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Congretational Church ^{did not} own, possess a microphone audio system?

~~A No, they did not.~~

~~Q I believe you told Mr. Stroud that ^{sure} you were talking to Rev. Templeton on that occasion on that Saturday?~~

~~A Yes, I did.~~

Q And you and Rev. Templeton talked about people shooting into the church, did you not?

A No, we did not talke about people shooting into the church. Not that Saturday.

Q Did Rev. Templeton mention to you that people were shooting into the church?

SOL. JOHNSON: Objection.

A Not that Saturday, no.

Q On Sunday the 7th, did he mention that to you, sir?

SOL. JOHNSON: Objection.

A No, he did not.

~~Q On Monday, the 8th, did he mention that to you?~~

~~A~~ On Monday I did not see Rev. Templeton. Rev. Templeton finally left the city maybe late Sunday. I did not see Rev. Templeton anymore until about a week later.

Q Do you recall whether or not there was a meeting of the Board of Trustees of Gregory Congretational

Church on Saturday afternoon, February 5, 1971?

A If there had been a meeting I would have called it.

Q ~~Did you call a meeting?~~ ^{to} ~~Did you call a meeting?~~ ^{not}

~~A I did not.~~

Q ~~Were any other members of the Board of Trustees~~ ^{No} ~~present with you at the church on Saturday when~~ ^{were} ~~you visited?~~ ^{me}

~~A No, there was not.~~

Q How many members of the Board of Trustees were there at that time?

A I think about six. I'd have to look back in the records.

Q No further questions.

MR. HUNEVOL: I don't have any questions.

REDIRECT EXAMINATION BY SOL. STROUD:

MR. HUNEVOL: I will object to anymore questions. There is no cross examination. The State has passed the witness.

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

Q Where is Gregory Congretational Church located, please?

MR. HUNEVOL: Objection.

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

A It is located in the six hundred block of Nun Street.

Q And I hand you what has been admitted into evidence as State's Exhibit number 6 and I ask you if you can identify that, please.

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

THE COURT: Overruled. *(Exception No. 7)*

A This is the Gregory Congregational Church, and this is the church parsonage next door.

Q Would you show that photograph to the jury, please?

MR. HUNEVOL: Objection.

THE COURT: Overruled. *(Exception No. 7)*

Q Would you show it to the defense table, please? Now, Mr. Butler, Rev. Templeton was married. Is that correct?

MR. BECTON: Object.

THE COURT: Overruled. *(Exception No. 7)*

A He was.

Q And his wife lived with him?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

THE COURT: Overruled. *(Exception No. 7)*

A She did.

Q Was she employed?

MR. HUNEVOL: Objection.

MR. FERGUSON: Objection.

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

A She was in New Hanover Memorial Hospital as a registered nurse.

Q Is Rev. Templeton still the pastor at your church?

MR. FERGUSON: Object.

MR. HUNEVOL: Object. (*Exception No. 1*)

A No, he is not.

SOL. STROUD: I have no further questions.

THE COURT: Anything further?

MR. BALLANCE: Move to strike.

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

RECROSS EXAMINATION BY MR. BECTON:

I was told
Q ~~Are you~~ Rev. Templeton, is now pastor of a church in New Jersey, is he not?

A ~~So I was told.~~

I am not
Q ~~Are you~~ now the Chairman of the Board of Trustees?

A ~~No, I am not.~~

Q Nothing further.

MR. HUNEVOL: No question, your Honor.

SOL. STROUD: May this witness be excused?

THE COURT: Yes, sir.

SOL. STROUD: May we approach the bench?

(Conference at the bench.)

THE COURT: Members of the jury, it is almost 5 o'clock. We'll take a recess until tomorrow morning at 9:30. Let me caution you again not to discuss this case with anyone nor allow anyone to discuss it with you or in your presence. Do not discuss it among yourselves until after all the evidence is in, the charge of the Court to the jury, and you have the matter for your deliberation. If anyone should attempt to discuss this case with you tell them you are on the jury and you cannot talk with them about it. If they insist about talking to you about it or talking in your presence about these cases, take their names and bring it to the Court's attention first thing in the morning. I would ask you not to talk to any member of your family about it. I instruct you that you are again cautioned not to read, view or listen to any reports in the Press, radio or television about this trial if such should appear. Members of the jury, you go now and come back at 9:30 tomorrow morning. Let me again ask you not to linger in the hallways or on the grounds as you go and come

from the courthouse, but go now immediately to your destination and come back to the jury-room when you return in the morning.

(The jury retired from the courtroom.)

MR. FERGUSON: Your Honor, there are some matters we'd like to get to. We object to the testimony of several witnesses who were called to the stand today, namely, Mr. Fred Smith, Mrs. Mary Rebecca Watts, Mr. T. D. Love and Mr. William H. Butler, Jr.. At the outset of the case, if your Honor please, we inquired of the State who the State's witnesses would be. This was before the trial as long ago as June of this year. We inquired of the State and filed a motion to the effect we have disclosure of witnesses and summary of their testimony. The State gave us a list of witnesses at that time. That list did not include any of the witnesses that I named. At the outset of this trial the State again advised who its witnesses would be. Read to the jury on several occasions a list of potential witnesses for the State. None of these witness's names appear on that list.

