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Q And one other person. ~~What happened~~ when you got over to preacher's house?

A They wrapped up my finger.

Q Who?

MR. BALLANCE: Object.

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

A Ann Shephard and I think it was the preacher's wife.

Q After that where did you go?

A Hospital.

MR. BALLANCE: Object.

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

Q How did you <sup>start</sup> get to the hospital?

A Taxi-cab.

Q And were you treated at the hospital?

A Yes.

MR. BALLANCE: Object.

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

Q Was somebody with you?

A Yes.

MR. BALLANCE: Object.

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

Q Who?

A Boy named Kenny Mack.

MR. BALLANCE: Objection.

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

Q When you were at the hospital did you see anyone coming in the hospital on a stretcher?

MR. BALLANCE: Objection.

THE COURT: Overruled. (Exception No. —)

A Yes.

Q Who?

MR. BALLANCE: Objection.

THE COURT: Overruled. (Exception No. —)

A Steve.

Q Steve Corbett?

A Yes.

MR. BALLANCE: Objection.

THE COURT: Overruled. (Exception No. —)

A Yes.

Q Had you seen him at the church?

MR. BALLANCE: Objection.

THE COURT: Overruled. (Exception No. —)

A Yes.

Q After you left the hospital where did you go?

MR. BALLANCE: Objection.

THE COURT: Overruled. (Exception No. —)

A Back to the church.

~~Q How did you get there by~~

A Taxi-cab.

~~Q~~ Where did <sup>the</sup> taxi-cab <sup>took me</sup> take you?

~~A~~ To 7th and Dock.

~~Q~~ How did you <sup>I walked</sup> get back to the church from there?

~~A~~ Walked.

Q On your way back to the church did you cross Ann Street?

A Yes.

MR. BALLANCE: Object.

THE COURT: Overruled. (Exception No. —)

Q Did you see anything on Ann Street?

A Yes.

MR. BALLANCE: Object.

THE COURT: Overruled. (Exception No. —)

A Yes.

~~Q~~ What did you see?

~~A~~ <sup>I saw</sup> A fire.

Q Where was the fire?

A 6th and Ann.

MR. BALLANCE: Objection.

THE COURT: Overruled. (Exception No. —)

Q What was located at 6th and Ann?

MR. BALLANCE: Object.

THE COURT: Overruled. (Exception No. —)

A Mike's Grocery.



Q What did you do after seeing that?

MR. BALLANCE: Object.

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

A Went back to the church.

Q What did you say you were saying on the way back to the church?

A "Rabbit."

MR. BALLANCE: Objection.

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

Q Rabbit?

MR. BALLANCE: Object.

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

A Yes.

Q Why were you saying "Rabbit"?

MR. BALLANCE: Object.

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

A Because that was the pass word.

~~Q Then where did you go?~~

*Then I went*  
A Back to the church.

Q When you got back to the church what did you do?

MR. BALLANCE: Object.

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

A Went to sleep.

Q At the time that you were walking back from 7th

and Dock did you hear anything?

MR. BALLANCE: Objection.

THE COURT: Overruled. (Exception No. —)

A Yes.

~~Q What did you hear?~~

A Some shooting.

Q After you got back inside the church did you hear anything?

MR. BALLANCE: Object.

THE COURT: Overruled. (Exception No. —)

MR. HUNEVOL: Object.

THE COURT: Overruled. (Exception No. —)

A No.

Q Eric, on Friday afternoon before that Saturday when Mike's burned and you saw Steve Corbett at the hospital -

MR. HUNEVOL: Objection.

THE COURT: Overruled. (Exception No. —)

Q On that Friday afternoon, did you go to City Hall?

MR. HUNEVOL: Object.

THE COURT: Overruled. (Exception No. —)

A Yes.

Q Who did you go there with?

MR. HUNEVOL: Objection.

THE COURT: Overruled. (Exception No. —)

A A whole group.

Q Was anybody leading the group?

MR. BALLANCE: Objection.

THE COURT: Overruled. (Exception No. —)

A Yes.

THE COURT: Just a minute. Overruled.

Q Was anyone leading the group.

A Yes.

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

THE COURT: Overruled. (Exception No. —)

Q Who was leading the group?

A Ben Chavis.

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

THE COURT: Overruled. (Exception No. —) Members of the jury,

you will consider this testimony as to who was

leading the group as to the defendant Chavis.

You will not consider this testimony as evidence

for any purpose against the defendants Patrick,

Tyndall, Jacobs, Vereen, McKoy, Epps, Moore,

Wright and Shephard.

Q Did you march down there?

MR. BALLANCE: Objection.

THE COURT: Overruled. (Exception No. —)

A. Yes.

(State's Exhibit "90" and "91" marked for identification.)

Q. Eric, I hand you this picture marked for identification as State's Exhibit number "91" and ask you to look at it, please.

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

Q. Can you tell us what that is?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

A. Taken at City Hall.

~~Q. Taken at City Hall?~~

~~A. Yes.~~

Q. On that Friday afternoon?

A. Yes.

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

Q. Now is that picture a fair and accurate - does it fairly and accurately show the group at City Hall on that Friday afternoon?

A. Yes.

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

~~Q It does?~~

~~A Yes.~~

Q All right. Thank you. Eric, I point out or I hand you this photograph marked for identification as State's Exhibit number "90" and ask you to look at that.

MR. BALLANCE: Objection.

MR. HUNEVOL: Objection.

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

Q Can you tell us what that is?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

A Yes.

Q What is it?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

A City Hall.

Q What about City Hall?

A That Friday.

Q What does it show?

MR. HUNEVOL: Objection.

THE COURT: Overruled. (Exception No. —)

A That is the group.

Q That is the group at City Hall?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

THE COURT: Overruled. (Exception No. —)

Q Does it fairly and accurately show the group at City Hall that Friday afternoon?

A Yes.

MR. HUNEVOL: Objection.

THE COURT: Overruled. (Exception No. —)

SOL. STROUD: May it please the Court, the State moves that this photograph and this picture be admitted into evidence as State's Exhibit number "90" and "91".

MR. BALLANCE: Object.

