

PAGE COUNT OF 50 PAGES

preceding me are the best I have ever heard in the State of North Carolina. I have been practicing about two years and you are going to see some excellent ones with Mr. Stroud and Mr. Johnson. I hope you keep in your minds because when I sit down you are not going to hear anything more from the defense for a couple of days. Try to remember what they say. Try to remember some of the things I mentioned.

You have heard Eric Junius talked about at length. What can you say about him? All I can do is reiterate much of what has been stated before. Eleven year old boy. I think Mr. Harmon the other/^{day}said outside of court or Mr. Ballance, one of them skilled in the ways of the street. The boy's been around. Knowledgeable, a lot of experience at his tender age with law enforcement personnel. And usually as a defendant, although they don't call juveniles defendants. Admits to armed robbery, holding up a grown man with a knife. You have heard all of that stuff. He said he is in the sixth grade now. Back there in February he was in the fourth grade I assume. Admits to at least one breaking and entering charge confrontation with W. C. Brown. In fact he went in there and he was put on probation.

They were reluctant, real young kid in training school. Lying so many times he can't remember. The stealing so many times he can't remember. In court admission of commission of many larcenies. A question, although one of the interesting things about him - this is going to be one of the States main arguments - their position will obviously be his one of the three people who is most credible because he has less interest than the other two. Well I would seriously question that. I think little Motor Mouse has a stake in this venture just as Allen Hall and Jerome Mitchell do. He is subject to the continued jurisdiction of the courts on this armed robbery charge. He admitted to that. I think an interesting thing from the stand point of the defense of Shephard is this. Photographs. The State of North Carolina went to see Hall. Correction. Motor Mouse ^{time} several weeks or a short/before he gets out of training camp. They go to him with a series of photographs. Now this I maintain, and if you remember the testimony correctly, everytime the State of North Carolina goes to see Motor Mouse either at training school, at his home taking him some place, Holiday Inn, police station a couple of times, talking to him I believe the

night before he appeared in court. Talking to him the morning before he appeared in court.

The defendants, of course, didn't know of his existence until five minutes before he came out or ten or fifteen minutes possibly. Every single time Motor Mouse is showed the same photographs. Now every single photograph was of a male, as I remember. He said there were two photographs of a female. One of those was Ann Shephard. The other one was of a skinny lady.

Going back to what I said originally, if his testimony. Strike that. Motor Mouse said I believe when he was first examined on direct that the first time that he had seen Mrs. Shephard was in February of 1971. Going back to what I said about Mr. Butler, the chairman of the board of trustees of the church, and about you all and about everyone/^{here}to see Mrs. Shephard was to know her. You know it when you have seen her, and you are not going to forget her. There is no one in order to identify any person here on trial that would need to be shown photographs of Mrs. Ann Shephard. That is apparent redundancy. It does not need to be done if, in fact, Motor Mouse did see Ann Shephard.

So I question the identification of Mrs. Shephard on these grounds. First of all, he does not need to be shown those photographs if Mrs. Shephard was there as he said she was there. He had not, and he would need any photographic help. You/^{are}dealing with the mind of an eleven year old boy. Now I have often tried to think back and since I first learned of the existence of this eleven year old boy, well, he is thirteen now. Back then he was eleven years old when he purportedly saw and heard everything he stated that he saw and heard. I would be hard pressed to recall what happened to me a week ago today and I'd like you to this very second and especially in the next couple of days to be thinking in your mind back a week ago, a month ago, a year ago and try to figure out where you were, maybe what state you were in, what county you were in, whether you went to Wilmington to shop, whether you went to Wallace to see a relative, whether you went to Atkinson to go to a County Fair. I don't care what it is I want you to try to test your own memory as grown adults and see whether you can recall what you did a short period ago.

Now I know as I am standing right here that one week ago today I was in this court. I know that. But there

is not a whole lot that I can remember other than the fact that I was in court. You know, there was some part of the trial being conducted at that particular time. A month ago would be, well, it was sometime in early September. I wouldn't have the foggiest idea in the world what I did.

Let's assume, for the sake of argument, that since the day is the 13th of October, I am here in court. It is the second day of the trial. The jury selection. So I know where I am September 13. I can put that in frame of reference of the trial. But I'd like you to consider that and think about it a little in your deliberations.

Remember also that this boy on cross examination someone asked him when he was first approached by the State of North Carolina, and I think it was shortly by W. C. Brown up in Rocky Mount shortly before he gets out, and I think on cross examination the other day I said something about was this the first time you had talked about these events. And I believe he answered affirmatively, and I think I asked him whether he had conversed about any other person about what took place in the church prior to when he saw W. C. up in Rocky Mount and, if my memory serves me correctly, I think he said that was the first time. I

questioned when W. C. Brown went up there. I don't know whether Mr. Stroud went up there, but I questioned whether W. C. goes into this little boy and he says, "Well tell me what you did on February 5, 6 and 7, 8, 9 or whatever of 1971." Now that is not the way that you do it. That is not the way the State operates.

What the State is looking for at that time is corroboration. They know they are in desperate need of it. They know they are hurting. They have got Hall and Mitchell and that is it. And they know these people are not going to be considered credible witnesses by reasonable, prudent men. So they are hunting for someone else, and I am sure if they have talked to Motor Mouse they have talked to other people. Of the other people they talked to they say, "Well, we'll go with Motor Mouse with desperation efforts in light of what we have got and we need more."

So with W. C. Brown the way you do it you go up there and you say, "Well back here in Wilmington in February of 1971 we had a lot of people down there at the church, a lot of firemen that were assaulted. There were policemen that were assaulted. There was a place burned, cars shot at, horrible things happened."

and they say, as a matter of fact, we have charged certain people.

You know it was after these people were charged because we don't really know when W. C. goes up there. This is the way he sets it up. He says this is what happened. This is what happened. Then he says - now Allen Hall was there. Allen Hall says he was there. He

is one of our State's witnesses, and he says that Ben Chavis made a statement in the church. Ben Chavis did this and Ben Chavis did that. "Do you remember Ann Shephard?" Yes, he remembers Ann Shephard, the big white girl, only one of the two or three that were there - white people.

I said didn't she get up there and make some kind of a statement over the P A system about getting those crackers, getting those honkies, getting something like that?

He said, "Sure did."

That is where Motor Mouse comes in. That is how it works. That is how I submit it.

Another interesting thing about Motor Mouse is this. Motor Mouse says he was out there at that place on February - on Wednesday. That would be February 3rd, I think, 1971. I think he says he stays there until Sunday, if my memory serves me correctly.