This morning, I believe before Court convened, Mr. Stroud advised us that he would be calling some additional people today. As I recall he advised that he would be calling Mr. Butler and Mrs. Decker and Mrs. McKeithan and Mrs. Jackson. And again I am going by recollection. I do not recall him advising that he was going to call Mrs. Watts, Mr. Smith and I do not believe he called Mr. Love's name. He could have. But the point is Mr. Love stated that he talked to the police about this matter about three weeks after it happened. Mrs. Watts stated that she talked to the police the night that this incident occurred. Mrs. Decker stated that she had talked to Mr. Stroud I believe approximately three weeks ago about this matter. Mr. Butler has stated that he talked with the police and National Guardsmen on Monday, February 8, 1971. So that the names of these persons and their potential as witnesses was clearly known to the State both at the time we initially made our request motion and long prior to today, and the State did not on any occasion advise

us that these persons would be appearing for the State. Therefore, we have been hampered in the preparation of the case, preparing the defense. We have been further hampered in our examination of the jurors because we were not in a position to quiry the jury regarding any of these witnesses for the State. And for that reason we object to their testimony, and we move to strike all of their testimony. and additionally for the reason that the testimony of Mrs. Watts, Mr. Smith, was totally irrelevant and prejudicial to the charges against the defendants in this action. We would again at this point renew our motion to stroke the testimony of all of the witnesses that I listed and would further move the Court for a mistrial based on the same reason.

MR. HUNEVOL: May it please the Court, I will join Mr. Ferguson in that motion and say that I was never even privately informed by Mr. Stroud or anyone in his office as to any witnesses who might appear today. I was aware of the fact, however, that Mr. Weiss would appear

at sometime during the course of the trial. I will also make a further motion, your Honor, at this time for nonsuit. I believe that the State of North Carolina realizes, and I am informed privately by the State of North Carolina -

SOL. STROUD: We object to anything he says he has been informed privately about.

THE COURT: Yes.

MR. HUNEVOL: O K. I believe that the State of North Carolina outside of the testimony of Allen Hall who alleges that my client made a one sentence commentary in the future and future perfect tense in response to a purported announcement by Rev. Benjamin Chavis, I believe as a matter of law is not sufficient to go to the jury. It is my understanding that the State of North Carolina has no more evidence which would indicate that my client is guilty of any crime whatsoever. All of the witnesses who are coming up here I believe are not corroborating what Mr. Hall said last week. I believe that the effect, the combined effect of their testimony is highly prejudicial and

is not automatically weighed by any probative value that it could possibly have. I feel that in light of the fact that I informed the Court before this trial commenced that my client was scheduled for an operation on October 2nd - That schedule had been altered - she is presently scheduled to be admitted to New Hanover Memorial Hospital on October 18. Her physician suspects that she has a cancerous growth in the cervix. There is some urgency about this sort of thing. And in light of all of this, your Honor, I think that you should nonsuit the case against Ann Shephard.

SOL. STROUD: Your Honor, just a couple of remarks. First, with regard to what Mr. Ferguson has referred to about not being notified about what the State's witnesses are going to be, let me make this observation. In a case of this nature the investigation continues. The investigation doesn't stop when the trial begins. I can assure Mr. Ferguson and everyone else here present that I have been continually involved with police officers and investigating this case right up until last night and up

until today for that matter. I told Mr. Ferguson sometime ago that anytime I became aware of a witness that was going to testify for the State I would let him know it. I gave him a list of the witnesses at that time of the people who I thought would be appearing for the State and what some of their testimony would be. I informed Mr. Ferguson this morning before court opened as to what witnesses would be testifying here today, and I was trying at that time to inform him as to essentially what each would testify to when court opened and we could not continue our conversation. Mr. Hunevol was not informed of these witnesses for today because Mr. Hunevol wasn't here when I was talking with Mr. Ferguson. He was not in the courthouse or at least not up here where I could see him and get his attention. Now some of these witnesses, your Honor, for example Mrs. Decker, as you know, the State cannot determine from one time to the next exactly what it is going to do. I had talked to Mrs. Decker before, but it was not until late last evening that I decided I would use

here as a witness. I informed Mr. Ferguson of that this morning. With regard to Mrs. Watts, I interviewed her for the first time last evening about 8 o'clock and asked her if she would appear as a witness today, and she said she would. With regard to Father Jones, they were aware that he was going to testify. With regard to Mr. Butler, did not make the decision until this afternoon that I would call him as a witness, and he was called this afternoon. With regard to Mr. Smith, first time I interviewed him was at lunch today, and he testified right after that. So, as I say, the investigation is continuing. I will inform Mr. Ferguson and the defense counsel as best I can who the people are who will be testifying. My investigation will continue tonight and in the morning. As soon as I get here I will inform them of who is going to testify for the State and essentially what they are going to testify to. There has been no attempt on the part of the State to disclose anything or hold anything back from the defendants. With regard to Mr. Hunevol's last

motion for nonsuit, I have no comments.

THE COURT: Motion of the defendants which Mr. Ferguson represents to strike the testimony, is that what it was?

MR. FERGUSON: Yes.

THE COURT: Is overruled and denied; and the motion for mistrial is denied. *(Exception No. ---)* And the motion of Mr. Hunevol is denied. *(Exception No. ---)* Take a recess until 9:30

(The Court recess at 5:07 P M.)

October 5, 1972

9:40 A M.

THE COURT: Call the jury in.

(The jury came into the jurybox.)

THE COURT: Mr. Solicitor, call your next witness.

