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all of us to come on the outside. We come on the outside of the church and Chavis told Ricky to go behind the church.

Q. *Chavis said what?*

A. Chavis told this dude, Ricky, to go behind the church on the air conditioning unit and get a fire-bomb.

MR. FERGUSON: Move to strike.

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

Q. At this time do you know where the defendant Ann Shepard was?

A. Yes, sir.

MR. HUNEVOL: Objection.

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

Q. Where?

A. She was on the inside of the church.

MR. HUNEVOL: Move to strike.

THE COURT: Let me see you gentlemen just a minute.

(Conference at the bench.)

MR. HUNEVOL: I withdraw my motion and objection.

~~Q. Which of the defendants went outside of the church at the time you have just described?~~

A. James McKoy, Jerry Jacobs and Willie Vereen and Ben Chavis, Wayne Moore, Connie Tyndall, Marvin Patrick

and Joe Wright. *went outside of the church at the time I described.*

Q Now at the time you were leaving the church and on the outside of the church there, did any of the defendants say anything?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

A Yes, sir.

~~Q What? Who?~~

~~A Ben Chavis told -~~

THE COURT: Just a minute.

(Conference at the bench.)

~~Q The defendants; did you go outside of the church with these defendants?~~

~~A Yes, sir.~~

~~Q Now what door did you leave out of the church?~~ *we left front door of the*

~~A The front door of the church.~~

Q Facing what street?

A Facing -

MR. HUNEVOL: Objection.

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

Q Facing what?

A Facing 6th and Nun.

Q Which particular street?

MR. HUNEVOL: Objection.

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

A Nun Street.

Q Did the defendants go out? Did you all go out as a group or go out individually?

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

A We went out as a group.

Q Did any other persons come outside of the church at this time that you were aware of?

MR. HUNEVOL: Objection.

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

A No, sir.

Q Now not all of the defendants went out of the church at this time. Is that right?

MR. FERGUSON: Objection.

A No, sir.

THE COURT: Objection sustained as to the leading.

Go ahead.

~~Q Where was the defendant Ann Shepard the last time you saw her before leaving the church?~~

ask was ~~the defendant Ann Shepard~~ *the defendant Ann Shepard*
On the inside of the church.

Q Where?

MR. HUNEVOL: Objection.

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

A Standing by the side.

Q Where did you go outside of the church?

A We first stopped on the sidewalk.



Q ~~Where?~~

A On Nun Street.

Q In this photograph can you point out where you are talking about on the sidewalk there? That is in State's Exhibit number 2.

MR. HUNEVOL: Objection.

A We first stopped right here which is the driveway between Rev. Templeton's house and the church.

THE COURT: Just a minute. Members of the jury, you will not consider this testimony as to the defendant Shepard.

Q What happened at that time?

MR. HUNEVOL: Objection.

MR. FERGUSON: Objection.

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

A At this time that is whenever Ben Chavis told Ricky to go behind the church and get a firebomb.

MR. FERGUSON: Move to strike.

MR. HUNEVOL: Objection.

THE COURT: The objection of Ann Shepard is sustained. Members of the jury, you will not consider this testimony as to the defendant Shepard. May I see you just one more time?

(Conference at the bench.) (Exception No. —)

Q Which defendants were present on the sidewalk outside of the church at the time you say the defendant

Chavis made this statement?

MR. FERGUSON: Object.

THE COURT: Overruled. (Exception No. —)

A. Jerry Jacobs, Willie Vereen, James McKoy, Connie Tyn-
dall, Joe Wright, Marvin Patrick, Ben Chavis, Wayne
Moore and myself.

MR. FERGUSON: Objection; move to strike.

THE COURT: Objection is overruled; motion to
strike is denied. (Exception No. —) Members of the jury, you will
consider this statement of Mr. Chavis against
the defendant Ann Shepard.

MR. FERGUSON: Specifically object with reference
to the defendant Epps, if your Honor please.

THE COURT: Members of the jury, you will not
consider this testimony as to the defendant
Epps.

Q And as a result of the statement that you have
referred to made by the defendant Chavis, what, if
~~anything, did Ricky do?~~

A Ricky went and got the firebomb.

Q And where did he go?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

THE COURT: Objection sustained as to the defen-
dant Shepard and as to the defendant Epps. (Exception No. —)

~~did you say? Ricky?~~

~~A Ricky.~~

Q Did you see him get the firebomb?

A Yes, sir.

MR. FERGUSON: Object.

MR. HUNEVOL: Object.

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

Q Where did he get the firebomb?

MR. HUNEVOL: Object.

A From the air conditioning unit sitting behind the church.

THE COURT: Members of the jury, you will not consider this testimony as to the defendant Epps or the defendant Shepard.

Q And then where did Ricky go with the firebomb?

MR. HUNEVOL: Objection.

THE COURT: Overruled. Objection sustained as to the defendant Shepard.