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

SOL. STROUD: I'd like to ask a couple of additional questions as to State's Exhibit number "91".

Q Eric, can you recognize people in that -

THE COURT: Just a minute.

JUROR 6: I'd like to have a little water, please.

THE COURT: We'll take about a 10 minute recess.

(The Court recessed from 12:10 until 12:28 P M.)

THE COURT: Let the jury come in.

(The jury returned to the jurybox.)

ERIC JUNIOUS, returned to the witness, already duly sworn,  
testified as follows:

DIRECT EXAMINATION BY SOL. STROUD Continues:

Q Eric, in this photograph marked for identification  
as State's Exhibit number "90", can you point out  
any of the people that are in that photograph?

A Yes.

MR. FERGUSON: Objection.

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

Q Who?

MR. BALLANCE: Objection.

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

A Ben Chavis. *me.*

~~Q Anyone else?~~

~~A Me.~~

~~Q *I am* Are you in that photograph?~~

~~A Yes.~~

Q How about in this photograph?

MR. BALLANCE: Objection.

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

MR. HUNEVOL: Objection.

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

Q This picture marked State's Exhibit number "91"?  
A Ben Chavis and me.

HOL. STROUD: May it please the Court, the State would offer this photograph and this picture into evidence as State's Exhibit number "90" and "91".

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

THE COURT: Members of the jury, State's Exhibit number "90" is offered by the State and received into evidence for the purpose of illustrating and explaining the testimony of the witness if you, the jury, find that it does illustrate and explain the testimony of the witness and for no other purpose. It is not substantive evidence. Objection to State's Exhibit number "91" is sustained. (*Exception No. —*)

Q Eric, again taking this photograph, would you show to the jury - point out in the photograph where the defendant Chavis is?

MR. BALLANCE: Objection.

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

A Here.



~~Q~~ Where are you?

~~A~~ *I am*  
Right down there

~~Q~~ Wearing the coat with the fur color on it?

~~A~~ Yes.

(State's Exhibit "90" passed to the jury.)

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

MR. FERGUSON: If your Honor please, I'd like to be heard by the Court in the absence of the jury.

THE COURT: Come up.

(Conference at the bench.)

THE COURT: Members of the jury, we are ready to take a recess until 2:45 P M. I again instruct you not to discuss this case with anyone nor allow anyone to discuss it in your presence. Do not discuss it among yourselves until you have the case for your deliberation. I instruct you not to read, view or listen to any account of this trial if such should appear in the Press, on television or on radio. You go now, members of the jury, to lunch and come back at 2:45.

(The jury retired from the courtroom.)

THE COURT: Let the record show that the defendants made a motion at the bench for a recess

for the rest of the day. Such motion was denied by the Court, but the Court is taking a long lunch recess.

MR. FERGUSON: Your Honor, we would like to state our reasons for requesting the recess.

THE COURT: You stated it at the bench.

MR. FERGUSON: I would like to have it as a part of the record. Let the record show that we at the bench moved the Court for a recess 'til tomorrow and as a basis for that we pointed out to the Court that we were first advised that this witness would testify this morning. We had no prior notice as to the matters to which the witness would testify until this morning immediately before the opening of court. In the previous lists of witnesses which have been furnished by the State this witness was never listed as a potential witness. The nine defendants whom we represent rested their case on yesterday afternoon at approximately quarter of 5 o'clock, October 10. Prior to any evidence coming from this witness the nine defendants whom we represent objected to any rebuttal evidence being presented as to these nine defendants in view of the fact that no evidence

has been presented by any of those defendants. The witness has testified to material facts and circumstances in the case which may seriously effect the position of the nine defendants whom we represent. Because of the total absence of any notice that this witness would testify we do not feel prepared at this time to enter into cross examination of this witness today. We need an opportunity to reassess the position of the nine defendants that we represent. And we feel that at a minimum a recess for the rest of the day will be necessary to do that. Also we move the Court prior to the witness giving his material testimony that we be given an opportunity to interview the witness and that motion was denied. So we have had no opportunity to talk to this witness, look into his background and circumstances upon which he became a witness.

THE COURT: Mr. Hunevol, to you have anything to say?

MR. HUNEVOL: No, sir.

SOL. STROUD: I would like to put something in the record in regard to that motion. That on

Tuesday, October 10, the defendants - which was yesterday, the defendant Shephard, through her counsel presented evidence of three witnesses; that the State was not notified of this until just prior to the opening of Court yesterday; that the State was unprepared for that; and that the defendant Shephard presented this evidence in court yesterday; that the Court recessed close to 5 o'clock yesterday evening just after the defendants had rested their case; that the State decided this morning to present rebuttal evidence, more specifically to present the witness Eric Junious to testify in rebuttal to the evidence that was presented yesterday by the defendant Shephard; that the State had previously rested its case without calling that witness, but felt that it was required to call him as a rebuttal witness to that evidence presented by the defendant Shephard; and that during the evidence that was presented by the defendant Shephard one of the defense witnesses Benjamin Wonce testified that none of the other defendants besides the defendant Shephard were at the Gregory Congregational Church on Saturday evening, February 6 except the defendant Tyndall

after 12 or 1 o'clock that evening and the defendant Chavis earlier in the evening; that none of the other defendants were there at the church; that although that evidence was presented through the defense witnesses of the defendant Shephard that that evidence did go to the other defendants who did not present evidence and it was for that reason the State presented the rebuttal evidence; also that the fact that the defendant Shephard denied that she was at the church on that Saturday evening and it was for that reason the State decided to put on the rebuttal evidence this morning.

MR. HUNEVOL: I'd like to state for the record that the earliest list of potential witnesses I furnished the State sometime back in May, 1972, the name of Wonce appeared as a witness. This was told to Mr. Stroud and/or Mr. Johnson on several occasions. Since that time by the very nature of the fact that the defendant is charged this is notice that at anytime she could take the stand if she wished and as far as Taylor was concerned it was the only other witness that she tendered. I was not aware - I didn't even know he was on the face of the earth until

about 5 minutes before we opened court, and I probably should have said something to the Solicitor, but it just slipped my mind. That is all.