MIKE POULOS, called as a witness for the State, being duly sworn, testified as follows:

DIRECT EXAMINATION BY SOL. STROUD:

~~Q Will you state your name to the Court, please, sir?~~

~~A My name is Mike Poulos.~~

~~Q Would you repeat that, please, sir?~~

~~A My name is Mike Poulos~~

~~Q ^{I am} Are you a resident of Wilmington, Mr. Poulos?~~

~~A Yes, I am.~~

~~Q~~ ¹ How long have you been a resident there?

~~A~~ In Wilmington?

~~Q~~ Yes, sir.

~~A~~ All my life.

~~Q~~ In February of 1971, did you operate a business in Wilmington?

~~A~~ Yes, sir. I did.

~~Q~~ What type of business was it?

~~A~~ Well it was a grocery store,

~~Q~~ What was the nature of the grocery store?

~~A~~ Mike's Neighborhood Grocery and Market.

~~Q~~ Where was the store located in February of 1971, please?

~~A~~ 6th and Ann, corner of 6th and Ann.

~~Q~~ 6th and Ann Street?

~~A~~ Yes, sir.

~~Q~~ In Wilmington?

~~A~~ Yes, sir.

~~Q~~ What type of building did you have there? Would you describe the building please?

~~A~~ Well the building is one old building built back in nine hundred. It was a store building. It was occupants upstairs and downstairs was a business.

~~Q~~ There were what upstairs?

~~A~~ Apartment rooming house upstairs.

~~Q~~ What was ^{it} downstairs ~~was the~~

~~A~~ Grocery store.

~~Q~~ What type of building was it? Was it a frame building or brick building?

~~A~~ It was a wood building.

~~Q~~ How long had you occupied that building, Mr. Poulos?

~~A~~ Well it's been over, 12 some years, 12 or 13 years.

~~Q~~ Who owned the building?

~~A~~ I am the owner of the building.

~~Q~~ And

~~A~~ Or rather I was.

~~Q~~ You were the owner of the building?

~~A~~ Yes.

Q Now you say "downstairs" was a grocery business. What did you have downstairs there? Would you describe what you had on the inside?

A Well we had all kinds of beverage, meats, groceries, sandwiches, crackers, nabs. things like that; grocery store. Everything you wanted was in there.

~~Q~~ What kind of equipment or anything did you have downstairs?

~~A~~ Well I had a brand new box I purchased just about a year before I burned out. It was about 4 or 5 thousand dollars. I had an ice box, beer box and

meat box and drink box, ice cream boxes, machine, register, anything that you operate a grocery store was in there.

~~Q What, if anything, was behind your building?~~

~~A Anything was behind my building?~~

~~Q Yes, sir.~~

A Well a house ^{was} behind my building and the lady had her house behind my building.

Q On Ann Street side of your building did you have a garage back there?

MR. FERGUSON: I object to the leading.

THE COURT: Overruled. *(Explains this)*

A Yes, sir; I have a garage, yes.

~~Q Would you describe that, please?~~

A Well it is a garage where you can put your car.

Q Was there anything else back there?

A Well there was a kitchen, whatever you call it.

It was a garage there in the back yard. Next to the garage, where the garage is I built room or whatever you call it you put drink bottles there.

Q Would you look at the diagram behind you, please, sir, and familiarize yourself with it?

A Yes, I do.

Q Are you familiar with it now? Can you point out

there in that diagram where your store was located?

There is a yardstick right beside you.

A (Pointing) Is this 5th Street or 6th Street?

Q That is 5th Street down at the bottom.

~~A Well I am right here.~~
A Well I am right here.

Q Would you show where your garage would be on that, please, sir?

A Garage was right up here.

Q Was it behind your store?

A On the South 5th Street side, yes. Garage was right here.

Q And what was next to your store on 6th Street?

A Well it was the yard near my house. This house was mine right there.

~~Q If you will just sit back down again.~~

(Witness returns to witness stand.)

Q Now I will point you to this diagram over here behind you there. Can you tell what that is?

A That is my store.

~~Q~~ Is that the way ^{my} your store looked prior to February 6, 1971?

~~A Yes, sir; sure was.~~

Q If you will turn back around. Now the house next to your store that you say you owned, what type of

house was that?

A It is a wood house. It is one story house.

~~Q And you owned that house?~~

~~A Yes, I did.~~

Q How long had you owned the house?

A Well I don't remember right offhand. I know I had it 5 or 6 years. I don't know the dates.

~~Q In February of 1971, who was living in that house?~~

~~A Her name was Lila McKeithan.~~

~~Q Mrs. Lila McKeithan?~~

~~A Yes, sir.~~

~~Q Do you see her here in the courtroom?~~

~~A Yes, I do.~~

~~Q Would you point her out, please, sir?~~

~~A Right over there, the lady in the glasses.~~

~~Q And how long had she been living in that house, if you know?~~

~~A I don't know. 4 or 5 years.~~

~~Q Did you own any furnishing in the house, or did she?~~

~~A No, she has her own furnishing.~~

~~Q You just owned the building?~~

~~A Yes. Everything got destroyed.~~

~~Q Now, Mr. Poulos, do you recall Saturday morning,~~

February the 6th, 1971?

~~A~~ ~~Yes, I do.~~ I might not remember all of it, but I do remember a few things.

~~Q~~ On that Saturday morning, ^I did you go to ^{my} your store?

~~A~~ Yes, I did.

~~Q~~ ^I Did you ^{not} live in that neighborhood at that time?