A Then we went up to the house at 5th and Nun.

Q Where was Ricky at this time?

MR. HUNEVOL: Objection.

MR. FERGUSON: Objection.

THE COURT: Objection sustained as to the defendant Shepard and the defendant Epps. You will not consider this testimony as to the defendant Shepard and to the defendant Epps.

MR. BALLANCE: Objection to the leading.

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

Q Where was Ricky at this time?

A Ricky was along with us.

~~Q Now what is a firebomb?~~

~~A What is it?~~ A firebomb is a container of gasoline and a rag and either a soda bottle, wine bottle or either a whiskey bottle.

MR. HUNEVOL: Move to strike.

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

Q Where is the rag?

MR. HUNEVOL: Objection.

THE COURT: Objection sustained as to the defendant Shepard.

A The rag is put into the neck of the bottle.

Q And after Ricky got the firebomb what, if anything occurred?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

THE COURT: Overruled. Objection sustained as to the defendant Shepard and as to the defendant Epps. (*Exception No. —*)

A Then we went on down to 6th Street,

~~Q Who is we?~~

~~A~~ Myself, Ben Chavis, Willie Vereen, Jerry Jacobs,

Wayne Moore, Marvin Patrick, Connie Tyndall, James McKoy and Joe Wright.

Q Where were the weapons at this time, if you know, that you have described?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

THE COURT: Objection sustained as to the defendants Shepard and the defendant Epps. Overruled as to all others. (Exception No. —)

A The weapons was in our hands at this time.

Q Where did you go at this time?

MR. HUNEVOL: Objection.

THE COURT: Objection sustained as to Ann Shepard.

MR. FERGUSON: Objection.

THE COURT: Objection sustained as to Epps. (Exception No. —)

A At this time we stopped at 6th Street and then Ben Chavis told Ricky that Chili would give him cover whenever he throw the firebomb.

~~Q That what?~~

~~A Ben Chavis told Ricky that Chili would give him cover whenever he throw the firebomb.~~

Q Who is Chili?

A Marvin Patrick.

MR. FERGUSON: Move to strike

THE COURT: Motion to strike is denied except as

to the defendant Epps. You will not consider this testimony as to the defendant Epps or as to the defendant Shepard. *(Exception No. —)*

~~Q Where were you at this time?~~

A At this time we was on the corner of 6th Street.

Q Can you show me on the diagram where you were at this time?

A Yes, sir.

Q How about showing me please?

(Witness goes to the blackboard.)

MR. HUNEVOL: Objection.

THE COURT: Objection sustained as to the defendant Shepard.

MR. FERGUSON: We object, too.

THE COURT: Objection sustained as to the defendant Epps. Objection overruled as to all other defendants. *(Exception No. —)*

A At this time we were standing right here.

~~Q Now was it dark or light at this time? Was it night time or daytime?~~

A It was night.

Q Who was standing there at the corner?

MR. HUNEVOL: Objection.

THE COURT: Objection sustained as to Ann Shepard.

A Marvin Patrick, Connie Tyndall, Wayne Moore, Ben Chavis,

Reginald Epps - I mean, Jerry Jacobs, James McKoy, Willie Vercen and Ben Chavis.

Q What happened then?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

THE COURT: Objection is overruled except - that is, sustained as to Ann Shepard and Reginald Epps. (*Exception No. 1*)

A After Chavis had told him about Marvin Patrick giving him cover then he said not to shoot, for us not to shoot until he shot.

~~Q Who said that?~~

~~A Ben Chavis *said that.*~~

Q Were the others present at this time?

MR. HUNEVOL: Objection.

THE COURT: Objection sustained as to Ann Shepard.

~~Q He said not to shoot until when?~~

~~A He said not to shoot until he shot and then for the rest of us to start shooting.~~

~~Q And then what happened?~~

~~A Then Marvin Patrick and Ricky crossed the street right here on the yard of this house right here and then came down and walked down in the yard in the house until he got right along up in here.~~

~~Q The front yard or the back yard?~~

~~A The front yard.~~

Q Where were you at the time that Ricky and Marvin Patrick were walking up the south side of Nun Street?

A Whenever they crossed over all of us were crossing the street,

~~Q All of us who?~~

A Ben Chavis, James McKoy, Jerry Jacobs, Marvin Pattick, Conny Tyndali, Wayne Moore and Willie Vereen and Joe Wright.

Q Where was Marvin Patrick at this time?

MR. FERGUSON: Object.

THE COURT: Overruled. (Exception No. —)

A Marvin Patrick had crossed the street.

~~Q So he wasn't with you?~~

A No, sir, he wasn't with us.

Q Where did you say those of you were besides Patrick and Vereen?

MR. HUNEVOL: Objection.

THE COURT: Overruled. (Exception No. —)

A We were still on the same side, on the north side of the street.