Now this is what the case is against my client.

The State alleges that my client got up there in the church sometime and made some kind of statement which they argue would support Rev. Chavis's recommendation that they go out and use the Chicago Strategy and so forth and get the crackers or whatever it is.

Now Motor Mouse comes in and says this. He also says he is at the church from Wednesday until Sunday. I asked him on cross examination yesterday and just like Mr. Ferguson, you han't blast a young - you have got to treat a young kid kind of with kid gloves. So you ask him a couple of questions.

I asked him, "Did you see Ann Shephard on Wednesday?"

He said, "I don't remember seeing Ann Shephard on Wednesday."

"Did you see Ann Shephard on Thursday?"

He said, "No, I didn't see Ann Shephard on Thursday."

"Did you see Ann Shephard on Friday?"

He said, "I can't recall seeing Ann Shephard on Friday. I don't remember whether I saw Ann Shephard on Friday." And, of course, he is saying he had seen Ann Shephard on Saturday.

Came to Sunday. "Did you stay there Saturday?"

"Saturday? Yes, I stayed there Saturday night. Got up there early Sunday morning."

"Did you see Ann Shephard Sunday morning?"

"No, I didn't see Ann Shephard."

Same argument holds true with Butler. It would be impossible for Eric Junious to be at that church on Thursday and Friday and miss Ann Shephard. Cannot be done. I don't care if there are one thousand people out there, you can't miss her. If she is there you are going to see her. And according to Motor Mouse he was all around. So I question whether little Eric Junious is a credible person, especially in light of some of the things that I have mentioned with particular emphasis on the age and the influential nature of a youngster of tender years; the conditioning and exposure to one of the finest solicitors, prosecutors in the State of North Carolina, Mr. Stroud.

When you go away from a meeting after talking with W. C. Brown, Allen Hall, Mr. Stroud and these other people you know what they want and why. If they are so sure of Eric Junious, Motor Mouse, why five times? Why 5 times? I'd like you to consider that question as you deliberate.

Next gentleman I'd like to talk to is Allen Hall. September 26. 2:30 P M. You have heard all this about him hitting the teacher with a coke bottle, his criminal record, serving time and so forth. I am not going to get into that.

Starting off is he was, outside of those first two

people I cross examined and asked three or four questions - I didn't cross examine anyone else. I cross examined Hall for probably maybe a couple of hours. I cross examined Mitchel I maybe for 15 minutes, a half an hour, I can't remember. Junious 15 minutes or a half an hour, I can't remember.

Hall is they key. Mr. Ballance, he said he is the skeleton. He is the bones. He is the marrow of the case. O K.

As far as Shephard is concerned he starts off the thing with a lie. Now this is important. First, Stroke that. The first day that Allan Hall ever took a position up on that stand one of the first things that Mr. Stroud asked "How long have you known Ben Chavis, Connie Tyndall, Willie Vereen,"right down the line,"Ann Shephard?"

He sayd, "I have known her since December of 1970. I knew her also in January of 1971." And he attributes these meetings to some sort of confrontation over at, I think, Molly Hicks's house, and someone elses house. I can't recall. He is saying he saw them and knew them over in that place.

Under cross examination by me you will remember this, I hope, very, very vividly; and to the best of my ability I will recount it just as it occurred fact by fact and verbatim.

So we have from a starting point saying he knew her before February. O K. I referred him to a preliminary hearing. I believe I referred him to page 160 at the preliminary hearing and at page 160 of the preliminary hearing he was talking about February 9, 1971, and he admitted this on the stand. And I asked him whether he had said he had known her for a period of 4 days. That was the exact question.

And Hall said at that time - he distinguished between knowing and seeing Ann Shephard. Do you remember that? It is a very important part of the trial in my mind. Mr. Stroud and Mr. Johnson are going to try to explain this away, but I maintain it is impossible to explain this question.

I specifically questioned him whether he made that distinction and Allen Hall thought he was off scott free. He explained; "The fact that what I meant by knowing her was the fact that I had met her before, but I never really had a conversation with her."

If I remember some of the direct testimony or some of the testimony before, on cross examination by Mr. Ferguson I believe he made the same statement about some other people, them being there, but him not really knowing them. It is an import distinction.

The next question I asked him - I referred him to

page 163 of the preliminary hearing.

Question: "The first time you met Mrs. Shephard was on Friday evening. Is that what you stated to the Court?"

Answer: "Right."

Now Allen Hall is slick. Allen Hall is nobody's dumbbell. He knows there is a clear --And this just isn't a question of semantics because this sort of slippery, slimy approach towards this case is Allen Hall's semantics out for the inability to account for his lying under oath. O K.

The first time he gets out of it by saying there is a difference between knowing and seeing.

The second question he gets out of it by saying there is a difference between meeting and knowing. So he slips out of it again.

And you are still satisfied that maybe he knew her back in February of - December of 1970. Maybe they had these meetings back in January of 1971.

And again I asked him about, "Are you distinguishing between meeting and knowing, seeing and knowing?"

And if you recall, Allen Hall, under cross-examination by me, he said, "Yes, that is right. There is a difference."

The next question I referred to p-age 164, Preliminary Hearing.

Question: "And you had never set eyes on Mrs. Shephard before

Friday. Is that correct?"

O. K. Hall is so slippery. Hall tries to get out of this one, too. You know what he says at that time, just as he says at that time, just as he said before, and he said many times after that, he said; "it was the slick lawyers down in the Preliminary Hearing. They got me confused. They got me confused. I don't know what I was doing down at the Preliminary Hearing."

Down at the Preliminary Hearing he took an oath on that Bible. It was a Presiding Judge. Mr. Stroud was there.

If you are not a pathological liar, if you are really smart, you say, "Hunevol, I just made a mistake down there at the Preliminary Hearing. I just didn't understand it. I said it at that time and I thought it over, and I know I made a mistake, and I am sorry. I didn't see her until the 5th."

But not Allen Hall. Allen Hall will not let you catch him. But Allen Hall was caught. And you all know it and you all will remember that testimony in that incident. He flatly admitted under oath and at that Preliminary Hearing he never set eyes on Mrs. Shephard.

Why is this important? O K. You know when I was going to Law School back in the old days, they used Latin all the time. They never used it, but sometimes you came across an old case. There is something about fallen uno or something.

What it means is this. To lie once. It is like a dog. One of these attorneys was saying the other day something about a dog getting one bite. One bite for a dog is a propensity. One bite for a dog is enough. One bite for a dog is an inclination to bite again. One bite for a dog is notice to the world that that dog could, might, probably will bite again.