~~A~~ Sir?

~~Q~~ Did you live in the neighborhood?

~~A~~ No, sir.

Q Do you recall about what time it was when you went to your store Saturday morning?

A It was around 8 o'clock; 8:30. I don't remember; maybe 9 o'clock.

Q Did you have occasion to go upstairs in your store in your building there?

A I never went upstairs, but at the present time I had went upstairs. The place was wide open, and they had bombs up there throwing from the window, and I just went out there to see what happened.

~~Q~~ You went upstairs?

~~A~~ Yes, I did.

Q Where did you go upstairs?

A (Points on diagram) I went right back here. There was a room up here and a fellow was living back there, and I just went there up to see what happened.

As I come in this window was busted up. Kerosene was all over the frame of the window here, and there was a coca cola bottle in here in this window on the floor I think.

MR. FERGUSON: Objection.

A It was burned.

THE COURT: Sustained.

A Somebody put out. I don't know what happened.

Q The bottle had been what?

A Well it has been lit because you can see it where he left it on the floor.

~~Q You could see what?~~

~~A You could see kerosene or whatever it was from the window down, you know, upstairs when the bottle fell on the floor.~~

Q Was the bottle scorched?

MR. HUNEVOL: Objection.

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

MR. HUNEVOL: Move to strike.

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

Q What, if anything, was in that room at that time?

A Well there was a bed, and it was cabinet where the man put his clothes. There was a fellow living there at that time, but at the present time he don't

stay there. 3 or 4 days he went to his friend's house.

~~Q~~ What did you say?

~~A~~ There was an old fellow used to live upstairs.

~~Q~~ Who was he?

~~A~~ He is dead. His name was Richard Keen.

~~Q~~ He lived up in that room?

~~A~~ Yes, he did.

~~Q~~ He lived up in that room?

~~A~~ Yes, he did.

Q Was he living in that room on that Friday night?

MR. HUNEVOL: Objection.

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

A No, sir.

Q Where was he, if you know?

MR. HUNEVOL: Objection.

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

A I think that weekend it was a little cold. I don't remember. It was February, and upstairs he didn't have no heat. He was a fellow didn't have much money to get a big room. I give him a place to stay. Where it would turn cold he had a friend 2 or 3 houses from my place so he went there to spend the nights when it was cold.

Q What did you observe about the window when you came

into the room that morning?

MR. HUNEVOL: Objection.

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

A Well the windows was broke. The glasses was inside the building. The screen was torn.

Q Was there any other damage in the room itself that you could see?

MR. HUNEVOL: Objection.

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

A Well the room it was only that -

Q Repeat what you said about the corner.

A This corner of the building at the present time you talk upstairs, now downstairs. All the windows was broken, and the door was wide open.

Q That Saturday morning?

A Yes, sir.

Q If you will, turn back around and face the microphone. Please keep your voice up so that all of us can hear you and so this lady can get down what you are saying. How long did you stay at your store on that Saturday if you recall?

A I didn't stay too long. I think I left around 12³⁰ or 1 o'clock.

Q ~~And~~ in the morning did you have occasion to look

down in the area of 6th and Nun Street?

~~A~~ Yes, I did.

~~Q~~ Did you see anything down there?

~~A~~ Well I see a lot of motion that was going on. People was crossing the street, you know, back and forth, and I - to be frank with you - all the glasses and things in inside the building was torn down. I just left. I couldn't stood it any longer.

~~Q~~ The people that you saw down at 6th and Nun Street, could you describe them?

~~A~~ Well I couldn't describe the people, but it was grown people. Of course, I see them when they were moving, but I couldn't point nobody because I didn't see nobody.

Q I understand. Did you observe anything in their possession?

MR. BALLANCE: Objection to the leading.

THE COURT: Overruled. (Exception No. —)

A. I don't know. Look like to me somebody was carrying sticks; broom handles. I don't know.

MR. BALLANCE: Object; move to strike.

THE COURT: Objecton overruled; motion to strike denied. (Exception No. —)

A. I couldn't tell what it was. People were walking

back and forth.

MR. BALLANCE: Objection.

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

MR. BALLANCE: Move to strike.

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

Q What happened to your store, Mr. Poulos?

A Well that afternoon - well I went home, and when I went home I don't know - that night it was around 11:30. I watched the T V with my family, and I saw something came up that the building was on fire.

MR. BALLANCE: Object.

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

A So I saw my building on fire, and I didn't recognize it.

MR. BALLANCE: Objection.

THE COURT: Objection to what he saw on television is sustained.

MR. BALLANCE: Move to strike.

THE COURT: Motion to strike is allowed.

Q As the result of what you saw on television what did you do?

A You know, I told my wife, I said, "Somebody's getting burned up."

MR. BALLANCE: Objection

A I don't know it was mine.

THE COURT: Objection sustained.

A. I saw the corner of the building and I jumped out. My nerves went - you know, I felt kind of bad the way -

MR. BALLANCE: Objection; motion to strike.

THE COURT: Motion to strike is allowed as to what he told his wife.

A. I took my car. Somebody had called me at the house, said, "You know your building is done burned to the ground?"

MR. BALLANCE: Objection.

THE COURT: Objection sustained as to what he was told.

A. I recognized the place after that.

MR. BALLANCE: Motion to strike.

THE COURT: Motion to strike is allowed.