~~Q Point that out, please.~~

A Which would be right here. (Indicating)

Q Then what happened?

MR. HUNEVOL: Objection.

THE COURT: Members of the jury, you will not consider this testimony as to the defendant Shepard.

MR. FERGUSON: Objection.

THE COURT: Members of the jury, you will not consider this testimony as to the defendant Epps. Objection as to the ^{other} defendants is overruled. Go ahead. (*Exception No. —*)

A And then we rolled the barricade to right along here.

Q What barricade are you talking about?

MR. HUNEVOL: Objection.

THE COURT: Overruled. Objection sustained as to Ann Shepard.

Q Pardon?

A Concrete pipes.

~~Q Concrete pipes?~~

~~A Yes, sir.~~

Q Let me hand you State's Exhibit number 2 and ask you if you can point out any concrete pipes in that photograph?

A These here is concrete pipes.

Q Would you show them to the defendant please?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

MR. FERGUSON: I like to see what he is talking about, your Honor.

THE COURT: Objection is sustained as to Ann Shepard and Epps. You will not consider that as to the defendants Ann Shepard and Epps.

Objection as to the other defendants are overruled.

Q How many concrete pipes were out there at this intersection of 6th and Nun? ^(Exhibit No. —)

MR. HUNEVOL: Objection.

THE COURT: Objection as to Ann Shepard is sustained. You will not consider this testimony as to the defendant Ann Shepard.

MR. FERGUSON: Objection as to Epps.

THE COURT: Objection as to defendant Epps is sustained. You will not consider this testimony as to the defendant Epps.

A At 6th and Nun there was only one.

~~Q Where was it before you moved it?~~

Before we
it was
A Right here.

~~Q Who moved it?~~

A Myself, Ben Chavis, Connie Tyndall, James McKoy, Jerry Jacobs, Marvin Patrick, Wayne Moore, Ben Chavis and Joe Wright *moved it.*

~~Q Where did you move the concrete pipe to?~~

A We moved the concrete pipe from 6th and Nun, the

corner of 6th and Nun right to 5th and Nun, intersection of 5th and Nun.

Q Is that the intersection of 5th and Nun?

MR. HUNEVOL: Objection.

THE COURT: Objection sustained as to Ann Shepard. You will not consider this testimony as to Ann Shepard.

Q ~~On Nun Street?~~

A Yes, sir.

Q After you moved the concrete pipe what happened?

MR. HUNEVOL: Objection.

THE COURT: Objection sustained as to Ann Shepard. You will not consider this testimony as to Ann Shepard.

MR. FERGUSON: Objection.

THE COURT: Objection sustained as to Epps. You will not consider this testimony as to Epps, members of the jury.

Q After we moved the concrete pipe Marvin Patrick and Ricky was right along up in here and so myself, Ben Chavis, Willie Vereen and Connie Tyndall, Joe Wright, and the rest of us was out up in here.

Q ~~On which side?~~

A On the north side of the street.

Q Where were you at this time? Were you in the street

or the sidewalk?

A The sidewalk.

MR. HUNEVOL: Objection.

THE COURT: Objection sustained as to Ann Shepard.

~~A Sidewalk~~

~~Q Then what happened?~~

~~A~~ And then Chili - I mean, Marvin Patrick lit the firebomb or Ricky, and then the firebomb was throwed, and it went to the back of the house, and about that time a cop pulled - a car pulled up right along there. Then Chili started shooting.

MR. FERGUSON: Objection; move to strike it.

MR. HUNEVOL: Objection; move to strike.

THE COURT: Just a minute. Objection sustained as to Ann Shepard, Reginald Epps. You will not consider the testimony, members of the jury as to Reginald Epps and Ann Shepard. Overruled as to the other defendants. (*Exception No. —*)

Q Who threw the firebomb?

A Rick.

MR. HUNEVOL: Objection.

THE COURT: Objection sustained as to Ann Shepard.

MR. FERGUSON: Objection sustained as to Epps.

Do not consider this testimony as to Epps or Ann Shepard, member of the jury.

~~Q Would you come back-up to the stand please?~~

(Witness returns to the witness stand.)

(State's Exhibits 10 and 11 marked for identification.)

~~Q Would you describe the house at 5th and Nun please?~~

A It is a two-story white house with green back steps to a fire escape.

Q I hand you what has been marked for identification as State's Exhibit number 10 and ask you if you can tell us what that is, please?

MR. HUNEVOL: Objection.

THE COURT: Overruled. Objection sustained as to Ann Shepard.

A This is a photo of the house at 5th and Nun.

~~Q And I hand you what has been marked for identification First of all, let me ask you this. Does~~

~~This photograph~~ ^{does} ~~there~~ fairly and accurately represent the house at 5th and Nun as ^{you} recall it having been on the 6th day of February of 1973

~~A Yes, sir.~~

Q I hand you what has been marked for identification as State's Exhibit number 11 and ask you if you can identify that please.