MR. FERGUSON: Might note also that none of the rebuttal evidence for the State was in rebuttal of anything that Mr. Taylor said.

THE COURT: We'll take a recess until 2:45 P M.)

THE COURT: Let the jury come in.

(The jury returned to the jurybox.)

THE COURT: Call the witness back on the stand.

MR. FERGUSON: If your Honor please, we would move to strike the testimony of the witness.

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

ERIC JUNICUS, returned to the witness stand, already being duly sworn, testified as follows:

CROSS EXAMINATION (BY MR. FERGUSON:) *I am*

~~Q Now, Eric, you say you are how old? 13 years old?~~

~~A Yes.~~

~~Q Do you recall, Eric, when you first talked to -  
Strike that. What grade are you in in school?~~

*I am in the*  
~~A 6th.~~

*at*  
~~Q 6th grade? What school do you go to?~~

~~A Tilston.~~

~~Q~~ Excuse me?

~~A~~ Tilston.

Q What kind of school is that?

A I don't know.

Q Is it a special school?

A No.

Q When did you first talk to any police officer or Solicitor or anybody about the church?

A In training school.

~~Q~~ In training school?

~~A~~ Yes.

~~Q~~ Where were you in training school?

~~A~~ In Rocky Mount.

~~Q~~ When did you first <sup>go</sup> to training school?

~~A~~ July 28th. I mean June 28th, 1971.

~~Q~~ Of what year.

~~A~~ '71.

~~Q~~ How long did you stay there?

~~A~~ 11 months.

~~Q~~ What did you go to training school for, Eric?

~~A~~ Armed robbery.

~~Q~~ Armed robbery?

~~A~~ Yes.

~~Q~~ How old were you when the armed robbery took place?

~~A~~ 12.

~~Q~~ <sup>I not</sup> Do you know the date that the armed robbery took place?

~~A~~ No.  
~~Q~~ Is that the only time you have been in training school?

~~A~~ Yes.  
~~Q~~ What kind of a weapon did you use in connection with the armed robbery?

~~A~~ Knife.  
~~Q~~ And who did you hold up? *I held up a*

~~A~~ Paper man.  
~~Q~~ Paper man? Was he a grown man?

~~A~~ Muhr?  
~~Q~~ He was a grown man?

~~A~~ Yes.  
~~Q~~ Have you stolen things before?  
~~A~~ Yes.

SOL. STROUD: Objection to that, your Honor.  
THE COURT: Objection sustained to the form of the question. (*Exception No. —*)

~~Q~~ How long have you been stealing, Eric?  
SOL. STROUD: Objection.

THE COURT: Objection sustained as to the form of the question. (*Exception No. —*)

~~Q~~ Now, Eric, in law stealing is known as the crime



of larceny. Now have you committed the crime of larceny before?

SOL. STROUD: Objection.

THE COURT: Overruled.

A Yes.

~~Q~~ When did <sup>d</sup>you first commit <sup>ted</sup>the crime of larceny?

~~A~~ I don't know

~~Q~~ Was <sup>d</sup>it so long ago that you don't remember?

~~A~~ Right.

~~Q~~ How many times <sup>d</sup>have you committed the crime of larceny, Eric?

~~A~~ (I don't know)

~~Q~~ Is <sup>d</sup>that because it is so many different times that you can't count them all?

~~A~~ Yes.

~~Q~~ Now have you ~~ever~~ been caught for committing the crime of larceny before?

~~A~~ Yes.

~~Q~~ How many times <sup>d have</sup> have you been caught for the crime of larceny, Eric?

~~A~~ (I don't know)

~~Q~~ Now, Eric, on some of these times when you were caught for the crime of larceny, did you tell a lie to try to get out of it?

SOL. STROUD: Objection.

THE COURT: Overruled. (Exception No. —)

A. Yes.

Q Did you do that on several occasions? Several times when you got caught for it?

A. No.

~~Q I believe you stated that you live with your grand-~~  
mother. Is that correct?

~~A. Yes.~~

Q On occasion have you lied to your grandmother before?

A. Yes.

SOL. STROUD: Objection.

THE COURT: Overruled.

Q Did I understand you to say that you had?

A. Yes.

Q And was it because she caught you in something that you wanted to get out of?

A. No.

Q Well did you lie to her because you didn't want her to know about something you had done?

SOL. STROUD: Objection.

THE COURT: Sustained. (Exception No. —)

A. Yes.

Q In other words, Eric, if you get caught in something and you feel that you can get out of it by telling

a lie you'd do that?

A No.

Q Well if you did something and you didn't want anybody to know about it or to know that you'd done it, you would tell a lie to keep them from knowing that, wouldn't you?

A Yes.

~~Q~~ Now <sup>of</sup> on these various occasions or times when you committed the crime of larceny you knew that it was dishonest to steal something, didn't you?

~~A Yes.~~

~~Q~~ Now, <sup>not</sup> Eric, do you know the date that you first talked to any police officer or the Solicitor about the church?

~~A No.~~

~~Q Did you say you do not?~~

~~A I don't know. I don't know the date.~~

~~Q You don't remember dates very well?~~

~~A Huh?~~

Q Did you say you don't remember dates very well?

A I said I don't know what the date was.

Q Who did you first talk to about it, Eric?

A About what?

Q About the church?

A Mr. Brown.

~~Q~~ <sup>T</sup> Is that Mr. Brown <sup>is</sup> seated at the end of the counsel table for the State?

~~A~~ Yes.

~~Q~~ He came up to the training school where you <sup>was</sup> were in Rocky Mount. ~~Is that right?~~

~~A~~ Yes.

~~Q~~ <sup>Some was</sup> Now ~~was~~ anyone with Mr. Brown when he came up there?

~~A~~ Yes.

Q Who was with him, Eric?

A I forgot his name.

~~Q~~ Do you see him in the courtroom?

~~A~~ Yes.

Q How about just pointing him out?

A (Points) Right there.

Q Mr. Stroud?

A Yes.

~~Q~~ <sup>I</sup> Did you know Mr. Brown before you came up to the training school?

