochloride; one can of Chloride Spray and it is 7-4 by 6 Band-Aids, surgical dressing, one surgical pad combine dressing, two Topper Sponge, one sterilized roll Puff Sheers that was removed from the dining room table at 607 Nun Street, the parsonage on February 8, 1971.

MR. HUNEVOL: Move to strike.

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

SOL. STROUD; May it please the Court, may the plastic type container containing these items be admitted into evidence as State's Exhibit number "80"?

MR. FERGUSON: Object.

MR. HUNEVOL: Object.

THE COURT: Objection overruled. *(Exception No. 1)* Let it be admitted into evidence as State's Exhibit number "80".

Q Sarg., would you take the items out individually and identify them, please.

A Sterilized Roll puff sheers, surgical pad combine dressing, the Topper sponges, 4 by 6 Band-Aid surgical dressing, one jar Excedrine, one can of Aerofast dressing, two jars of this Xylocaine, two rolls of tape, one bottle of Bepharin spray, two more rolls of tape, and what appeared

to be a cleaning unit.

~~Q A what?~~

~~A A cleaning unit, a cleaning outfit.~~

~~Q For what?~~

~~A For weapons.~~

MR. FERGUSON: Move to strike.

THE COURT: Motion to strike as to what it appears is allowed.

Q Would you identify each of the individual items?

MR. FERGUSON: Object.

MR. HUNEVOL: Object.

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

A One can of Lock-ease fluid, one box of gun cleaning patched, one cleaning unit.

Q Have you ever seen one of those cleaning units before?

MR. HUNEVOL: Objection.

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

A Yes, sir; I have seen them before.

Q Have you used one?

~~A Yes, sir, I have.~~

Q What do you use it for?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

THE COURT: Objection sustained.

A And the cloth that these items were wrapped up in.

Q What is this?

A This is a piece of cloth that was in this kit.

MR. HUNEVOL: Move to strike that entire testimony.

MR. FERGUSON: Move to strike.

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

SOL. STROUD: May the items be passed among the jury individually, your Honor?

MR. HUNEVOL: Objection.

THE COURT: Objection overruled. (Exception No. —)

Q Sarg. Hobbs, I hand you what has been marked for identification as State's Exhibit number "81" and ask you if you can identify that, please.

MR. FERGUSON: Object.

MR. HUNEVOL: Object.

THE COURT: Overruled. (Exception No. —)

A Yes, sir; this is a plastic evidence bag containing 5 pair of surgical tools found in a glass container on the diningroom table of the parsonage February 8, 1971.

MR. FERGUSON: Move to strike.

MR. HUNEVOL: Move to strike.

THE COURT: Motion to strike denied. (Exception No. —)

Q Is that the glass container you indicated had the

fluid in a neele like alcohol?

MR. FERGUSON: Move to strike?

MR. HUNEVOL: Move to strike.

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

SOL. STROUD: The State move that the items contained in this plastic bag be admitted into evidence as Statè's Exhibit number "81".

MR. FERGUSON: Object. *(Exemption No. —)*

THE COURT: Overruled. Let them be admitted in evidence.

Q And, Sarg. Hobbs, I hand you what has been marked for identification as State's Exhibit number "82" and ask if you can identify this, please.

MR. BALAANCE: Objection.

MR. HUNEVOL: Objection.

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

A Yes, sir; this is a plastic evidence bag containing two empty .22 caliber boxes; two empty Daisy Jet Bulls Eye B B gun boxes; one empty .410 guage shell box; one empty medicine box removed from the diningroom of the parsonage at 607 Nun Street February 8, 1971.

MR. HUNEVOL: Move to strike.

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

SOL. STROUD: May it please the Court, the State would move that the plastic bag containing these items be admitted into evidence as State's Exhibit number "82".

MR. FERGUSON: Objection.

THE COURT: Overruled. *(Exception No. —)* Let the be admitted into evidence.

SOL. STROUD: May I pass the items to the jury?

MR. FERGUSON: Object.

THE COURT: Objection overruled. *(Exception No. —)* Yes, sir.

(Exhibit passed to the jury.)

SOL. STROUD: When all of these items were passed to the jury the evidence property cards were removed from the bags before they were passed to the jury. State has no further questions of this witness. Tender him for cross examination.

MR. FERGUSON: May we approach the bench?

(Conference at the bench.)

THE COURT: Members of the jury, we will take about a 10 minute recess at this time.

(The jury retired from the courtroom.)

(The Court recessed from 11:25/until 12:01 P M.

(The jury returned to the jurybox.)

THOMAS CLAYTON HOBBS, returned to the witness stand, having

already been duly sworn, testified as follows:

CROSS EXAMINATION (BY MR. FERGUSON:)

Q ~~Now, Sarg. Hobbs, do I understand that~~ it was on February 8 on Monday that you went to Gregory Congregational Church?

A ~~That is correct; yes, sir.~~

Q As of that time how long had you been on the Wilmington Police Force?

A Approximately 10 and a half to 11 years.

Q Prior to the 8th of February, had you been into the basement of Gregory Congregational Church before?