MR. HUNEVOL: Objection.

MR. FERGUSON: Objection.

THE COURT: Objection as to Ann Shepard, objection sustained and sustained as to Epps.

A This is the back of the apartment house on 5th and Nun.

Q Does that photograph fairly and accurately portray the apartment house at 5th and Nun as you recall it on the 5th and 6th day of February of 1971?

A Yes, sir.

MR. FERGUSON: Objection.

THE COURT: Objection sustained as to Shepard and Epps.

SOL. STROUD: State moved that these State's Exhibits number 10 and 11 be admitted into evidence as State's Exhibits 10 and 11.

THE COURT: Members of the jury, State's Exhibits number 10 and 11 are offered by the State as evidence and admitted into evidence for the purpose of illustrating and explaining the testimony of the witness if you, the jury, find that it does explain and illustrate the testimony of the witnesses and for no other purpose.

Q Did you see Ricky throw the firebomb?

A Yes, sir.

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

THE COURT: Objection sustained as to Shepard

and Epps. You will not consider his answer as to Shepard and Epps. Objection overruled as to the other defendants. (Exhibit No. —)

Q Did you see where the firebomb hit?

A Yes, sir.

Q Where did it hit?

A It hit the back of the house.

Q Would you point out on this photograph so the jury can see it where it hit the back of the house?

A The firebomb hit right here.

Q ~~Will you point it out to the defense counsel, please, and the defendants?~~

(Witness shows to defense table.)

Q ~~What happened to the firebomb then?~~

A The firebomb then hit the ground.

Q ~~Where did it hit the ground? Can you point that out in the photograph?~~

A It hit the ground right along up in there.

Q Would you point that out to the defense please?

(Witness shows to defense.)

SOL. STROUD: May I pass the photographs among the jury, your Honor?

(Passes Exhibits to the jury.)

Q At the time Ricky threw the firebomb where were you?

MR. HUNEVOL: Objection:

THE COURT: Objection sustained as to Ann Shepard.

A I was across the street.

Q Would you come back down here to the diagram, please?

(Witness goes to the blackboard.)

A Me and Chavis was standing right along in here.

~~Q Where was James McKoy?~~

A James McKoy was standing right along in here.

~~Q On the sidewalk?~~

~~A Yes, sir.~~

~~Q And where was Willie Earl Vereen?~~

~~A Willie Earl Vereen was standing there with Ben Chavis.~~

~~Q How about Jerry Jacobs?~~

~~A Jerry Jacobs was standing right down there.~~

~~Q And how about Connie Tyndall?~~

~~A Connie Tyndall was standing right along in here.~~

~~Q Where was Marvin Patrick at that time?~~

~~A Marvin Patrick was right over here.~~

Q What were you doing at the time that Ricky threw the firebomb?

MR. HUNEVOL: Objection.

THE COURT: Objection sustained as to Ann Shepard.

MR. FERGUSON: Objection.

THE COURT: Objection sustained as to Epps.

Overruled as to the other defendants. *(Simpler...)*

A All of us had been instructed to stand here until

he threw the firebomb.

Q Who instructed you?

A Ben Chavis.

MR. FERGUSON: Objection; move to strike that.

THE COURT: Objection sustained as to Ann Shepard and Epps. You will not consider this testimony as to Defendants Shepard and Epps. Objection as to the other defendants is overruled. Motion to strike is denied. (*Exception No. —*)

Q Was that statement made in the presence of McKoy, Jacobs, Vereen and Wright?

MR. HUNEVOL: Your Honor, I can't hear the Solicitor.

MR. FERGUSON: I can hear him, your Honor..I object to his leading.

Q Was that statement made in the presence of the defendants, McKoy, Jacobs, Vereen, Wright, Patrick and Tyndall?

MR. FERGUSON: Objection after each name.

MR. HUNEVOL: Objection.

THE COURT: Objection overruled as to Shepard - Objection sustained as to Shepard and Epps. You will not consider the testimony as to Defendant Shepard and Epps. Overruled as to the other defendants. (*Exception No. —*)

Q ~~What position were you in at this time? Were you standing up or what?~~

A ^{was} Standing up by this telegram pole. There is a telegram pole along over here.

Q How about the other defendants? Were they standing or squatting or what?

A I believe they were standing.

MR. HUNEVOL: Objection.

THE COURT: Sustained as to Shepard.

A They were sitting right out by the sidewalk. We were standing between the alley and some of them -

MR. FERGUSON: Objection to this. We don't know who was standing where.

THE COURT: Objection overruled. *(objection overruled)*

Q How about the weapons? Did you and the defendants still have your weapons in your possession at this time?

MR. HUNEVOL: Objection.

THE COURT: Objection sustained as to Ann Shepard.

MR. FERGUSON: Objection.

THE COURT: Objection sustained as to Epps.