~~A~~ Yes.

Q How had you known him before, Eric?

A Well we broke in Hemingway Hall, and I had to go to court.

~~Q~~ He arrested <sup>me</sup> you for that and took <sup>me</sup> you in?

~~A~~ Yes.

~~Q~~ <sup>I</sup> Did <sup>not</sup> you know him from any other occasion?

~~A~~ No.

~~Q~~ Now did <sup>T</sup> they have anything with them, <sup>Eric</sup>, when they came up to the training school?

~~A~~ Yes.

~~Q~~ What did they have with them?

~~A~~ Some pictures.

~~Q~~ A lot of pictures?

~~A~~ Yes.

~~Q~~ Did <sup>T</sup> they <sup>did</sup> have pictures of the persons that <sup>I</sup> you pointed out in the courtroom?

~~A~~ Yes.

~~Q~~ How long did <sup>T</sup> they stay <sup>id</sup> up there that day, <sup>Eric</sup>?

~~A~~ About 30 minutes.

~~Q~~ And <sup>T</sup> they showed <sup>me</sup> you pictures that they had with them?

~~A~~ Yes.

~~Q~~ Now after that day when you first talked to them, did you ever talk with Mr. Stroud or Mr. Brown again?

~~A~~ About 2 weeks after I came out of the training school.

~~Q~~ When did you <sup>I got</sup> get out of training school?

~~A~~ May 31.

~~Q~~ May 31 of this year?

~~A~~ Yes.

~~Q~~ ~~New where did you talk to Mr. Well, did you talk to anyone other than Was there someone present when you talked to them after you got out of training school in addition to Mr. Stroud and Mr. Brown?~~

~~A~~ Huh?

Q Was there someone else with them when you talked to them after you got out of training school? Were there some other people there?

A Where?

Q Well you remember you said you talked to them about two weeks after you got out of training school?

A Yes.

~~Q~~ ~~Where was that? Where did you talk to them?~~ <sup>at the</sup>

~~A~~ Holiday Inn.

~~Q~~ ~~Holiday Inn? Was that in Wilmington?~~

~~A~~ Yes.

Q And you don't know which Holiday Inn in Wilmington it was, do you?

~~A~~ No.

~~Q~~ Did they have some pictures with them when you talked to them that time, Eric?

~~A~~ Yes.

Q Did they have pictures of the persons you pointed out today?

~~A~~ Yes.

*I do*  
Q ~~Now you know Allen Hall, don't you, Eric?~~

A ~~Yes.~~

Q Was ~~he~~ <sup>He</sup> with Mr. Stroud and Mr. Brown that day <sup>you</sup> talked with them at the Holiday Inn?

A ~~Yes.~~

Q ~~Now, Eric, did Allen Hall~~ <sup>did</sup> look at some <sup>of</sup> the photographs they had with them that day?

A ~~Yes.~~

Q ~~And did you look at the photographs again that day, too?~~

A ~~Huh?~~

Q Did you look at the pictures, photographs, again that day?

A ~~Yes.~~

Q How did you get to the Holiday Inn, Eric, that day?

SOL. STROUD: Objection, your Honor. I don't see the relevancy of that.

THE COURT: Overruled. Go ahead.

A ~~Huh?~~

Q ~~How did you get to the Holiday Inn?~~

A Mr. Brown took me.

Q ~~Just Mr. Brown?~~

A ~~Yes.~~

Q And <sup>of</sup> when you arrived there, MR. Stroud and Allen

Hall were already there?

~~A Yes.~~

Q Was there anyone else there with you that day, Eric, that you talked to?

A A Sheriff.

~~Q A Sheriff was there?~~

~~A Yes.~~

*Q* <sup>*not*</sup> Did you know the Sheriff?

~~A No.~~

*Q* <sup>*not*</sup> Do you know what date it was that <sup>*you*</sup> talked with him, Eric?

~~A No.~~

*Q* How long did <sup>*you*</sup> talk with them there at the Holiday Inn?

A (I don't know)

Q I know it may be difficult for you to remember exactly. Let me just ask you, Eric. Was it for as long as an hour?

A I might be.

~~Q Now, Eric, either Mr. Stroud or Mr. Brown let you know at that time that they wanted you to be a witness in this case?~~

~~A Huh?~~

Q Did either Mr. Stroud or Mr. Brown let you know at that time that they wanted you to be a witness in



this case?

A. No.

*of 10*  
Q. ~~Now you have some older brothers and sisters, don't you?~~

A. ~~Yes.~~

*None of them went with me.*  
Q. ~~Were any of them with you when you went to the Holiday Inn?~~

A. ~~No.~~

Q. ~~Was your grandmother with you?~~

A. ~~Huh?~~

*my grandmother did not go out there with me.*  
Q. ~~Did your grandmother go out there with you?~~

A. ~~No.~~

Q. ~~How did you get back home from the Holiday Inn?~~

A. Mr. Brown road me back. *→*

Q. ~~Was Allen Hall and Mr. Stroud did you leave them there at the Holiday Inn when you left?~~

A. ~~Huh?~~

*T*  
Q. ~~Did the others remain there at the Holiday Inn after you left?~~

A. ~~Yes.~~

Q. Can you remember whether this was in the daytime or nighttime?

A. When I went there it was in the day.

Q. When you left was it in the daytime or night time.

A. *M*  
~~NIGHT.~~

Q Now, Eric, after that time did you talk with Mr. Brown or Mr. Stroud again?

A Yes.

~~Q Do you know when that was?~~

~~A Huh?~~

~~Q Do you know when that was?~~

~~A What?~~

~~Q Do you know when that was when it was that you talked to them again after being at the Holiday Inn?~~

~~A Sunday.~~

~~Q This past Sunday?~~

~~A Yes.~~

~~Q Now where did you talk to them on Sunday, Eric?~~

~~A Jailhouse. I mean Police Headquarters.~~

~~Q at the Police Department?~~

~~A Yes.~~

Q Did they tell you why they wanted to talk with you again?

A No.

Q When you talked to them Sunday at the Police Department, Eric, did they have photographs with them at that time?