And I make the same argument for a liar. And the Latin expression - I can't remember the exact words, but what it says is "False in one, false in all."

I just want you to consider that. According to Allen Hall he never - even his statements were never inconsistent.

And he doesn't acknowledge the inconsistencies. He blames it on Stroud or Ferguson or me or someone. O K. This is one of the very few things that the other defense counsel have not picked up, but I think also a very important observation.

On direct examination by Mr. Stroud very early in Allen Hall's testimony. I am referring you specifically to the first statement. The first statement was given on May 30, 1971, I believe a short period after his arrest.

Now you have heard a great deal of testimony about that first statement. I am positive he said it under direct examination, but he could have said it under cross examination. I know for a fact he said this, and I will quote.

He said, "I just told them what I did."

Here is a man who is coming back to Wilmington. He is in there on some assault charge. Should he open up and acknowledge some guilt about some of the things that happened in February 5 and 6?

Mr. Brown goes out there; Mr. Monroe. I think they are the ones that went out there to talk to him. At the bottom of that first statement I believe are contained the words "This statement is the truth." just above his signature, if I am not mistaken.

In that statement he says - and he later gets out of this - he said something to the effect that he, Chavis and Chili were together.

Remember what Ferguson says. Hall doesn't know who at this time they want to bust. So maybe he figures it is Chili's idea at this time. So Chili is the originator. In Chili's criminal mind was born the malicious intent to cause this specific damage to society.

He said they all get some firebombs and they go over to Mike's. He said four boys throw eight firebombs into Mike's Grocery store. He said he and Chavis stand on the sidewalk and watch. O K.

When you are back there deliberating, ladies and gentlemen of the jury, you show me one word in that statement where he just told them what he did. Allen Hall never told them even in that first statement, the first physical seed that

has resulted in this prosecution, the first time when he talked to the police officers he lied about the originators of the idea. Or maybe he was telling the truth about the idea. Maybe it was all Chili. Maybe it wasn't Chavis.

If Allen Hall is telling the truth after he is arrested on May 30, if he is telling them just what he did, why in God's name doesn't he tell them something that he did? Allen Hall tells him nothing that he did outside of he and Rev. Ben Chavis were sitting out there watching these terrible boys perpetrate this criminal activity. I think that is important.

I would remind you, ladies and gentlemen of the jury, you cannot sit back when you deliberate and take each individual fact and say that had a reasonable doubt. When you get back there you are going to have to look at the continuing, the whole thing. It is the cumulative effect of everything, what casts doubt on Allen Hall. It brands him as one of the greatest fabricators to hit southeastern North Carolina. Try to remember that.

Where in that first statement is there any mention whatsoever of assaulting any emergency personnel? Where in that first statement which is approximately one paragraph long, approximately 11 or 12 lines of typewritten in that first statement, is there any mention that he was down on 6th Street shooting at those policemen? Where in

that statement is there any mention of Allen Hall was going to 6th and Nun to throw these firebombs? Where in that statement is his trip to Mike's Friday night attempted burning? Where in that statement is the business about shooting at all the cars passing by on 7th Street? Where is the testimony of shooting from the barricades at the police officers? Every single one of these things Allen Hall to the best of my recollection said he did. That statement, that first statement, is silent. That does not stop Allen Hall.

And I want to say this in regard to both statements. Maybe I'll say it later and maybe I'll forget. So I will say it now. I liken this, Allen Hall's demeanor, his testimony, to sort of a cornucopia. A cornucopia you have heard of. I don't know whether it really exists. The horn of plenty, all kinds of goodies like Little Abner's Smoo. Little Abner goes out. You want a house. The Smoo turns himself and turns into a house. Only the cornucopia you have up here in this trial is kind of a reverse cornucopia. I'd never seen a reverse cornucopia until I listened to Allen Hall and some of the witnesses. A reverse cornucopia operates something like, philosophically, a vacuum cleaner. It draws in things. Why the heck am I talking about a reverse cornucopia, whatever that is? O K.

Allen Hall gets pinned down on that first statement.
Allen Hall gets nailed to the Cross on that second statement.

a

Here is the reverse cornucopia. Where is all that information going? Where is that information going? Here is where it is. It is the illusory; it is the dream; it is the second statement; the amended statement. That is where all the inconsistencies are going. That is how Allen Hall is getting out of everything up here, every single inconsistency he is putting in that amended statement. Just remember that.

a

I'll get to the second statement in a while. One of the important things to remember as far as the first statement is concerned, the first physical evidence that we have that would indicate that Allen Hall has changed his mind that he has purged his soul of his own personal devils and coming clean, opening up and confessing all. That is what the State of North Carolina would have you believe. Does he do it? No, of course, he doesn't.

Another thing I'd like to mention is this. On direct or cross - I can't remember which - Allen Hall says that in the church or somewhere, around 75 to a hundred - the figure he most mentions is one hundred, but sometimes he says 75 to a hundred, I can't recall. He says that a couple of times. And I confront him with the Preliminary Hearing thing. He says on page 40 and 41 of the Preliminary Hearing "45".

a

And if you will remember Motor Mouse gets up that, and he says, "lots of people" to Ferguson, and then he finally says, "40 to 50," I think.

Why is this important? Going back in my argument to my comment about the powers of the State of North Carolina, the fantastic resources they have at their disposal, the complete and untrammelled access to every law enforcement agency in the State of North Carolina; and if need be they could go to the Federal Government.

In the church, depending upon who you listened to, there was somewhere between 75 and a hundred, if you believe Allen Hall on direct and cross. If you believe Allen Hall at the Preliminary Hearing there is somewhere about 50. If you Believe Motor Mouse there is somewhere around 40 to 50. O K.

Can it be? Can it be? Were 75 or a hundred or 45 or 50 or 40 people in this church with complete authority over all of the investigatory arms of the entire State of North Carolina? Can you believe that every single person present in that church for the days in question was a criminal; had ghotguns, machine guns, dynamite; firebombs?

Why is it, ladies and gentlemen, with the tremendous power that they had, why can they only come up with Allen Hall, Jerome Mitchell and Motor Mouse? Why, if there were a hundred people, where are the other 97 people? If there were 75 people in that church where are the other 72? If there were 50 people in that church where are the other 47? If there were 40 people in that church where are the other 37? If there were 45 people in that church where are the other 42? I cannot believe that every single person in that church

had a criminal record. I cannot believe that every single person in that church was a combined armed robber or an arsonist and assaulter or emergency personnel and a participant in riot. Where are the other people? There must have been someone out at that church, some students who is maybe a good Joe with no murders or no armed robberies on his record. Where are those people? The State is probably going to tell you they are probably frightened to death. "we talked to them. They confirmed everything, but they are scared." I don't buy it. O K.