Objection overruled as to the other defendants. *(objection overruled)*

Q After the firebomb hit the building and fell on the ground, ~~what was the condition as to the firebomb~~ at that time?

↓
A It was still burning.

Q ~~Was the building~~ ^{burning} burning in any way?

A ~~No, sir.~~

Q Now at the time the firebomb hit the ground what, if anything, occurred?

MR. HUNEVOL: Objection.

MR. FERGUSON: Objection.

THE COURT: Objection sustained as to Shepard;

Objection sustained as to Epps; Objection overruled as to the other defendants, ^(Exception No. —) Members of

the jury, do not consider this testimony as to Epps and Shepard.

A Then a detective car pulled right up there to put the firebomb out. Then Marvin Patrick started shooting.

MR. HUNEVOL: Objection.

MR. FERGUSON: Objection.

THE COURT: Objection sustained as to Epps and

defendant Shepard; Objection overruled as to other ^(Exception No. —) the/defendants, members of the jury. You will

not consider this testimony as to the defendant Epps and Shepard.

Q ~~Now~~ ^{At} the time the detective car pulled up there, what was the condition as to the firebomb?

A ~~It~~ was still burning.

Q How much flame was there?

MR. BALLANCE: Object.

THE COURT: Overruled. (Exception No. —)

A I'd say it was enough to make the bomb explode, bust the glass.

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

THE COURT: Sustained as to Shepard and Epps.

Do not consider this testimony as to the de-

fendant Shepard and Epps. Objection as to

the other defendants is overruled. (Exception No. —)

Q How about the height of the flame? That is what I am talking about.

MR. HUNEVOL: Objection.

MR. FERGUSON: Object to the leading, your Honor.

THE COURT: Objection sustained as to the form of the question.

Q Did you observe the height of the flame? How much flame there was?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

THE COURT: Objection sustained as to Shepard;

objection sustained as to Epps. (Exception No. —)

A 3 or 4 inches.

~~Q 3 or 4 inches?~~



↓
~~A Yes, sir, or more.~~

Q ~~Could you see it burning from where you were?~~ *I was.*

~~A Yes, sir.~~

Q How far away from you was the firebomb?

A I was standing right on the sidewalk.

MR. FERGUSON: Objection; not responsive.

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

Q How did you know it was a detective car that pulled up there?

A Well whenever they pulled up and made to get out of the car you could tell by the helmets they had on.

~~Q Helmets?~~

~~A Yes, sir.~~

Q What did the helmets look like?

MR. FERGUSON: Objection.

MR. BALLANCE: Move to strike his previous answer.

MR. HUNEVOL: Objection.

THE COURT: Objection is sustained as to Ann Shepard and Epps. Do not consider this testimony as to defendant Ann Shepard and Epps, members of the jury. Objection as to the other defendants is overruled. (*Exception No. —*)

A The helmets were dark and from the light on 5th Street you could see that it was a shield over the

face of the helmets.

Q Were there men or women in the car?

MR. HUNEVOL: Objection.

THE COURT: Objection sustained as to Ann Shepard.

MR. FERGUSON: Objection.

THE COURT: Objection sustained as to Epps;

objection overruled as to the other defendants.

(Exemption No. —)

~~Q~~ What?

~~A~~ Mens.

~~Q~~ How many were there?

~~A~~ Two men.

~~Q~~ Where was the car when you first observed it?

~~A~~ When I first observed the car it was coming —

~~Q~~ In what direction was it coming?

~~A~~ It was coming east.

~~Q~~ On Nun Street?

~~A~~ YES.

~~Q~~ Where was it when you first saw it?

~~A~~ Whenever I first saw the car I was coming across the street.

~~Q~~ Can you show me the point where it was when you first remember seeing it, where it was at that time?

~~A~~ Whenever I first seen it and I identified what it really was was whenever it turned up.

~~Q~~ Can you recall what color the car was?

~~A~~ Dark color.

Q Was there anything else about the car or its occupants that lead you to believe it was a detective car?

MR. HUNEVOL: Objection.

THE COURT: Objection sustained as to Ann Shepard.

MR. FERGUSON: Objection.

THE COURT: Objection sustained as to Epps;

objection overruled as to the other defendants.

A Well whenever Chili, ^{Marvin Patrick} shot - ^(Expletive No. ---)

Q ~~Now who is Chili?~~

A ~~Marvin Patrick. Whenever he shot they pulled up.~~

Then Ben Chavis made a comment.

Q What did he say?

MR. FERGUSON: Object.

THE COURT: Objection overruled. ^(Expletive No. ---)

A Excuse me, ladies and gentlemen, but he said -

MR. HUNEVOL: Objection as to the speech.

THE COURT: Objection sustained.

Q What statement did he make?

A He said that he told that trigger happy son of a bitch not to shoot.

Q Who was he talking about?

MR. FERGUSON: Motion to strike.