~~A Yes.~~

Q Did they have photographs of the persons that you pointed out in the court?

A Yes.

~~Q~~ <sup>l</sup> Did you look at those photographs at that time?

~~A~~ Yes.

Q Did they tell you on Sunday that they wanted you to come to court today?

SOL. STROUD: Objection to what we told him, your Honor.

THE COURT: Objection sustained. (*Exception No. 1*)

Q Now, Eric, did you talk with Mr. Stroud or Mr. Brown after Sunday?

A Yes.

Q When did you talk to them, Eric?

A Last night. I mean yesterday.

~~Q~~ Yesterday?

~~A~~ Yes.

~~Q~~ <sup>l</sup> <sup>sd</sup> Where did you talk to them yesterday, Eric?

~~A~~ Same place.

~~Q~~ At the police station?

~~A~~ Yes.

~~Q~~ <sup>T</sup> <sup>l</sup> Did they have photographs with them when you talked to them on yesterday?

~~A~~ Yes.

~~Q~~ <sup>T</sup> <sup>l</sup> Were they photographs of the persons that you pointed out in court?

~~A~~ Yes.

Q Now, Eric, let me just go back for a minute this past Sunday when you talked with them. Who was there in the room at the police station when you talked to them?

A Mr. Brown and Mr. Stroud.

Q Was anyone else there?

~~A Huh?~~

~~Q Was anyone else there?~~

~~A Fredlaw.~~

~~A~~ Mr. Fredlaw, the gentleman seated immediately behind counsel table over here *was there,*

~~A Yes.~~

Q ~~Were any of your older brothers or sisters there with you?~~ *None with me.* <sup>*were*</sup> there

~~A No.~~

Q ~~Was your grandmother there?~~ *her* <sup>*was not*</sup>

~~A No.~~

Q Where did you leave from to go to the police station, Eric?

A Home.

Q Were any of your brothers or sisters at home when you left?

A Not my sister.

Q What about your brother?

A No.

~~Q~~ Was <sup>Mr</sup> your grandmother, <sup>was</sup> there?

~~A~~ Yes.

~~Q~~ How did you get from your home (to the police station?)

A Mr. Brown and Fredlaw took me <sup>from my home</sup>

Q How long did you stay at the police station on Sunday?

A About 15 minutes. What? Sunday?

Q Yes, Sunday.

A O. I don't know.

~~Q~~ You stayed longer than 15 minutes on Sunday?

~~A~~ Yes.

~~Q~~ Was it <sup>nighttime</sup> daytime when you went there?

~~A~~ No.

~~Q~~ It was night time?

~~A~~ yes.

Q Now when you talked with them last night at the police station who was there, Eric?

A Mr. Stroud and Mr. Brown and Fredlaw.

Q How did you get to the police station last night?

A I didn't go last night.

~~Q~~ You didn't go last night?

~~A~~ No.

Q Where did you talk to them last night?

A I wasn't last night.

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~~Q It wasn't last night?~~

~~A No.~~

Q I am sorry. When was it?

A In the daytime.

~~Q You talked to them in the daytime yesterday?~~

~~A Yes.~~

Q You say it wasn't at the police station. Where were you when you talked to them?

A At the police station.

~~Q At the police station? You say Mr. Brown and Mr. Fredlaw was there?~~

~~A Yes.~~

~~Q Was Mr. Johnson, the gentleman seated next to Mr. Stroud, there?~~

~~A No.~~

~~Q Now were either of your brothers and sisters there?~~

~~A None?~~

~~Q Were any of your older brothers and sisters there with you?~~

~~A No.~~

~~Q Was your grandmother there?~~

~~A No.~~

Q Now, Eric, did you talk to any of those gentlemen after last night or yesterday?

A This morning.

~~Q~~ ~~Talked to them this morning? Who did you talk to~~ *I talked to Mr. Stroud*  
this morning?

~~A~~ ~~The man right there.~~

~~Q~~ ~~Mr. Stroud?~~

~~A~~ ~~Yes.~~

~~Q~~ ~~Did you see the pictures or photographs this morning?~~

~~A~~ ~~Yes.~~

~~Q~~ ~~Did you see pictures or photographs this morning~~  
~~of the nine persons you have pointed out or the per-~~  
~~sons you have pointed out in court?~~

~~A~~ ~~Yes.~~

~~Q~~ ~~Now, Eric, do you know the date of the first Wednes-~~  
~~day in February, 1971?~~ *I do not know the date of the first Wednesday*  
*in February, 1971.*

~~A~~ ~~Unuh.~~

~~Q~~ ~~Do you know the date of the first Tuesday in Feb-~~  
~~ruary, 1971?~~ *I not*

~~A~~ ~~No.~~

~~Q~~ ~~BEfore you talked with Mr. Stroud and Mr. Brown, did~~  
~~you know the date that you hurt your hand there in~~  
~~church?~~

~~A~~ ~~I know what day it was, but I didn't know what date.~~

~~Q~~ ~~Now, Eric, the first time you talked with Mr. Stroud~~  
~~and Mr. Brown up at the training school did they~~ *not*  
~~ask you to sign a statement on that day?~~ *me*

~~A~~ ~~No.~~

~~Q~~ The second time <sup>you</sup> talked with them at the Holiday Inn when Mr. Stroud and Allen Hall and Mr. Brown were all present there did they <sup>not me</sup> ask you to sign a statement on that day?

~~A~~ No.

~~Q~~ Did they ever ask you to sign a statement for them?

~~A~~ No.

~~Q~~ Did you <sup>ever</sup> sign a statement?

~~A~~ No.

~~Q~~ ERIC, <sup>AT</sup> since the time that you got out of training school <sup>1</sup> have you been seeing a doctor?

~~A~~ Yes.

~~Q~~ Now who is the doctor that you are seeing, Eric?

~~A~~ I don't know his name.

~~Q~~ Now the doctor that you are seeing is his office on 17th Street?

~~A~~ Yes.

~~Q~~ When you go to see this doctor, Eric, <sup>he</sup> does he <sup>not</sup> give you any shots or pills or anything of that sort?

~~A~~ No.