I talked a lot of that moving access. He flatout lied. You all know that, I hope. O K.

Then you have heard the testimony about the statement that my client allegedly said. According to Allen Hall, according to Motor Mouse and she purportedly said - there were two statements, if I remember correctly. Both of them substantially identical when it comes to a crime of accessory before the fact. One word could change the complete completion of the church of the possibility of criminal responsibility. So I point this out for this reason. Allen Hall got up there and he said - first of all I think he said then - and Ann Shephard got up there and said, "I think it is right what you all are doing. Y'all should show them you mean business." And I believe this was the exact quote that he said to Mr. Stroud on cross examination,

and later I quizzed him as to the exact words, and I think I have written down here "I think it is right in what we are doing." and "To show them crackers y'all mean business."

Now Motor Mouse says essentially the same thing, but he says crackers one time and honkies the other time. The reason why this could be important - let's assume for the sake of argument that Shephard made that statement. You could change the tense in one of those words. You could change one of the words in the purported sentences she made and it could change the complete and entire commission of that address, that one sentence, if it was, in fact, made. So I think you ought to consider this, too..

There were four statements by Hall. I'll admit that the statements that Hall says my client Shephard made there is not much difference between them. But they are clearly different and the records going to demonstrate that and if you will remember clearly what he said - there were two different statements and Motor Mouse said that she made the statements and recited them and different words were used both times he referred to them. So keep that in mind.

The other thing I'd like to mention is this. If you recall correctly, when I had Allen Hall on cross examination I specifically asked him where in that statement that he made on February 18, 1972, in Goldsboro, signed Marcy 2 in Luaberton, where in that statement when he was referring to February 5 and February 6 of 1971 does he ever make any

reference to Ann Shephard saying anything about what he said she said up here on the stand? And Allen Hall admitted that in that statement in the first statemnt on May 30 he says there is nothing in there.

In the second statement on February 18 he says there is absolutely nothing in that statement about Ann Shephard making this statement. But Allen Hall can explain. Allen Hall can explain this. That is no problem with Mr. Hall. He can get out of every single inconsistency through the use of the illusory amended statement and a reverse cornacopia theory. And that is what he tries to do.

But, ladies and gentlemen, I just hope you don't let him get away with it because the stakes are very, very, very high.

One of the interesting things in the trial was this. And I know I never told Shephard about it. Put her up there on the stand, asked her how much she made. She was kind of reticent to say anything about it. "I'd like you to trot down there, run around the courthouse and come back." Everyone objected. State objected and the Judge sustained the objection. Now why do I want to do that? Why do I want to pass that off? Why do I want to embarrass my client and force her to put on and make a public exhibition of herself and why did I know the State was going to

object and why was I happy when the Judge sustained the objection? This is why. You saw Ann Shephard get up on the stand. She is a big woman. She has trouble getting around. She can't move very well. It is tough for her to walk. She is a sick woman. I am not up here for sympathy. I am not, but she is a sick woman. Keep that in mind. That woman, for her to go up there, go all around, it might take her an hour. Now that is an exaggeration.

Why do I make this point? Allan Hall says Saturday, February 6, 1971, were kicked out of the church. O K. What does he say next? Allan Hall says that Ben Chavis says, "Let's get all the guns, all the dynamite, all the firebombs, everything. We are going over to the church." No, no, Annex. I think they call it Annex. Annex up here. You remember where it is. And right next to the Jordan Funeral Home. O K.

Everyone goes over there. They go over there. Remember it is wintertime, February. It is cold. Allan Hall says something about a fire or something about a stove. They stay there for a while and then I think Ben Chavis purportedly says something about - I don't know whether that is where he says something about killing Templeton if Templeton gets on the phone, but Chavis, according to Hall, determines that is not in their best interest to stay at the Annex. So Ben Chavis says, "Let's all go over to the Community Center."

And I think Allen Hall says, "The reason we all want to go over to the Community Center is because there is more protection." Or, "We can defend ourselves better there." I think that is what he says.

So all of the defendants here, and I think there were other people along with them go out and they march over to the Community Center. O K.

And he is putting Ann Shephard in there. He says Ann Shephard, I think, had a pellet gun. Well I never heard of a pellet gun before in my life. I have heard of B B guns, and I have talked to people, and they say a pellet gun is a target gun which you use shooting targets, and they say it is more powerful than a B B gun. That is purportedly what my client has although Allen Hall says it was not until sometime later when they found out it was a pellet gun.

Somehow they all leave this church, all the defendants, including my client; and they march over to some Community Center some place. Where the Community Center is I don't know. But they have to go up blocks and cut through Williston High School or some high school. They have to cut through to get to the Community Center. He says they go to the Community Center, and then apparently, according to Hall, Chavis doesn't like the Community Center. So they decide to go to the Community Hospital, and they all break into the Community Hospital. And I think he said he either

left Ann Shephard at the Community Center or all the girls at the Community Center. Nnyhow they all go to the Community Hospital and break in and for some reason they leave Ann Shephard and/or all the girls at the Community Center. Then I think Chavis doesn't like the Community Hospital. They go back to the Community Center and I think they pick everyone up, and they march back to the church, and somewhere in there Chavis says, "Don't worry. I'll get you back in that church." O K.

This is real important. One of the few times.- Strike that. Allen Hall when he made the first statement, when he made the second statement, when he was under direct examination by Mr. Stroud was not reticent about stating times. Mr. Ferguson pointed this out in his examination. He would not, however, say it was 4:30. He would say about 4:30. He would not say it was 7:15. He would say it was about 6:37 or something like that. But he was not reticent to put the State in the ball park on time.

When it came to Ferguson and the defendants, the only thing he'd say, "I couldn't really say. I couldn't really say." Those were the exact words he used all through the trial. "Several." "I can't remember." He would not let the defendants pin him down in any respect. O K.

On direct examination - this is one Mr. Stroud has. He is representing the State of North Carolina, and

I think this is an exact quote. He said when they were walking through Williston High School it was approximately 4:30 P M. O K. 4:30 P M.

Now that is the State's evidence. That is not my evidence. He wouldn't give me anything on time. He wouldn't give Ferguson anything either. That is the State's evidence.