THE COURT: Motion denied. ^(Expletive No. ---)

A Marvin Patrick.

Q Was there anything else about the car or the occupants or anything surrounding that that lead you to believe it was a detective's car?

MR. HUNEVOL: Object. This question has already been answered.

THE COURT: You will not consider this testimony as to the defendant Shepard and Epps; Overruled as to the other defendants. *(Exhibit No. —)*

A Whenever another car pulled at an angle in front of it -

~~Q In front of it?~~

~~A Yes, sir.~~

Q Where did that car come from?

A I didn't observe that car until it was right up in here and pulled up in there.

Q And what, if anything, occurred when that car pulled up?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

THE COURT: Sustained as to Epps and defendant Shepard. *(Exhibit No. —)*

A He was still shooting and the light at 5th Street went out, the street light.

Q Now the occupants of that second car, did they stay in the car or get out?

MR. HUNEVOL: Objection.

MR. FERGUSON: Objection.

THE COURT: Objection sustained as to the defendant Shepard and the defendant Epps; overruled as to the other defendants. (*Exemption No. —*)

A I believe he was out in the car.

~~Q~~ When Marvin Patrick first shot, ~~how many~~ ^{one} car ~~were~~ ^{was} on Nun Street?

~~A~~ One.

~~Q~~ How long was it before ^T the second car pulled up in front of that one?

~~A~~ Right after he had started shooting.

Q Now at the time that he started shooting where were the two occupants of the first car that came there?

MR. HUNEVOL: Objection.

THE COURT: Objection sustained as to Ann Shepard.

MR. FERGUSON: Objection.

THE COURT: Objection sustained as to Epps; overruled as to the other defendants. (*Exemption No.*)

A To my knowledge they were penned down behind the doors.

MR. FERGUSON: Objection; move to strike.

MR. HUNEVOL: Objection; move to strike.

THE COURT: I didn't hear the answer. Objection sustained. I did not hear the answer.

Q State your answer please.

A To my knowledge it was penned down.

MR. FERGUSON: Objection.

THE COURT: I sustained your objection. I am trying to listen to the answer right now.

Objection sustained as to Ann Shepard and as to Epps. You will not consider the testimony, members of the jury, as to the defendants Ann Shepard and defendant Epps.

A To my knowledge it was penned down behind the doors of the car.

MR. BALLANCE: Move to strike.

THE COURT: Will you say it again?

A To my knowledge they were penned down in the car.

MR. BECTON: WE move to strike.

THE COURT: Motion to strike is denied. *(Objection No.)*

Q When that car first arrived there, where did the occupants go, if you know?

A I remember seeing one get out and try to put out the firebomb.

Q Do you know where the other one was at that time?

A If I am not mistaken he was getting out of the car, too, whenever it first started.

Q Did the one that got out put out the firebomb?

Did he put the firebomb out?

MR. HUNEVOL: Objection.

MR. FERGUSON: Objection.

A Yes, sir.

THE COURT: Objection sustained as to the defendant Epps and the defendant Shepard; objection overruled as to the other defendants. (Exemption No. —)

Q Where was that person at the time Marvin Patrick first shot?

MR. HUNEVOL: Objection.

THE COURT: Objection sustained as to the defendant Shepard.

A Whenever he first went up to put out the fire as soon as this man stepped out, that is when the shooting started.

~~Q~~ As soon as he got out of the car?

~~A~~ Right. Whenever he pulled up he was going to put out the fire.

MR. FERGUSON: Motion to strike.

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

Q Where was the man that went out to put out the firebomb at the time the shooting began?

MR. HUNEVOL: Objection.

THE COURT: Objection sustained as to the defendant Shepard.

MR. FERGUSON: Objection.

THE COURT: Objection sustained as to Epps; over-

ruled as to the other defendants. (Exemption No. —)

A He was still to the car.

Q Was that before he went to put the firebomb out or afterwards?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

THE COURT: Objection sustained as to Epps and Shepard; overruled as to the other defendants. (Exemption No. —)

Q Where were you?

A At this time myself; Willie Vereen and Ben Chavis and myself was -

Mr. Epton; Objection.

THE COURT: Overruled (Exemption No. —)

A At this time myself, Willie here and Ben Chavis was behind a barricade we had up shooting towards the car.

~~Q~~ ^{we went} When did you go to the barricade?

~~A~~ As soon as this car had pulled up and Marvin Patrick had shot.

~~Q~~ ^{he} You and Chavis and Vereen were behind the barricade?

~~A~~ Yes, sir.

~~Q~~ Facing what direction?

~~A~~ Facing west.

~~Q~~ Towards 5th Street?

~~A~~ Right.