A No, sir; I had not.

Q Prior to the 8th of February, had you been in the church sanctuary before?

A No, sir; I had not.

Q Had you been in the church attic?

A No, sir, I had not.

Q Or loft as it is called?

A No, sir.

Q Prior to February 8, 1971, had you been inside of the parsonage located at 607 I-believe?

A No, sir.

Q Nun Street? You had not ever been there before?

A No, sir.

~~Q~~ Prior to the 8th of February, 1971, ^I had ^{not} you been in the backyard of the church before?

~~A~~ ~~Not to my knowledge, no, sir.~~

~~Q~~ Prior to that date ^I had ^{not} you been in the backyard of the parsonage before?

~~A~~ ~~No, sir.~~

~~Q~~ Had you at anytime gone to 315 South 6th Street prior to February 8, 1971, to ^{my} your knowledge?

~~A~~ ~~Would you repeat the address, please?~~

~~Q~~ ~~315 South 6th Street.~~

~~A~~ ~~No, sir; not to my knowledge I had not.~~

Q And prior to that date when was the last time that you had walked up and down Nun Street in the block between 6th and 7th as best you can recall?

A I don't believe I can answer that because I think it had been sometime.

~~Q~~ Sometime long before that?

~~A~~ ~~Yes, sir.~~

~~Q~~ Now ^I at the time you went to the church on February 8, 1971, ^{I was} you were accompanied by Lt. Turner?

~~A~~ ~~Yes, sir.~~

~~Q~~ ~~And other members of the Wilmington Police Force?~~

~~A~~ There were other members there, sir. Only he and I and one National Guardsman was in the basement of

the church.

~~Q~~ Once you had obtained State's Exhibit "71", "72", "73", "74", "75", "76-A", "76-B", "77", "78", "79", "81" and "82", what did you do with them?

~~A~~ These items were packaged and carried to the Police Department at 115 Red Cross Street, sir.

~~Q~~ Did you yourself take them there, ^{I did} myself?

~~A~~ Yes, sir.

~~Q~~ And once you took them there what did you do with them?

~~A~~ They were carried to the Detective Division the second floor of the Police Department and remained there in the Detective Division until such time as they were placed in the locker.

~~Q~~ Do you know when they were placed in the locker?

~~A~~ No, sir, I did not place them in the locker.

~~Q~~ Do I understand once you took these items to the Detective Bureau or Detective Division on Red Cross Street, you did not have any contact with these items or these exhibits again?

~~A~~ No, sir; I did not.

~~Q~~ Do you recall the approximate date that they were taken to the Detective Division there on Red Cross?

~~A~~ That day, sir.

~~Q~~ That same day?

A February 8, 1971.

Q And you have not seen them again prior to today. Is that correct?

A Approximately 3 to 4 weeks ago with the conference with the Solicitor, Mr. Stroud, I saw them then.

~~Q~~ Between the date of February 8 and the conference which you had some 2 or 3 weeks ago you had not seen these items?

~~A~~ No, sir.

Q Do you know whether or not any or all of these items were submitted to any laboratory tests of any kind, scientific tests of any kind?

A I don't know of my knowledge, sir.

~~Q~~ Do you have any other knowledge as to whether or not they were ever submitted to such tests?

~~A~~ No, sir; I do not.

Q Is it a fair statement to say that to the best of your knowledge they were not?

A To my knowledge I have no knowledge of them being submitted.

Q With reference to State's Exhibit "71", which, I believe, was identified as plastic bag containing 4 shotgun shells empty cartridge box and .25 caliber

empty cartridge box, perhaps some other things.

Let me ask you. Do you know where those 4 shotgun shells came from? Do you know how they got to be where they were in the church of your own knowledge?

~~A~~ How they became to come in the church?

~~Q~~ Yes, sir.

~~A~~ No, sir. I do not.

~~Q~~ You ^{not} had never seen those shotgun shells before February 8, had you?

~~A~~ No, sir.

~~Q~~ Of ^{my} your own knowledge you don't know how long they had been in the basement of the church, do you?

~~A~~ I do not.

~~Q~~ The same thing is true of the empty cartridge boxes. Is that correct?

~~A~~ That is correct.

~~Q~~ And any other items that were contained in that plastic bag marked State's Exhibit "71", you don't know how they got there nor how long they had been there. Is that correct?

~~A~~ That is correct.

~~Q~~ As far as you know they could have been there a week, two weeks, a month or a year.

~~A~~ I have no knowledge as to the time.

~~Q~~ Referring you now to State's Exhibit "72" which,

if my recollection is correct, was a spent shotgun shell which you found in the basement of the church, do you know when it got there?

A No, sir.

Q Do you know who put it there?

A ~~No, sir.~~

Q Do you know how long it had been there?

A ~~No, sir, I do not.~~

Q Going on to State's Exhibit "73", which was, as I recall, a bag containing some spent and loaded .45 caliber cartridges which were found in the backyard of the church parsonage I believe.

A Yes, sir.

Q Do you know how the .45 spent shells got there?

A ~~No, sir.~~

Q Do you know how long they had been there?