Several days later Jerome Mitchell gets up on that stand and again to the best of my recollection this was on direct examination by Mr. Stroud, but it could have been cross examination by Ferguson. Jerome Mitchell admits he says that he stopped over. You know all this stuff about going downtown to Frankensteins and going to Castle Street. But he says he stopped over on Friday afternoon at Ann Shephard's house at about 5 o'clock P M. Mr. Stroud brought that out, or Mr. Ferguson. I think it was Mr. Stroud, but I can't recall.

Now why is that important? It is important for this reason. It puts Ann Shephard away from the church when Allen Hall said she was there. She can't be at two places at one time. It is physically impossible for anyone to do that. We all know that. O K.

Allen Hall is saying that Ann Shephard, my client who has trouble moving at any speed - the lady has difficulty getting around. And I don't mean to be making light of it or talking in terms of an insulting manner. She just has problems and Allen Hall has Ann Shephard traipsing all over

all over Wilmington in the middle of winter with all of the other defendants with guns, running back and forth to the Annex, cutting through high schools, going to Community Centers, going back to the church and at the same time the State's own witnesses putting her home, putting her at home at 5 P M. Please consider that in your deliberations. When Shephard takes the stand what does she say?

I said, "Where were you on Saturday?"

She says, "I was home. I wasn't at the church. Left 7:30 or 8 o'clock in the morning.

On cross examination by Stroud, Stroud asks her, "Weren't you visited by Jerome Mitchell?" I think it was Stroud asked her about Jerome Mitchell's visit at 5 o'clock in the afternoon.

What is Ann Shephard's response? "I can't recall. I just don't remember. I knew Mitchell for some period of time. He continued to come over the house after this period of time." She knew his mother. She knew relatives of him and people in the neighborhood used to stop in all the time. The best thing, the safest thing, the surest thing she could say, the smartest thing she could say was, "I sure was home. I remembered Jerome Mitchell coming over." Jerome Mitchell is one of the biggest saviors in this case.

Now the State will try to argue around that. The State will say she trotted down to some place, ran home or took a cop home or something like that. They will try

to explain it away some way. But the fact of the matter is Allen Hall is putting her at about this time in the Community Center. Jerome Mitchell is putting her at home in her apartment. Ann Shephard is being honest up there on the stand. She just can't recall. And how many of you here could recall what happened to you 18 or 19 months ago? Not many. How many of you think you would be capable of recalling the greatest quotation in the history of man, the quotation that had the most import on your life? How many of you could sit back, having not read it, having not used it for a certain period of time? How many a year or 18 months later could remember word for word what that quotation was? How many of you, if you are an 11 year old boy could do that one year after the purported offense took place? How many of you could recall? I'd like to know. Consider that when you deliberate.

As you remember all the testimony by Mr. Ferguson about Cherry Hospital, it wasn't a fortuitous meeting at Cherry Hospital between Allen Hall and Jerome Mitchell. That wasn't chance. They weren't in the same room together when those statements were made. That wasn't chance.

Remember also all the officials, the Hospital Administrator present at the time Jerome Mitchell was down there, if you recall the testimony. He was down there trying to beat his rap. He said in his statement he was

incarcerated and pending trial for murder and armed robbery, if I recall.

Allen Hall was down there trying to - No, Allen Hall had already been sentenced. Mitchell was down there trying to beat his rap. Allen Hall had been there for 50 days trying to beat his rap. Mr. Ferguson went through all that stuff.

One important thing to remember is this. Who was the note taker? Who was the note taker? If you remember someone got into this who was taking the notes. Mr. Stroud is the note taker. See? He is over there taking notes right now. Note taker. He is the only note taker down there.

Why is this important? I'll get to that in a second. I want to tell you about a rule of evidence, one of the first things you learn when you go to law school and take a course in Evidence. It is called the Hearsay Rule. It is one of the most complicated Rules in all of law.

Now you have a vague idea of what hearsay is. I'll take a break in just a second. Let me finish this thought. I'll ask the Judge for a break. I want to finish this thought if I may. The Hearsay Evidence Rule means essentially this. When you are up here on the stand under oath you cannot testify as to what other people told you if it is offered as truth and if that person is an out-of-court declarant. In other words, if he is not here, the

a

guy who told the guy on the stand, if he is not here in court subject to cross examination and confrontation, the judge will throw it out. You can't tell it because there is no way to test the credibility of that. You have seen that a million times in this trial. To the Hearsay Rule, which is one of the most important rules of all evidence there are a number of exceptions. One of the exceptions for the Hearsay Rule is the spontaneous declaration exception to the Hearsay Rule.

q

Now what does that mean? O K. Say you have an accident out here on 5th and Nun and someone is killed and other people are injured and the police come up to that scene or an ambulance driver comes up to that scene and he hears someone in the crowd immediately after he gets there saying, "O, my God, it was his fault." Now intersection accident. But the police officer at the trial does not know who that out-of-court person is. They were never able to determine who made that statement. That is clearly hearsay. However, when that police officer goes into court that testimony can come in under the spontaneous declaration exception to the Hearsay Rule.

a

What does that have to do with this case? O K. This is what it means. The closer you are to an event, the more credible you are. So that person, that police officer, even though that man is not physically on the acci-

dent scene, even though they haven't the slightest idea in the world who that man is who made that statement "It was his fault."; even though he is not subject to cross examination they let that statement in. It is clearly hearsy, but it falls within the exception.

What that means in this case is this. Ladies and gentlemen of the jury, the further away from the fact situation - and these events purportedly happened on Friday, September - I have done that again. On Friday, September 5, on Saturday, September 6. That is when everything up here at stake allegedly occurred. The further you get away from the dates that those things happened, the less credible the person is who is telling you about it.

Judge, may we take a recess for awhile?

THE COURT: Members of the jury, take about a 5 minute recess.

(The Court recessed from 4:58 until 5:05 P.M.)

(Mr. Hunevol continued his summation to the jury as follows:)

Ladies and gentlemen of the jury, I hope I didn't confuse you. What I am saying by that, and this is real important. What my argument is the more spontaneity, the more spontaneous the utterance, the more credible the witness. In sum and substance that is what I mean and that is a Rule of Law. And what that means applied to this case,

ladies and gentlemen, is that the first statement is 3, 4 months after February of '71. The next statement is some 7, 8 months after the first statement. So the second statement in law is going to be less credible than the first statement. The second statement remember was more than a year after the event. That is what I am saying. And I'd like you to consider that in your deliberation.