Q. As the result of what someone told you, what did you do?

A. Well I went in my kitchen and took a glass of water, you know, to try to get myself together.

~~Q. Did you go anywhere?~~

A. ~~Yes,~~ I went up there. I took my car and tried to go to see the place there, and they came in. They had it blocked, barricaded. I went through 4th

Street. I think I got to 4th and Ann Street when I saw the flares up. Everything was red, lit up back there. So that is as far as I went with it. I started to go there, but they were blocked and closed the Street so that nobody could go in.

~~Q~~ On that Saturday evening, did you have ³ any cars there at ^{my} your store?

~~A~~ I had 3 cars there, sir.

~~Q~~ Where were they located?

~~A~~ Well one was right here in the garage and one parked in the front of the store. All of them got destroyed right up here where the garage was right here in this little alley back here.

~~Q~~ There was ^{not} a car in the garage?

~~A~~ Not inside the garage. It was in front of the door of the garage.

~~Q~~ Where was the other car?

~~A~~ The other car was right along this line here. It was a Plymouth, and the other was a Chrysler inside the gate. Of course, they were old cars, 6 or 7 years old, but it was cars there.

~~Q~~ Was one of the cars ^{was} a station wagon?

~~A~~ Yes, sir.

~~Q~~ Where was the station wagon?

~~A~~ The station wagon was right in this driveway right in this back of the other car. (Indicating)

Q Now the next morning on Sunday morning did you have occasion to go into the area of your store there?

A Well since -

MR. BALLANCE: Objection.

MR. HUNEVOL: Objection.

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

A I wanted to go in and see what was left, what damage had been done so I went. I went Sunday morning around 8 o'clock.

~~Q~~ ~~What did you see there?~~

~~A~~ Well the building was, both the buildings was damaged. It was completely destroyed, the whole building.

~~Q~~ ~~Pardon?~~

~~A~~ The whole corner of the building and everything was destroyed.

~~Q~~ ~~How about the cars?~~

~~A~~ The cars was burned, not completely to the ground, but they couldn't be run.

Q Did you see any other burned buildings there?

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

A Yes, I have.

~~Q~~ Where were they?

~~A~~ Well they was - this house right here (Indicating) was completely gone and the house next to it is a green house. The wall on that building was, the paint and everything, it was damaged, too. So this house right here was clean out completely.

Q How about the house that you owned?

A This, this and this (indicating) was gone and part of this building here was gone.

Q Mr. Poulos, I hand you what has been admitted into evidence as State's Exhibit number "30" and ask you to look at that.

A Yes, sir.

~~Q~~ Can you identify that?

~~A~~ Yes, I can.

~~Q~~ What is it?

~~A~~ That is my store.

~~THE COURT: Will you speak louder?~~

~~A~~ This is my store and the house I used to own.

~~Q~~ After it was burned?

~~A~~ Yes, sir.

Q Can you point out on there the fourth house that you were talking about that was damaged?

A (Pointing) Right here on my left.

Q Will you point that?

A And the house on my right, both of them.

Q Would you point those houses out to the jury, please?

A This is the house on my left was destroyed. This is the second house on Ann Street. I think the house - I tell the name who the house is if you want me to.

Q That is all right.

A One on my house and one on my right and I think a church across the street got flare up, too.

MR. BALLANCE: Objection.

THE COURT: Overruled. (Exception No. —)

Q ~~Does~~ ^{does} that photograph show the way ^{my} your store looked or the remains ^{of my} your store looked on that Sunday morning when you went by there?

A ~~Yes, sir.~~

Q Now, Mr. Poulos, when you went there on Sunday morning to see your store, is there anything else that you observed about the store or the remains at that time?

A No, sir.

Q Were the remains still burning?

MR. BALLANCE: Object to leading.

THE COURT: Overruled. (Exception No. —)

A Well it was still smoking whatever was on the ground.

That is all that was there, a few burning logs or wood, whatever you call it.

Q And can you estimate what your loss was as a result of the fire?

A Yes, I can.

MR. FERGUSON: Object.

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

Q What was your loss?

A I can't tell you right offhand. It was over Forty Thousand Dollars.

~~Q That includes what?~~

A That includes my automobiles, the store, the fixtures, the stock, the building, the house next door, the garage and my furniture upstairs.

MR. FERGUSON: Motion to strike.

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

Q Now, Mr. Poulos, during that week before Saturday, had there been any other damage to your store?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

A No, sir.

Q You had no damage on Thursday or Friday?

MR. FERGUSON: Objection, your Honor.

MR. HUNEVOL: Objection.

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

A You say the week previously. I misunderstood you.
I am sorry.

Q What I meant to say, Mr. Poulos, was that Wednesday,
Thursday or Friday did you have any damage at your
store before it burned on Saturday?

A Yes, sir; I have.

MR. FERGUSON: Objection.

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

Q Would you describe when it was and what it was,
please?

MR. FERGUSON: Object.

THE COURT: Overruled.

A I don't remember the date. I know it was Thursday.
Somebody.

MR. BECTON: Objection to what somebody did. (*Exception No. 1*)

A I had been informed by the Police Department that
somebody they find - say building -

MR. FERGUSON: Objection.

THE COURT: Sustained.

Q Don't testify what someone told you. Just answer
my question.

A They had told me the building was on fire.

MR. BALLANCE: Objection; move to strike.

THE COURT: Motion to strike is allowed.

SOL. STROUD: I withdraw the question, your Honor.

Q Now, Mr. Poulos, after this did you rebuild your store?