A ~~I do not.~~

Q Do you know who placed them there?

A ~~I do not.~~

Q Referring your attention now to State's Exhibit "74", which was a spent shotgun shell found in the backyard of the parsonage, as I recall, would the same thing be true of that exhibit that you don't know how it got there?

A That is correct.

Q How or when.

A That is correct.

Q Or how long it had been there?

A Yes, sir.

Q Directing your attention to State's Exhibit number "75", which, if my recollection is correct, was an plastic bag containing some empty, or an empty .22 long cartridge box found in the back of the church near a fence at South 6th Street, do you know how long this box had been behind South 6th Street?

A I do not.

~~Q~~ ^{not} Do you know who put it there?

~~A~~ No, sir.

Q State's Exhibit number "76", which was a spent shotgun shell found in the street in front of Gregory Congregational Church. Do you know how long that shotgun shell had been in the street in front of the church?

A No, sir.

~~Q~~ ^{not} Do you know how it got there?

~~A~~ No, sir.

~~Q~~ ^{not} Do you know whether the person who put it there was black or white?

~~A~~ No, sir.

Q State's Exhibit "76"-B was also a spent shotgun shell

which was found on Nun Street in front of the parsonage by you on February 8, 1971, do you know how that shotgun shell got there?

A. No, sir.

Q. You don't know whether it was deposited there by a black person or a white person. ~~Is that correct?~~

A. ~~No, sir.~~

Q. You don't know when or under what circumstances. ~~Is that correct?~~

A. ~~No, sir.~~

Q. Now ^{as} to State's Exhibit number "77" which, ~~as I recall~~, was some spent and unspent .32 and .22 ammunition found on Nun Street on the sidewalk, ~~as I recall it~~, in a grassy plaza, ~~and likewise you don't know when that ammunition was put there?~~

A. ~~No, sir.~~

Q. Or who put it there?

A. ~~No, sir.~~

Q. Or the circumstances under which they put it there?

A. ~~No, sir.~~

Q. Or how long it had been there?

A. ~~No, sir.~~

Q. You don't know how many people had been up and down Nun Street on the Sunday before that, ^{with the Saturday} do you?

A. ~~Repeat the question.~~

~~Q You don't know how long persons had been up and down
Nun on the Sunday before the 8th of February.~~

~~A No, sir.~~

~~Q Or the Saturday?~~

~~A No, sir.~~

~~Q Or the Friday?~~

~~A No, sir.~~

~~Q Or the Thursday?~~

~~A No, sir.~~

~~Q Or the week before, month before or year before.
Is that correct?~~

~~A No, sir.~~

~~Q And as far as [↓]you know it could have been anybody
who had ever been on Nun Street at anytime who placed
that ammunition there?~~

~~A Yes, sir.~~

~~Q Now did I understand you to say that you had never
been on the inside of the parsonage located at 607
Nun Street?~~

~~A That is correct. I never have been.~~

~~Q You stated, I believe, that [↓]when you went inside
[↓]you found a gas mask in the front room or front hall-
way?~~

~~A That is correct.~~

~~Q~~ ^{not} Do you know whose gas mask it was?

~~A~~ No, sir.

~~Q~~ ^{not} Do you know why it was there?

~~A~~ No, sir.

~~Q~~ ^{not} Do you know who put it there?

~~A~~ No, sir.

~~Q~~ ^{I do not} Do you know how long it had been there?

~~A~~ No, Sir.

Q And you also stated that you found some empty binoculars. I believe they were in the bag with the gas mask in State's Exhibit "71" - an empty binocular case. You don't know how it got there?

A That is correct.

~~Q~~ You don't know how ^{it} got there.

~~A~~ That is correct.

~~Q~~ You don't know what purpose it was used for?

~~A~~ No, sir.

~~Q~~ Or how long it had been there or anything of the sort. ~~Is that correct?~~

~~A~~ ~~That is correct.~~

~~Q~~ And ^{with} reference to State's Exhibit "79", "80" and "81", which were some medical supplies and surgical tools, things of that sort, all of which were passed among the jury one by one, ^I ~~do~~ ^{not} you know

when they were placed in the parsonage?

~~A~~ I do not.

~~Q~~ Or by whom?

~~A~~ No, sir.

~~Q~~ Or for what purpose they were used?

~~A~~ No, sir.

~~Q~~ All you know is that these items were there on
8th
February/when you went there, ~~is that correct?~~

~~A~~ That is correct.

~~Q~~ Now you did know that Mrs. Templeton, the wife of
Rev. Templeton was a registered nurse. ~~is that
correct?~~

~~A~~ I did; yes, sir.

~~Q~~ And with reference to State's Exhibit "82" which was
some empty shell boxes, as I understand it, or empty
ammunition boxes, you don't know how they got to be
where they were?

~~A~~ No, sir.

~~Q~~ Or when *they got to be there*

~~A~~ No, sir.

~~Q~~ Or under what circumstances?

~~A~~ No, sir.

~~Q~~ Or who put them there?

~~A~~ No, sir.

~~Q~~ And when you went into the parsonage *who was with*