Again, Hall says that he says everyting in the second statement. We all know that is not so. Everything he did not say in the second statement, including the remark he attributes to my client, he puts in this illusory other amended statement that was purportedly taken down by Mr. Stroud approximately one week after March 2, 1972. February 18, 1972.

Up here on the stand he is still saying he is trying to beat the rap, 50 days at Cherry since May he'd been trying to beat the rap, and I believe he said he is still trying to beat the rap. Had all these conversations with the State of North Carolina over this tremendously long period of time.

Another interesting thing about that second statement is this. He said this under cross examination. I think I cross examined him. I don't know. I might have been one of the other gentlemen. At no point in that second statement that he gave on February 18, 1972, did he even mention the existence of Jerome Mitchell. At no time did he

mention Jerome Mitchell's presence at anytime on February 5, February 6, 1971, in that second statement. I think that is interesting. I think you ought to consider that in your deliberations.

Another thing I'd like to comment on is this. I don't want to go through something that has been hashed over and over again. But I'll comment on it. The importance of the letter in my mind is not because it threatened the life of my client, not because it threatened to communicate to a mother the fact that he was having relations with her. The importance of it is not because he threatened her with the loss of a job. The importance of it is not because he says in that letter and he had denied saying this - "that there is no way I can pull 12 years." That is not the real import of the letter. The letter is not important because - and every single one of you examined it very closely. It took about an hour for all of you members of the jury to examine that letter. And if you will recall, right under "Love always" it said, "You are going to - " And as sure as I am standing here, and I am sure you will bear me out on this - the last letter of that sentence which he attempted to cross out bore the letter D I E. And any and everyone on that jury looked at that letter closely knows that that is what the last word of that letter is. And he denied up here under oath that that is what

it was in fact.

But be that as it may, another interesting thing, nowhere in that letter is the word "truth" used. And you saw that yourself. The importance of the letter is the chronology of it all. By that I mean this. Here is Hall arrested in May, making first statement in May, trying to get out of all that stuff by beating the rap. The State gets up on February 18 of '72. By February 18 or 1972, he is trying even harder to beat the rap. See, Allen Hall was under the impression that going up there making a statement to the police, having his attorney send him away, having him mentally examined, he thought that he would be declared a mental incompetent. That is why they go up there to Cherry Hospital. The issue when you are sent to Cherry Hospital - and usually it is requested by his attorney - is whether or not the client - and this is the Insanity Rule in the State of North Carolina - is able to distinguish between right and wrong. The answer to that issue answers the question of the attorney whether he is capable of standing trial.

He is sentenced in January of 1972. He said that on the stand. Up until the very day that that boy was sentenced to jail he was still laboring under the impression that he was going to beat that rap and get probation. So what happens? I believe he says later in January of 1972, he is sentenced, I believe, sometime during the course of

the trial he got 12 years.

What does he do immediately after sentencing? The State looks like it is not making that big of a deal with him, at least according to him. He thought he was going to get out scott free. At this time he hadn't really opened up this trial before. This is a month or so before his written statement.

Why does he write to Ann Shephard? How can Ann Shephard - ? He also denied ever asking anyone for help. He does so in the letter. He denied it is a threatening letter. Strike that. I will take that back. I think he admits it and explains it away, saying, "I thought by threatening her life and all these other things this would help her to come in and tell the truth and explain something", and in that fashion it would help him. I maintain this. I maintain and I submit for your consideration that the reason why he wrote that letter is because he knew, he knew full well that there was no one in the world that would believe him. And that he was looking around for some person that would corroborate his story whatever it might be.

And he figured Ann Shephard would be the most vulnerable. He figured Ann Shephard, a white girl, would be more apt to turn on his black friends or on the other black people in this trial than another...

black. So that is why he wrote that letter. And then when he saw one week after he wrote that letter and he heard Mr. Walden say - I think it was Mr. Walden - say that he went up there to talk to Allen Hall a couple of days before he made that statement on February 18, 1972, when he got absolutely no response. The State of North Carolina had shut him out. The State of North Carolina had denied him probation. He got no response. He last out was Ann Shephard.

He was thinking all along "The only way I beat that is shut up Ben Chavis. The State of North Carolina wants Ben Chavis silenced." That is what Allen Hall concluded.

What does he do then? He sends for Walden. He goes up there, makes the oral statements. Walden comes back with the written statement. That is how it all happened. I submit that is how it all happened. I'd

I'd like to tell you an interesting thing. Mr. Stroud is taking notes. What you do is try to take down the most important things. Mr. Stroud will come up in a couple of days. He will try to rebut some of the things I said. He will try to question my analysis. He will question the analysis of Mr. Becton, Mr. Harmon, Mr. Ballance, Mr. Ferguson. No one can retain the tremendous amount of information that you have seen come forth during the course of the last several weeks.

So you have to reduce it to writing and then help refresh your recollection, just as I have taken notes while Mr. Stroud examined witnesses and other people examined witnesses.

I would like to make some interesting comments. In the first statement of Allen Hall contained in that first statement and this is in evidence is "I left Rev. Templeton's house and went to the A B C Store, 6th and Castle Street and bought a bottle of Scotch from colored men there." Pretty sure that is in evidence.

The second statement is this. There was another statement in that letter. "I went on down to the V F W and jived with Mamie Sellers." You have heard that referred to a number of times.

Another statement, part of what Hall is talking about on Friday night is this. "I left there and went to my uncle's house, Charles Graham, at 14th and Castle.

Another statement is, "My uncle wasn't home. So I changed clothes and me and my aunt went to 16th and Dawson to get Kentucky Fried Chicken." He explains that away, but it is in there.

Next, "We went back home. My uncle came in about then. We had a drink. Then me and my uncle

went to Greenlief. I gave my uncle \$5.00 I owed him. I saw Jerry Ross up at Greenlief and I gave him a drink."

Another statement in there was, "I went back to Rev. Templeton's house and saw him get an album, The Last Polka."

On Saturday he makes a couple of other statements like "I left and went to the Little Pig about 9 A M to get something to eat, then went back to Rev. Templeton's house, heard Ben Chavis tell about raising some money to feed people at the church. I then went to my aunt's house, Mrs. Graham. She gave me two chickens."

Consider this, ladies and gentlemen. You have seen one of the finest prosecutions by one of the finest prosecutors in the State of North Carolina. He has put on a good case. There is no question about it, Mr. Stroud and Mr. Johnson. O K.

Mr. Stroud, ladies and gentlemen, doesn't miss a trick. Nothing gets by Mr. Stroud. Very, very little gets by Mr. Stroud. "Nothing probably would be an improper word to use. O K.