MR. FERGUSON: Objection.

THE COURT: Objection sustained.

A No.

Q Did you move?

MR. FERGUSON: Objection.

THE COURT: Motion to strike is allowed. Members of the jury, you will not consider the last answer of this witness.

A I didn't have nothing to move.

MR. BALLANCE: Objection.

Q Are you in business now?

THE COURT: Objection sustained.

SOL. STROUD: I have no further questions of this witness, your Honor. Tender him for cross examination.

CROSS EXAMINATION BY MR. BALLANCE:

~~Q Mr. Poulos,~~ on the 5th of February, 1971, ~~where~~

~~were you living?~~

~~A~~ Sir, I lived at Sunset Park.

~~Q~~ And you were living there on the 6th of February also, I assume?

~~A~~ Yes, sir; well I have been living there for 7 or 8 years.

~~Q~~ Now you went to your ^{my} store, I believe you testified on the Saturday morning?

~~A~~ Yes, sir.

~~Q~~ 6th of February? At the time you left your store can you tell us whether or not you locked your store?

~~A~~ Well I didn't have no lock on it. It was temporary lock in there.

~~Q~~ I didn't understand you.

~~A~~ Well I didn't have heavy lock. It was the lock repair lock what you call it in the door.

~~Q~~ The repair lock was on the door?

~~A~~ Yes, sir.

~~Q~~ Was that lock ^{was} working?

~~A~~ Yes, it was working.

~~Q~~ What kind of lock? Would you describe that, please?

~~A~~ Well it was one of those big heavy locks, just a

~~Q~~ ^{It does} lock. Require a key to open it?

~~A~~ Yes.

~~Q~~ And you said, I believe, that ^{my} your windows were broken?

~~A~~ Yes.

~~Q~~ Was that upstairs and downstairs?

~~A~~ Most of them was downstairs. All these glasses here, the door glasses was gone.

Q Mr. Poulos, on Saturday morning did you have any bars or screens at the windows or doors of your store up there?

A Upstairs I didn't have no bars. Of course, it was screens but no bars.

~~Q~~ It was screens upstairs, no bars?

~~A~~ Yes.

~~Q~~ I believe you said in your ^{my} earlier testimony that on Saturday night you did not get to your ^{my} store.

~~A~~ Right.

~~Q~~ Because of the streets being blocked off.

~~A~~ Yes, sir.

Q Now going back to Saturday morning when you were at the store can you tell us the condition of your lock at that time when you arrived?

~~A~~ Well do you mean Saturday morning?

~~Q~~ Yes, sir, when you arrived Saturday morning.

~~A Well the door was open.~~

~~Q Say that again.~~

A The door was open. And I could see somebody had used - I could see the buckshots through the wall of the front and the door glasses. Everything was broke, and I found 2 or 3 of those cartridges of shotgun on the floor.

Q Now let me ask you this. How long did you remain at your store on Saturday morning?

A It was 3 or 4 hours. I don't know the exact time. It was a short time, probably 4 hours.

Q And when you got ready to leave tell us how you secured the door at that time.

A I had plywood. Nail on both sides to this door here and here was a screen. (Indicating) Not a bar. It was heavy duty screen here on both of those windows and up here was plywood on both the doors.

~~Q Now once again, Mr. Poulos, you had been in business for how long? Tell us again.~~

~~A Well it's been 12 or 14 years, in business.~~

~~Q And I believe you said that you sold several kinds of beverages at your store?~~

~~A Sure did.~~

~~Q Tell us what kind, please?~~

~~A~~ Coca Colas, Pepsis, all kins of soft drinks; sell beer to take it out, you know.

~~Q~~ Did you also sell wine?

~~A~~ Sold wine, yes. I mean everything was off premises.

Q Mr. Poulos, were you at anytime open for business on Saturday morning?

A Well I went there and a few people had owed me some money. They used to pay by the week, and I went in there. I thought I'd try to fix something, so I could collect my money.

Q Did you clean up your store building on Saturday morning?

A I can't clean all of it. I did the best I could on it. I tried to pick up a few - tried to sweep up some of it. I couldn't do any business.

Period. Because glasses was all over the place and the doors and things, and I didn't feel like opening a business because if somebody would have got hurt in there, cut his foot or anything I was liable.

Q Did you talk to the police officers about the building and burning of it?

~~A~~ Did I talk to the polices officers?

~~Q~~ Yes.

A No, I don't believe I have.

Q I mean have you up until this time talked to any police officers or detectives?

A Well they knew what was going on there. I mean, there had been firebombs 2 or 3 nights. Just about it - I knew all about it. I didn't have to tell them anything. They was the one informed me what was happening.

Q ~~My question is~~ ^{not} have you talked to any police officers up until this time in regard to ^{my} your building?

A ~~No, sir, I sure didn't.~~

Q ~~Do I understand you to say you did not talk to any police officer about your building?~~

A ~~The only time I have talked is when I went to - Saturday night to the store after the store was burning. I tried to go to see what happened. I saw one or two. I don't remember. I said, "They won't let me go through." They told me, "Your building is on fire."~~

Q ~~Did you at anytime talk to Mr. James T. Stoud, the Solicitor?~~

A ~~No, I haven't.~~

Q Did you talk to any firemen or fire marshalls about the store?

A No, sir. O, excuse me. What do you call it? I

think he works for the State C B I. He came around.
They asked me what happened.

Q Do you mean S B I?