~~Q~~ Does he talk to you quite a bit?

~~A~~ No.

~~Q~~ Well does he talk to you some?

~~A~~ Huh?

~~Q~~ <sup>He</sup> Does he talk to you <sup>me</sup> some?

~~A~~ Yes.



Q Do you talk to him about things you have done that caused you to go to training school?

A No.

Q Were you sent to this doctor by the people who were your counsellors at training school?

A I don't know.

~~Q You don't know who sent <sup>me</sup> you to him?~~

~~A No.~~

~~Q How often do you see this doctor, Eric?~~

~~A Once a month.~~

~~Q Do you know what a psychiatrist is?~~

~~A Uh?~~

Q Do you know what a psychiatrist is?

A Un uh.

Q Didn't your grandmother or the doctor or the persons who sent you to him tell you that the doctor you were seeing is a psychiatrist?

A No.

SOL. STROUD: Objection.

THE COURT: Sustained.

SOL. STROUD: Withdraw the objection.

Q The doctor was supposed to be helping you with some of your problems, isn't he?

A I don't know.

~~Q~~ <sup>I</sup> Do you play athletics; any sports?

~~A~~ Yes.

~~Q~~ What sport do you play?

~~A~~ Football. <sup>I</sup>

~~Q~~ Any other sport?

~~A~~ Basketball.

~~Q~~ <sup>I am in</sup> Are you in good shape for playing football and basketball, aren't you?

~~A~~ Yes.

~~Q~~ <sup>I am</sup> You are in good health, aren't you?

~~A~~ Yes.

~~Q~~ <sup>I</sup> Now you play football with an organized football team, don't you?

~~A~~ Yes.

~~Q~~ <sup>I</sup> Do you know how long <sup>1st</sup> you are going to be going to this doctor, Eric? <sup>I am</sup>

~~A~~ No.

~~Q~~ <sup>I</sup> Now the doctor that you go to talks to your <sup>me</sup> grandmother about you quite a bit, doesn't he? <sup>me</sup>

~~A~~ Yes.

~~Q~~ Eric, do you recall <sup>I</sup> the last date that you saw the doctor? <sup>was</sup>

~~A~~ It was the third.

~~Q~~ Would you repeat your answer, please?

~~A~~ The third of <sup>1st</sup> month.

~~Q~~ ~~The third of last month?~~

~~A~~ Yes.

~~Q~~ He talked to <sup>me</sup> you some when you saw him that time?

~~A~~ Yes.

Q Do you remember what you talked about?

A Not all.

~~Q~~ Huh?

~~A~~ Not all.

Q Was that the same doctor on 17th Street?

A Yes.

MR. FERGUSON: If your Honor please, I'd like to approach the bench.

THE COURT: All right.

(Conference at the bench.)

~~Q~~ Erie, <sup>1)</sup> when you got out of training school were you placed on probation? *A was not*

~~A~~ No.

Q Was it explained to you by your counsellors or any law enforcement officer that the Juvenile Court has jurisdiction over you until you are 21 years old? 18 years old?

SOL. STROUD: Objection.

THE COURT: Sustained. <sup>(Exception No. —)</sup> (to witness) When I sustained the question, don't answer it.

Q Did you know the juvenile Court, Juvenile Judge has jurisdiction over you until you are 18 years old? By that I mean they would be able to put you back in the training school if you did anything wrong by the time you are 18 years old. Did you know that?

A Yes.

MR. FERGUSON: If your Honor please, we have no further questions of this witness at this time. We would like to reserve the right for further cross examination.

THE COURT: Mr. Hunevol, do you have any questions of this witness?

MR. HUNEVOL: Yes, sir.

CROSS EXAMINATION BY MR. HUNEVOL:

Q Eric, when Mr. Brown came to the training school to talk with you, had he arranged the visit in advance?

SOL. STROUD: Objection.

THE COURT: Objection sustained. (*Exception No. 1*)

Q Did you, Eric, at anytime you were in training school invite Mr. Brown up to talk with you?

A I didn't invite nobody.

Q Did you know before they came to see you at training school that they were coming?

~~A~~ Did I know?

~~Q~~ Yes.

~~A~~ Yes, I knew.

~~Q~~ How were you informed as to the fact that they were coming?

~~A~~ My Social Worker told me.

~~Q~~ And what is your Social Worker's name?

~~A~~ Mr. Everette.

~~Q~~ Prior to the time that you talked with Mr. Brown in the training school had you ever had any conversations about what happened in February of 1971?

~~A~~ No, he just showed me some pictures.

~~Q~~ So <sup>P</sup> prior to the time that he came to see you in <sup>me</sup> training school you had never talked with anyone about the events that took place in February of 1971?

~~A~~ No.

~~Q~~ In February of 1971, that was the time that you committed this armed robbery, isn't that correct?

~~A~~ Not in February.

~~Q~~ Not in February? When did you commit this armed robbery, Eric?

~~A~~ In June, <sup>June 19,</sup>

~~Q~~ And do you recall the date on which you committed this armed robbery?

~~A~~ June 19.

~~Q Do you recall what day of the week it happened on?~~

~~A When I armed rob?~~

~~Q Right~~

~~A~~ *It was*  
On a Sunday.

~~Q And do you recall what day that your trial was scheduled?~~

~~A I don't know.~~

Q Was it in a short period of time or was it in a long period of time?

A It was in a long time.

~~Q~~ *I* Do you know how many days there are in a month?

~~A Yes.~~

~~Q How many days?~~

~~A~~ *There are*  
30 or 31 or 28,

~~Q Was it more than 30 or 31 days after the armed robbery that you had your hearing?~~

~~A Huh?~~

Q Was it 30 or 60 days after the armed robbery that you had your hearing?

A I don't know; about 30 days.

Q Could it have been more than 30 days?

A I don't know.

~~Q Then after the hearing, Eric, how long after the hearing in court Strike that. Was the court~~

session held on the armed robbery charge <sup>was</sup> in Wil-  
mington in the County Courthouse?

~~A Yes.~~

Q How long after the hearing was it that you went  
away to training school?

A In 3 days.