~~Q Where was the defendant McKoy at that time, if you know?~~

~~A McKoy was standing right along up in here.~~

~~Q How about the defendant Jacobs?~~

~~A Jerry Jacobs was standing right along up in here.~~

~~Q How about the defendant Wright, Joe Wright?~~

~~A Joe Wright was standing right along up in here in front of me and Chavis and Willie Vereen.~~

~~Q How about the defendant Tyndall?~~

~~A Connie Tyndall was standing up there next to the third house.~~

MR. HUNEVOL: Objection.

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

~~Q After Marvin Patrick fired his gun, ^{once} did he fire it~~

~~do you know how many times he fired it initially?~~

~~A Once.~~

~~Q After he fired the gun what, if anything, did you do?~~

MR. HUNEVOL: Objection.

THE COURT: Objection sustained as to Ann Shepard.

MR. FERGUSON: Objection.

THE COURT: Objection sustained as to Epps: objection overruled as to the other defendants. (Exemption No. —)

~~A Then he started shooting the gun back at him.~~

~~Q How about the occupants of the car, where were they~~

at that time?

A At this time they were still penned down to the car.

MR. FERGUSON: Objection; move to strike.

MR. HUNEVOL: Objection; Move to strike.

THE COURT: Objection sustained as to Epps and Shepard; motion to strike is allowed as to them; objection is overruled as to all other defendants.

Motion to strike is denied as to them. *(Exemption No. -)*

Q After Patrick shot his weapon, what, if anything, did the occupants of the two cars do?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

THE COURT: Objection sustained as to the defendant Epps and the defendant Shepard. Objection overruled as to the other defendants. *(Exemption No. -)*

A Well then we started getting fired upon. *(Exemption No. -)*

Q Who is we?

A Me and the rest of them.

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

A The rest that was out there.

THE COURT: Objection sustained as to the defendant Epps and defendant Shepard. Overruled as to all other defendants. *(Exemption No. -)*

Q Who was firing?

MR. FERGUSON: Objection.

THE COURT: Objection is sustained as to the defendant Epps. Overruled as to the other 8 defendants. (*Exception No. —*)

A Detectives.

Q Did you know that they were detectives at that time?

A With the police.

~~Q Where were they?~~

A They were still right along in here.

Q This was after Patrick shot, Is that right?

A Yes.

MR. HUNEVOL: Objection.

THE COURT: Objection sustained as to Ann Shepard.

MR. FERGUSON: Objection.

THE COURT: Sustained as to Epps. Overruled as to all other defendants. (*Exception No. —*)

Q Did you receive gunfire from the area of those two vehicles that pulled up there prior to Patrick firing the shot?

MR. HUNEVOL: Objection.

A No, sir.

THE COURT: Objection sustained as to defendant Shepard and defendant Epps. Overruled as to all other defendants. (*Exception No. —*) I did not hear the answer.

A No, sir.

~~Q~~ *I said I* Now you say you started shooting after Patrick did.

~~Is that right?~~

~~A~~ Yes, sir.

~~Q~~ *I was* Where were you shooting?

~~A~~ In the direction of the police cars.

~~Q~~ And what direction was Patrick shooting when he shot?

~~A~~ In the same direction of the police cars of the house at 5th and Nun.

~~Q~~ And how about the defendants Chavis and Vereen that were behind the -

MR. FERGUSON: Objection to the leading.

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

~~Q~~ That were behind the barricade? What did they do?

~~A~~ They were also shooting at the cops, at the police officers.

MR. FERGUSON: Move to strike.

THE COURT: Objection sustained as to the defendants Shepard and defendant Epps. (*Exception No. —*)

~~Q~~ How about the defendant Tyndall? What, if anything did he do after Patrick shot?

MR. FERGUSON: Object.

THE COURT: Objection sustained as to the defendant Epps. (*Exception No. —*)

~~A~~ He was shooting also.

~~Q~~ Where was he shooting?

~~A~~ He was shooting in the direction of the house at

5th and Nun.

Q How about the defendant Joe Wright?

A Yes, sir.

Q Yes, sir; what?

MR. FERGUSON: Objection.

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

~~Q What?~~

~~A Yes, sir.~~

Q What direction?

A House at 5th and Nun.

Q How about the defendants McKoy and Jacobs?

A McKoy was shooting at the house at 5th and Nun.

MR. FERGUSON Objection.

A McKoy was behind us.

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

Q Did you see him shooting?

A Only whenever we backed up and on back to the church.

Q How about the defendant Jacobs?

A Yes, sir.

Q Yes, sir, what?

A He was shooting.

MR. FERGUSON: Objection; move to strike.

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

~~Q Where was he shooting? What direction?~~

~~A He was shooting in the direction of the house at~~

5th and Nun.

Q Where were the cars, 2 cars came up there, in relation to the house?

MR. HUNEVOLE: Objection.

THE COURT: Objection sustained as to defendant Shepard.

A The car were up here, but fire was coming also from down up in here because a light was shot out.

Q How many times did you shoot in the direction of the cars that came up there?

MR. HUNEVOL: Objection.

THE COURT: Objection sustained as to Ann Shepard.