A Well they had a wagon goes around testing when
the fire is there. He is there to investigate it.
That is the only one I talk to.

Q Do you recall when that was?

A I think part of it was Thrusday, Friday night.
Was a State truck. He come and told me who owns
the building. I told him the building was mine.

~~Q This was the following night?~~

~~A I don't remember what day it was, hour or nothing.~~

~~Q Now at the time you talked to the gentleman that
you have just described, the Fire Marshall, you
told him that you had been over to the store on
Saturday morning, did you not?~~

~~JUROR 6: I didn't hear what he said.~~

~~A I don't believe he asked me if I had been to the
store.~~

Q ~~Let me ask that again so the juror can hear.~~ At
the time you talked to the Marshall, did you not tell
him about your going to the store on Saturday, what
you found there?

A I don't know. I don't think I have. He asked me,

and it was the first day that somebody asked me, and he never come back that day when the thing was burned or afterward. I really don't remember anything.

~~Q~~ ~~You don't recall?~~

~~A~~ But I know it was a truck in front parked there, and he asked me if this was my building. I said it was.

~~Q~~ Do you recall relating to him that it was ^{my} ~~your~~ building?

~~A~~ Yes, I believe I did. I can't remember back that far now.

Q No further questions.

THE COURT: Mr. Hunevol;

MR. HUNEVOL: No questions.

REDIRECT EXAMINATION BY SOL. STROUD:

Q Mr. Poulos, when you left on that early Saturday afternoon, when you left the store -

A Yes, sir.

Q And before it was burned that night - when you left the store that Saturday afternoon, did all of the windows upstairs have screens on them?

MR. BALLANCE: Object.

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

Q Did all of the windows upstairs have screens on them?

A Well some of them have, sir. I don't know except this one. I don't believe this one has any at that period of time.

MR. BALLANCE: Object to what he believes.

THE COURT: Overruled. (Deputy No. --)

Q Nothing further.

SOL. STROUD: No further questions.

MRS. LELA MCKEITHAN, called as a witness for the State, being duly sworn, testified as follows:

DIRECT EXAMINATION BY SOL. STROUD:

~~Q State your name to the Court, please, Ma'am.~~

~~A Lela McKeithan.~~

~~Q Mrs. McKeithan, are you a resident of Wilmington, North Carolina?~~

~~A Yes, I am.~~

~~Q And how long have you been a resident there?~~

~~A In that particular house?~~

~~Q No, in Wilmington.~~

~~A About 28 years.~~

~~Q Now in February of 1971, Mrs. McKeithan, where did you live?~~

~~A I lived at 306 South 6th Street.~~

That was next door
Q ~~And where was that in relation to Mike's Grocery store?~~

~~A Next door.~~

~~Q What type of house was it?~~

~~A It was 5 room wood building.~~

~~Q One story?~~

~~A Yes.~~

~~Q And how long had you lived in that house?~~

~~A I don't know exactly. Maybe 4 or 5 years. I don't remember.~~

~~Q Who lived in the house with you?~~

~~A A young man named Henry Byes.~~

~~Q Anyone else? Who did you rent the house from?~~

~~A From Mike Poulos.~~

~~Q How long have you known Mr. Mike Poulos?~~

~~A I rented from him the week or the next week after he bought the house.~~

~~*not* Had you known Mr. Poulos before then?~~

~~A No, I didn't have any dealings with him. I just rent the building.~~

~~Q And on Saturday, February the 6th, 1971, what kind of possessions did you have in your building, in your home there?~~

MR. FERGUSON: Objection.

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

A I just had it furnished with all types of furniture like you use in a real home.

Q Did you have anything else in the home?

MR. FERGUSON: Objection.

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

Q Clothes?

A Of course, I was wearing clothes, sure.

Q And were you at the house on Saturday February the 6th, 1971?

A I stayed there Friday night, but not Saturday night.

~~Q When did you leave your house?~~

~~A Around 5 o'clock Saturday afternoon.~~

~~Q Where did you go?~~

~~A I went on Red Cross in the 7 hundred block.~~

~~Q Did you move in with someone there?~~

~~A *I went* No, just to spend the night.~~

Q Why did you leave your house?

MR. BALLANCE: Objection.

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

~~A Why did I leave?~~

~~Q Yes.~~

A A disturbance was on the street the night before.

Q What kind of disturbance?

MR. FERGUSON: Objection.

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

~~A Gunfiring.~~

~~Q Pardon?~~

A I just hear gunfiring and wanted to spend the night away from home.

~~Q You heard gunfiring the night before?~~

~~A Yes.~~

Q Had you heard any before then?

MR. BALLANCE: Objection.

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

A Had I heard any during the week?

Q Before that Friday night, yes.

A Yes, I did.

Q Over what period of time did you hear gunfiring?

MR. FERGUSON: Objection.

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

Q How many nights?

A A couple of nights before Saturday night.

MR. BALLANCE: Motion to strike.

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

Q What was your next door neighbor?

A Mrs. Jackson.

~~Q~~ Is she here in the courtroom today?

~~A~~ Yes, she is.

~~Q~~ And did you have occasion to return to your house on late Saturday night or early Sunday morning?

~~A~~ Repeat that question.

Q Did you return to your house on that late Saturday night or early Sunday morning?

A I was back there a little after two that Saturday night.

Q Two o'clock in the morning?

A I guess it was. I didn't know what time it was.

~~Q~~ What was occurring at that time?