~~Q Eric, did you state, a short while ago when Mr.  
Ferguson was talking to you that you had been sent  
away to training school on June 28?~~

~~A No, I was sent to training school June 18.~~

~~Q You got sent to training school on June 18?~~

~~A Yes.~~

~~Q And then your <sup>he</sup> court hearing was sometime after  
June 18?~~

~~A Yes.~~

Q Was it sometime in July of 1971 that your court  
hearing was held?

A How can it have been in July and I went in training  
school June 18?

~~Q Excuse me, Eric.~~

~~A How can it be in July when I went to training  
school June 18?~~

Q Eric, a short while ago when I was questioning  
you didn't you state that your hearing, your court  
hearing, was held on June 18?

A No, I told you that I went to training school June 18.

Q What you are saying is that you did not state to Mr. Ferguson that you went to training school on June 28?

A That I didn't go? I might have did. I might have been thinking of something else, but I went to training school June 18.

Q Well when did the actual armed robbery take place?

A I don't know what day. I know it was on a Sunday, and I could tell you what happened that Sunday.

Q Was it about a week or two before the hearing was held?

A I don't know.

Q ~~So you~~ can't remember when you held up this fellow with a knife except for the fact that it was on Sunday?

A ~~Right.~~

Q ~~Did you~~ state a little while ago that Mr. Brown had arrested you at sometime for breaking <sup>me</sup> and entering?

A ~~Right.~~

Q ~~Can you~~ <sup>not</sup> recall when Mr. Brown arrested you for <sup>me</sup> breaking and entering?

A I don't know when it was. All I know I broke and entered.



Q <sup>not</sup> Have you broke and entered any place since you got out of training school?

A ~~No.~~

Q <sup>I</sup> Did you break and enter the place that Mr. Brown arrested <sup>me</sup> you for prior to February of '71?

A ~~What you mean? No, it was before February.~~

Q ~~Of '71?~~

A ~~Yes: I believe it was '70.~~

Q <sup>I</sup> Was that before the armed robbery?

A ~~Yes.~~

Q ~~Was there ever a court hearing that was held on that matter?~~

Q ~~Was it in court?~~

Q ~~Did the breaking and entering case <sup>did</sup> ever get into court?~~

A ~~Yes.~~

Q What was the disposition of that?

A ~~What you mean?~~

Q ~~What happened?~~

A They let me go home.

Q Can you recall how many pictures you were shown that first time up there in Rocky Mount?

A ~~How many I seen?~~

Q Yes, can you recall?

A I seen a lot of them.

*of* Q Do you recall ~~whether~~ <sup>that</sup> most of them were small pictures?

A Yes.

Q ~~How many large pictures would you say you saw~~ <sup>around</sup>

A ~~I'd say around about 5 or 10.~~

Q 5 or 10 large pictures?

A Yes.

Q And <sup>all</sup> the small pictures had numbers on them?

A Yes.

Q On the first occasion that you saw pictures up in Rocky Mount did you see any small pictures of a white woman other than Ann Shephard?

A One.

Q You did see another picture?

A Yes.

Q Who was that picture of?

A I don't know. I never seen her before.

Q Have you ever seen her since?

A I seen the picture the other night.

Q The second time that you saw pictures did you see any other pictures, small pictures, of a white woman other than Ann Shephard?

A I just told you.

Q So the second time you only saw one other picture

of another one?

A I seen Ann and another girl.

Q Does that same thing hold true for all the other times that you saw pictures, saw the picture of Ann and one other white girl on all the other times that you saw pictures?

A Yes.

Q Was the other picture of a white lady a woman who looked as large as Mrs. Shephard?

A No, she was skinny.

*I*  
Q *I was*  
On Saturday you stated that you were at the church.

~~Is that correct?~~

~~A Yes.~~

*I was not*  
Q ~~Were you there about 5 o'clock in the evening?~~

~~A No.~~

Q Were you there about 5 o'clock at night?

A I don't know. I was asleep, I guess, at 5 o'clock at night. I stayed there until I went to the hospital. When I came from the hospital I went back to the church.

*I was not*  
Q ~~Were you at the church all day long?~~

~~A Not in the daytime, I wasn't. Not that Saturday.~~

Q Did you get there at the church before it got dark?

A It was dark when I got there.

~~Q Do you know what time it gets dark in February?~~

~~A Huh?~~

~~Q Do you know what time it gets dark in February?~~

~~A No.~~

~~Q Had you seen Mrs. Shephard around the church before Saturday?~~

~~A Yes.~~

~~Q Did you see her on Friday?~~

~~A Yes.~~

~~Q Did you see her on Tuesday?~~

~~A Tuesday?~~

~~Q Tuesday.~~

A I was home on Tuesday.

Q Did you see her on Wednesday?

A I don't know. I maybe did. I forgotten now.

Q Did you see her on Thursday?

A I don't believe I stayed there Thursday. I ain't quite sure.

~~Q You saw her on Friday?~~

~~A Yes.~~

Q Did you see her on Sunday?

A Sunday, I didn't stay there Sunday.

~~Q Did you stay there Saturday night?~~

~~A Yes.~~

~~Q~~ Did <sup>not</sup> you see her there Sunday morning?

~~A~~ No. We left there that Sunday morning about 6 o'clock.

Q When you got up Sunday morning was Mrs. Shephard around?

A I ain't seen her.

~~Q~~ When was <sup>T</sup> the last time you saw her on Saturday night?

~~A~~ <sup>was</sup> When I got my finger fixed and I went in the church - I mean, the preacher's house.

Q You saw her in the preacher's house on Saturday night?

A No, she was in the church, and she took me in the preacher's house, and her and I believe the preachers wife winded up my finger.

Q Is your doctor's name Dr. Fisher?

A I don't know.

~~Q~~ <sup>I</sup> Do you think you'd <sup>not</sup> know <sup>I'd</sup> if you heard it? <sup>it</sup>

~~A~~ No.

~~Q~~ You don't?

~~A~~ No. It is a kind of funny name.

Q Dr. Knox?

A I don't know.

Q Is it Dr. Schulty?