Who is up there taking notes? February 18. Who is up there taking the notes from the statement of Jerome Mitchell? Who is up there taking the notes of Allen Hall? O K.

You heard Allen Hall on that stand say this. You heard Allen Hall get up there and say that there is nothing in that statement about my client's getting up there and making some cracker statement or honky statement. There is nothing in that statement on the 5th and 6th that she ever made that statement. O K.

Now that, ladies and gentlemen, is the substance, the core, the most critical part of the State's case against my client. It is indispensable without a demonstration beyond a reasonable doubt that my client did, in fact, make this statement on the evening of February 6, 1971, in response to what Rev. Chavis said up on that pulpit. If they cannot convince you beyond a reasonable doubt that my client said that, there is no way in the world you can convict her. O K. Consider that.

Why is that important? Mr. Stroud is up there and remember Allen Hall saying he is giving this to Stroud all the time, "but maybe Mr. Stroud misunderstood me. I can't explain why Mr. Stroud left it out." He would have you believe that he told that to Mr. Stroud and can you believe this?

Mr. Stroud is up there in Goldsboro, North Carolina, taking notes with W. C. Brown and with a lot of other law enforcement officers, and he is writing down in his

note pad "People go to the Little Pig." "People go out and having a sip of wine." "People going out and buying chickens." "People going out and talking about his uncle and aunt going to Kentucky Fried Chicken." "People up and paying Allen Hall." "Allen Hall going up and paying \$5.00 to somebody he owes." This is the clinchers. Mr. Stroud taking the notes he has got in there that Allen Hall is telling him he played a record sometime that afternoon, The Last Polka. Can you believe that Mr. Stroud would be capable of hearing Allen Hall tell him on February 18 of 1972 that my client made this statement and Mr. Stroud not put that statement in there?

If. Mr. Stroud in the same breath is writing down there they are playing The Last Polka and paying off people \$5.00 debts and people out there drinking wine, and they are talking to the V F W, talking to Mamie Sellers, now, ladies and gentlemen, you know Mr. Stroud has more sense than that. You have seen what Mr. Stroud can do here. You have seen the type of case that he can put up here before you.

What does all that mean? You know Mr. Stroud, if Hall said that, Mr. Stroud would get it down. If Mr. Stroud is going to take notes about the Last Polka he is going to get the guts, the meat, the marrow, the core, the whole State's case against my client. He is not going to miss that.

What does that mean? What that means is that Allen Hall is a liar. Allen Hall got up on this stand and perjured himself, not only about this, but many other things. Allen Hall never told Mr. Stroud about that statement because believe you me that statement would be right in there. And it is not. I'd like you to consider that, ladies and gentlemen, when you deliberate about the charge against my client.

Another thing that was mentioned I believe earlier by Mr. Ballance or Mr. Harmon, Hall is out there saying he is doing all these things, shooting at all these people, trying to burn all these houses, trying to ambush all these people. I believe when I had him on cross examination - I think it was Mr. Ballance or Mr. Harmon, Mr. Becton - I believe it was Mr. Becton said the same thing.

Mr. Allen Hall cannot get up on this witness stand under oath and say that he did these things. He can't do that. His conscientious won't permit him to admit to the fact that he was responsible for heinous, vicious criminal acts. He said that other people were. But he himself, when he goes out there, see, it doesn't fit his image. That is why he can't say it. It doesn't fit the image that he has of himself.

So he gets up on the stand and has the audacity -

This is one of the incomprehensible parts of the whole State of North Carolina's case. He has the unmitigated gaul to get up on that stand and say while he was firing at those little kids and those women and while he was firing on 6th Street and 7th Street and while he was behind that tin shack, behind Mike's Grocery Store for an hour and a half firing at the emergency personnel, while he was at the barricade at 6th and Nun, while he was all over town on those two days in that area, every time he would fire a weapon he is going like this and pray to God it didn't hit anyone. He was shooting at anyone and everyone, and he said that, and he is under oath. He said sometimes he would look at them, but h'e point below. He'd say, "I didn't shoot in the cars. I shot above the cars. I shot below the cars. We were shooting in every car that went down." He was not about to shoot in any car to kill someone. He might fire above the car. He might fire below the car. When I asked him if he might fire in the car he said, Heck, no, he wouldn't fire in the car. Everyone else was firing in the car. He can't say to his knowledge whether he had ever shot in the car.

Going down to Fifth and Nun he said, "We weren't going to ambush them." He said, "The reason we were going Chavis said to bomb them." When the run out to kill them he wasn't going to ambush them. He is too cool. He is too clean. 7th and Nun, 6th and Nun, shooting at everyone

hoping he'd never hit them

Hall says, "I never took a direct aim." Just pointed the gun, turned his head and fired, "Hoped I wouldn't hit anyone."

That is the stuff you've got here. Ladies and gentlemen, I'd like for you to consider that evidence when you consider the guilt or innocence of my client. O K. I am finished with Allen Hall. I know you are relieved.

I want to touch on Jerome Mitchell just a little while. There is not much to say about Jerome Mitchell. You have heard all the business about his record; murder, armed robbery. And ladies and gentlemen, the man he killed was a former Pender County resident, Mr. Fuch. I'd like for you to consider that. Old man.

I asked Mr. Mitchell on cross examination, I said, "Mr. Mitchell, take some time. Take a look at the statement that you made."

He took some time. He took a look at the statement that he made. And I believe one of the other attorneys, defense attorneys, got the same thing out of him. "Where on that statement is any mention of Saturday, September 6, 1971? Where is any mention whatsoever of Saturday, September 6, 1971, other than 'I left the church at 5 o'clock in the morning' or whatever it is?" O, yes, I'm sorry. February 6, 1971.

The only reference to that statement is that he left the church, and I think he said that to me, too.

Another question I asked him when Mitchell was on cross examination, I said, "Mr. Mitchell, take a look at that statement."

He looked at the statement. He examined it carefully.

I said, "Mr. Mitchell, show me one place on that statement - show me one place on that statement where you said that my client ever said 'counsel, advised, incited, encouraged' any criminal activity." There is not one place on that statement.

Now when it came to my client, ladies and gentlemen, when Ferguson had him up there he'd get around Mr. Ferguson. He'd pull the same thing on Ferguson that Hall did. That is why they had them sitting out here together. He'd pull the same thing that Hall did, any inconsistency, any truth. Correction. Any inconsistency, any possibility of error was explained away by another statement that I have never seen. I don't know whether it exists. I question whether it exists at all.