~~A~~ Well the building was burned down.

Q Any other buildings burned down?

MR. BALLANCE: Objection.

THE COURT: Overruled. (Exception No. —)

A The one next door and the store;

~~Q~~ The one next door and the store?

~~A~~ Yes.

~~Q~~ Mr. Poulos's store?

~~A~~ That is right.

Q Were there firemen still there when you arrived?

MR. BALLANCE: Objection.

THE COURT: Overruled. (Exception No. —)

~~A~~ That Saturday night?

~~Q~~ Yes.

A No.

Q And did you recover any personal belongings of any kind?

MR. BALLANCE: Objection.

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

A There was some of my things on the street.

~~Q~~ What kind of things?

~~A~~ I had a bed and couch and chest of drawers and things like that.

Q All the furniture that was in your house, had it been taken out of your house?

A No.

MR. FERGUSON: Object to leading.

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

Q About how much of it had been taken out?

MR. FERGUSON: Objection.

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

A I'd say a few things, items.

Q What items did you lose in the fire?

MR. FERGUSON: Objection.

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

A My clothes.

Q Pardon?

A My whole household was burned; my heaters.

MR. FERGUSON: Objection.

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

MR. FERGUSON: Motion to strike.

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

Q Now the items of yours that were moved out onto the street, did you get them and take them somewhere?

MR. FERGUSON: Objection.

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

A Not Saturday night.

Q Did you recover them at all?

MR. FERGUSON: Objection.

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

A Yes, Sunday morning.

Q All of the things that were on the street?

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

A Well some of them was taken off.

Q Some of them was taken off?

A That Saturday night.

MR. FERGUSON: Objection.

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

A Some of the things I saw on Saturday night they wasn't there on Sunday morning.

Q Do you know what happened to them?

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

A No, I didn't.

Q Did you give anybody permission to take them?

MR. FERGUSON: Objection.

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

A No, I did not.

Q Do you live in that neighborhood now?

A No, I don't.

MR. FERGUSON: Objection.

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

Q Did you do any shopping at Mike's Store?

A Yes, I bought from him.

Q Did you have occasion to go there fairly often?

Q Would you go there several times in a week?

A Sure.

Q How well did you know Mr. Poulos?

A I just rents from him, and I bought from him. That is all.

Q Did you know him at all?

MR. FERGUSON: Objection.

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

A I just said I bought groceries from him, and I rents the house from him.

Q Mrs. McKeithan, I hand you what has been marked for

identification as State's Exhibit number "32" and ask if you can identify that.

A Yes, I lived in this area right here. (Indicating)

~~THE COURT: I can't hear her. Speak up louder.~~

~~A I lived in this area right here. Here was the walk to my~~
door,
door.

Q Is ^{that} the remains of ^{my} your house after the fire?

A Yes, it is.

Q Would you show that to the defense table please so they can see the photograph? And would you show that also to the jury, please, Ma'am?

SOL. STROUD: State has no further questions of this witness, your Honor.

MR. FERGUSON: We have no questions at this time.

MR. HUNEVOL: I have no questions.

SOL. STROUD: State would call Mrs. James Jackson.

MRS. HENRIETTA JACKSON (JAMES) called as a witness for the State, being duly sworn, testified as follows:

DIRECT EXAMINATION BY SOL. STROUD:

Q ~~State your~~ ^{my} name to ~~the~~ ^{the} Court, please.

A Mrs. Henrietta Jackson.

Q ~~Mrs. Jackson,~~ ^{I am} are you a resident of Wilmington,

North Carolina?

~~A Yes, sir.~~

~~Q How long have you been a resident?~~

~~A All my life.~~

~~Q In February of 1971 where did you live?~~

~~A At 308 South 6th Street.~~

~~Q Where was that in relation to (Mike's Grocery store at 6th and Ann?)~~

~~A It was the second building from his store.~~

~~Q On 6th Street?~~

~~A Yes, sir.~~

~~Q And what type of building was that, please?~~

~~A It was a wood structure, a two-story house.~~

~~Q And how long had you lived in that building?~~

~~A Four years.~~

~~Q And who lived there with you?~~

~~A My husband and four grandchildren and my daughter.~~ *lived there.*

~~Q And did you own the building or did you rent it?~~

~~A I rents the building.~~

~~Q Who did you rent it from? Who owned the building?~~

~~A We rents it from Mrs. Fennell.~~

~~Q Were you in your home there on the evening of Saturday, February 6, 1971?~~

~~A Yes, sir.~~

~~Q~~ And who ^{me} (was in the house with you at that time?)

A My whole family.

Q Can you recall and will you tell us what happened on that night, please?

MR. FERGUSON: Objection.

THE COURT: Overruled. (Exception No. —)

~~A~~ What happened?

~~Q~~ Yes.

A Well on that night it was a fire. My house burned. And Mrs. McKeithan and Mike's Grocery.

~~Q~~ Where were you when you became aware of the fire?

A I was in the livingroom on the floor lying down.

Q Why were you on the floor?

MR. FERGUSON: Object.

THE COURT: Overruled. (Exception No. —)

A I was afraid of shot. They were shooting outside.

~~Q~~ Where did you see the fire?

A I saw the fire from the reflection of the house. It was bright.

Q What did you do at that time?

A I looked out the window.

~~Q~~ Did you call anyone? ^{Some}

~~A~~ Yes, sir.

~~Q~~ Who did you call?

A I called the operator.