A Who?

Q Dr. Schulty.

A I don't know Dr. Schulty.

Q Is it Dr. McMillan?

A I don't know. I don't know his name.

Q How about Dr. Vernon?

SOL. JOHNSON: Objection; he just said he didn't know.

THE COURT: Objection sustained. *(Exception No. 7)*

MR. HUNEVOL: Your Honor, I have no further questions.

REDIRECT EXAMINATION: (BY SOL. STROUD)

~~Q~~ Now, Eric, *Each time I was* each time that you were shown photographs by ~~myself~~ *you* and Mr. Brown were ~~you~~ *I was* shown several photographs?

~~A~~ Yes.

~~Q~~ And did we tell you which pictures to pick out? *You did not see*

~~A~~ No.

~~Q~~ What did we tell you? *You told me!*

~~A~~ To pick out the pictures that I seen at the church.

~~Q~~ Is that what you did? *I*

A Yes.

~~Q~~ And were there *I were* pictures of other people in that group of pictures other than these people over here?

~~A~~ Yes.

~~Q~~ Did you pick out the people that were in the church?

~~A~~ Yes.

Q Did you have any trouble picking out the picture?

A No.

MR. BALLANCE: Object.

THE COURT: Overruled. (Exception No. —)

Q Did you need to see those pictures in order to be able to point these people out as having been at the church?

MR. BALLANCE: Object.

THE COURT: Overruled. (Exception No. —)

A No.

~~Q~~ You knew some of these people before, didn't you?

~~A~~ Yes.

Q Now, Eric, explain the circumstances about your armed robbery. What did you do?

MR. BALLANCE: Object.

THE COURT: Overruled. (Exception No. —)

A I don't want to tell you.

~~Q~~ Eric, when you went to court on the armed robbery, did you tell the Judge what you did?

~~A~~ Yes.

~~Q~~ You told the truth, didn't you?

~~A~~ Yes.

~~Q~~ And when you went to court for breaking in at

Hemingway Hall <sup>of</sup> you told the truth about what you did, ~~didn't~~ you?

~~A Yes.~~

Q Now the knife that you had on the armed robbery what size knife was it?

A (Indicating) Like that.

MR. BALLANCE: Object.

THE COURT: Overruled. (Exception No.         )

Q Now, Eric, each time that Mr. Brown came by to pick you up to talk with us your grandmother was notified about it, wasn't she?

A Yes.

MR. FERGUSON: Objection.

THE COURT: Overruled. (Exception No.         )

Q Now, Eric, did you break your arm one time?

A Yes.

MR. BALLANCE: Object.

THE COURT: Overruled. (Exception No.         )

~~Q~~ The doctor that you went to when you broke your <sup>my</sup> arm, is ~~that~~ the same doctor that you <sup>were</sup> telling

Mr. Ferguson about?

~~A Yes.~~

~~Q~~ On 17th Street?

~~A Yes.~~



Q When <sup>I</sup> you go to see him, <sup>he</sup> does he examine <sup>my</sup> your arm and <sup>my</sup> your hand?

A ~~Yes.~~

Q ~~He does?~~ Does <sup>if not me</sup> he give you any pills?

A ~~No.~~

Q He is not a psychiatrist, is he?

A Huh?

Q He is not a head doctor, is he?

A I don't know.

SOL. STROUD: State has no further questions, Your Honor. May the witness be excused, your Honor?

THE COURT: Yes.

SOL. STROUD: May we approach the bench?

THE COURT: Yes, sir.

(Conference at the bench.)

THE COURT: Members of the jury, will you retire to your room, please?

(The jury retired from the courtroom.)

THE COURT: We'll take about a 10 minute recess.

(The Court recessed from 4:11 P M until 4:30 P M.)

THE COURT: Let the record show that on motion of the defendants we are taking a recess earlier today. Let the jury come in.

(The jury returned to the jurybox.)

THE COURT: Members of the jury, we are going to take a recess until tomorrow morning at 9:30.

May I 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 cases for your deliberation. I instruct you not to read or view or listen to any account of this trial if such should appear in the Press, television or on radio. I also instruct you that when you leave the courthouse today go immediately to your destination. Do not linger about the courthouse or on the courthouse grounds. When you return in the morning do not linger on the courthouse grounds or in the corridor but go immediately to your juryroom and there await the opening of court. You go, members of the jury, and come back at 9:30 tomorrow morning.

(The jury was dismissed.)

(The Court recessed at 4:33 P M.)

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(The jury returned to the jurybox.)

MR. FERGUSON: If your Honor please, the defense rests. We have nothing further. We do have some motions to make.

THE COURT: Mr. Hunevol?

MR. HUNEVOL: Miss Shephard rests.

THE COURT: The State has the opening and closing.

SOL. STROUD: State waives the opening, your Honor.

MR. FERGUSON: If your Honor please, we do have certain motions we wish to get into the record at the close of all the evidence.

THE COURT: Do you want to be heard?

MR. FERGUSON: Yes, sir.

(The jury retired to the juryroom out of the courtroom.)

MR. FERGUSON: If your Honor please, on behalf of the nine defendants that we represent we wish to renew our motion for nonsuit at the close of all the evidence as to each defendant on each charge.

THE COURT: Motion denied as to each defendant as to each charge. (Exhibit No. —)

Mr. Ferguson; We renew the motion for mistrial

made at the close of the State's evidence as to each defendant as to each charge.

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

MR. FERGUSON: And we further move for mistrial on the basis that the State presented evidence in rebuttal when none of the nine defendants that we represent had presented any evidence at all. Specifically we move for mistrial on the basis of the testimony given by the State's witness Junious.

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

MR. FERGUSON: And we renew all motions previously made during the trial by the defendants.

THE COURT: All motions denied. *(Exemption No. —)*

MR. HUNEVOL: Your Honor, I'd like to also make a motion to renew my motion for nonsuit.

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

MR. HUENVOL: Motion for mistrial.

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

MR. HUNEVOL: And renew all previous motions that I have made. *(Exemption No. —)*

THE COURT: Motion denied. Anything else, gentlemen?

(Response) No.