And who, ladies and gentlemen, was the note taker? I believe it was Mr. Stroud. But, see, I don't have to cross that bridge when it comes to Jerome Mitchell. I don't have to worry about the note taking of Mr. Stroud, and I don't have to worry about Jerome Mitchell making

these statements. The reason why is this. On Direct examination, cross examination, Mr. Mitchell never said that my client did or said anything. Mr. Mitchell never attributed the "cracker" "hunky" statement. So Mr. Mitchell as far as my client is concerned, never corroborated Allen Hall or Motor Mouse. The only thing I can recall Mr. Mitchell ever stating about my client was that at sometime in the course of the evening when he says that he was there on Saturday evening he went into the church and he saw my client sitting and crying some place in the church. That is what he says about my client if I best' recollect it.

And then I think he said something about gasoline, something about Ann Shephard making - some question about Ann Shephard making - but I can't really recall that.

So Mitchell - and this is interesting - Mitchell gets up here in corroboration to his written statement saying he is there on Saturday and he elaborates on many things that took place. O K. He said he is in and out of the church all day long. O K. He said he was at the church just immediately preceding the time that everyone leaves the church to go burn Mikes.

But the reason why the State will infer this when they get up here - the reason why they are going to say that he did not hear the statement that Ben Chavis

purportedly made up there, the statement that George Kirby allegedly buttressed, the reason why he did not hear Ann Shephard get up there and support the prior two was what? Because he was down in the back of the church, down like this handing bullets to someone.

He was there at the church at that time. He was there at the church, I think, handing shotgun shells to someone in the back of the church.

If they got that big loud speaker out there and Ben Chavis is up there telling a hundred or 75 people what is going to happen. Why doesn't Jerome Mitchell come in here and say Ben Chavis made that statement?

Kirby got up there and supported him. Ann Shephard got up there and supported it. If it was made, Jerome Mitchell should have heard it. If it was made he would have come up here and said - you can just go so far with a witness. You can't take them right down the pike. O K. That is really all I have to say about Jerome Mitchell.

Now, ladies and gentlemen, I'd like to discuss my client a little bit. First person I'd like to discuss is Benjamin Wonce. You know when I think back on it, Benjamin Wonce under close analysis, I don't think he was a good witness. I just flat out don't think Benjamin Wonce helped Ann Shephard all that much except to this extent. Benjamin Wonce, a young black at Shaw University, he is a Sophomore up there. He gets up here. He has a

criminal record. I don't know what it was. Disorderly conduct. It is not a serious charge. He admitted to it; from Wilmington all his life. He said he was out at that church all the time. He said he just flat out didn't see Ann Shephard there.

The State of North Carolina is going to get up there on February 6 on Saturday, February 6. The State of North Carolina is going to get up there and say, "Well Benjamin Wonce he didn't see anything." That is what it sounded to me. Seems like if Benjamin Wonce was there all that time he should have seen a little bit more."

As far as Shephard is concerned I argue this. Shephard unequivocally stated that she was not there. Now you can believe him or disbelieve him. I don't care. If I could have found out 10 more people or a hundred more people that said Ann Shephard wasn't there I would have used them. But in an occasion like this you just go with whatever you have.

So if Benjamin Wonce is found to be not a credible person and if the cross examination of Mr. Stroud or Mr. Johnson or whoever cross examined him was effective, you are to consider this, not against my client, but Benjamin Wonce, if he is incredible person, if he is the one not easy to believe.

The next person I would like to consider is

Taylor, Old Mr. Taylor. About 5 minutes before court that morning I heard from fellow counsel that Taylor was alive and that he was going to say something he thought would help us. Well you saw what resulted. It was kind of an interesting witness. He got up there and first the thing that we are interest in obviously is something other than a Soul Liberation Club in this building. That is obviously what we are after. O K. And the obvious reason for that is that Jerome Mitchell is saying that on one of these nights he's gone over to the Sould Liberation Club. After the ambulance comes he goes down to listen to records and then he comes back. We are out to impeach Jerome Mitchell. O K.

Mr. Taylor gets up there and to the best of my recollection he first says that early January, 1971, there was a furniture store in there. He later under direct examination contradicts himself and, depending on the question I asked him, he would say just about anything I wanted him to say, but he always said this. Remember this, ladies and gentlemen? He always said chronology of the thing again. Furniture store; poolroom; private club; Church of the Black Messiah. He never varied on that; not one time. He also said under cross examination - the man is owner. It is the biggest building in the block. It is clearly the building Jerome Mitchell is talking about. He has never heard of Liberation Club. O K.

Now Mr. STroud gets up there and has Mr. Taylor under cross examination. And what Mr. Taylor does through leading is say everything that Mr. Stroud wants him to say. He says in early February, '71, the poolhall is there. Furniture store is not there and then comes the private club and then comes the church at sometime later than that.

Now why do you think that is important? Stroud is going to get up here and he is going to argue, or Mr. Johnson he is going to argue, ladies and gentlemen, he is so confused he doesn't know what was there at the time. Or Mr. Stroud is going to get up there and he is going to argue the poolhall was the Liberation Club; this landlord doesn't know what was in there.

I argue to you this. Mr. Taylor, when he was up there he never varied one time. He said it was furniture store and taking what the Solicitor got out of Mr. Taylor, taking that as the truth, that there was not a furniture store there in early February of 1971, assuming that that response is the truth, remember what Mitchell said when he was up here on direct examination by Mr. Ferguson. He said, "That night when I went down to the Soul Liberation Club I'd been going there for about a year." To the best of my recollection it might have been a half a year, but if I recall correctly Jerome Mitchell on this stand said he had been going down to the Soul

Liberation Club for approximately a year, and some of the Brothers ran that place and said something about Epps running it some nights. O K.

What does that mean? Mr. Taylor unequivocally stated it was a furniture store there in January. He said there had been a furniture store in that place for a year or two years. I can't recall. But a long period of time.

So what does that mean? Mr. Taylor is confused about just when, you know, what happened in the first week of February. But without equivocation he said that there is a furniture store located in that building prior to February of 1971. And he said that had been there for a year.

Jerome Mitchell could not have been going there. There is another lie. There is another instance of perjury committed by the State's witness.

My client. Who is my client?

(Conference at the bench.)

Who is Ann Shephard? I don't really know that well. I have known her - I haven't known her for that great a period of time. You have heard a lot about her up here on the stand. 35 years old. Got a couple of babies right out there, a couple of young children. Got a child who is married. About 30 some odd years old, 35.