A Four or five times.

Q Do you know how many times the defendant Chavis shot?

A Several times.

MR. FERGUSON: Objection.

THE COURT: Objection overruled as to Chavis. (Exhibit No. —)

Q What kind of weapon did you say you had?

A .25 automatic.

MR. HUNEVOL: Objection.

THE COURT: Objection sustained as to Ann Shepard.

~~Q .25 automatic what?~~

~~A Pistol.~~

~~Q And the defendant Vereen, how many times did he shoot if you know in that direction?~~ shot

A Three or four times *in that direction.*

~~Q How about (the defendant Tyndall)?~~

~~A I remember him shooting in that direction three times.~~

~~Q How about the defendant Joe Wright?~~

~~A Joe Wright also shot several times.~~

~~Q And the defendant Jacobs?~~

~~A He also shot several times.~~

~~Q And how many times did you see defendant McKoy shoot that you recall?~~

~~A Five times.~~

~~Q Now all during this time, *I was* you were shooting, too.~~

~~Is that right?~~

~~A Yes, sir.~~

Q Did you count the shots of all the defendants?

A The ones that were closer by there you could see the sparks from the guns and we were close enough to each other that we could tell who was shooting, and you could see the sparks come out of the gun real good because at times you could hear the bullet coming by your ear.

Q How did you tell the people up at this end of the street were shooting at you?

MR. HUNEVOL: Objection.

THE COURT: Objection sustained as to Ann Shepard.

A You could see the muzzle flash of their guns.

Q ^{not} Did you see anymore cars come into that area while the shooting was going on?

~~A Not that I can recall.~~

Q Did you see any cars go by the area on 5th Street?

~~A Yes, sir.~~

Q What kind of cars?

MR. HUNEVOL: Objection.

THE COURT: Objection sustained as to Ann Shepard.

A It was dark.

Q Now how long did you stay out there firing? How long were you behind that barricade firing in the direction of the cars at 5th and Nun?

A No more than 5 or 10 minutes.

~~Q And then what did you do?~~

~~A~~ And then myself and Chavis and Willie Earl started going back to the church.

Q The other defendants?

A Yes, sir.

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

THE COURT: Objection sustained as to Ann Shepard and Epps; overruled as to the other defendants.

Q What were you doing going back to the church?

A Shooting towards the house at 5th Street.

(Compten
sh.)

~~Q~~ Then where ^{we went} did you go?

~~A~~ Into the church.

Q How about the other defendants?

MR. HUNEVOL: Objection.

THE COURT: Sustained as to Epps. (Exception No. 1)

~~A~~ In the church.

~~Q~~ All of the defendants went back into the church?

~~A~~ Yes, sir.

Q About how much time had passed altogether since you had initially left the church to go up to 5th and Nun?

~~A~~ I'd say until -

~~Q~~ You know about how much?

~~A~~ Between 30 minutes and 45 minutes.

Q If you will, come back up to the witness stand, please.

(Witness goes to the witness stand.)

THE COURT: Gentlemen, it is 20 minutes 'til 6 o'clock. Members of the jury, we are going to take a recess until tomorrow morning at 9:30. May I caution you again not to discuss this case with anyone nor allow anyone to discuss it with you nor in your presence. Do not discuss it among yourselves until you have a case for your deliberation. I'll ask you again.

Please do not read any account if such should appear in the press and please do not view any television if such should appear or listen to any radio report if such should appear about these cases. I again caution you that when you leave the courtroom and the courthouse, please go immediately to your destination and do not talk to or carry on a conversation with anyone and when you return in the morning please come immediately to your juryroom and there remain until the opening of court and do not linger in the hallways or on the grounds either going or coming. You go now, Members of the jury, and come back tomorrow morning at 9:30. (The jury retired from the courtroom.)

MR. FERGUSON: May we make a motion to mistry all the testimony of Allen Hall on the grounds it is not relevant to the assault of emergency personnel or the burning of Mike's Grocery.

MR. HUNEVOL: I would like to join that motion, your Honor.

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

(The Court recessed at 5:45 P M.)

September 27, 1972.

9:40 A M.

THE COURT: Let the jury come in.

(The jury came into the jurybox.)

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

DIRECT EXAMINATION BY SOL. STROUD Continued:

~~Q~~ Now on Saturday evening, February 6, 1971, after you went to 5th and Nun Street, ~~where did you go?~~
A we went Back to the church.

~~Q~~ About what time was it ~~(when you got back to the church?)~~
A I was about 9:30 or 10 o'clock. *we*

~~Q~~ As the result of being in the vicinity of 5th and Nun on that evening, as you have described, were you or any of the defendants that you have described wounded in any way?

MR. FERGUSON: Object.

~~THE COURT: What was the question?~~

MR. HUNEVOL: Objection.

~~SOL. STROUD: I asked him as the result of being in the area of 5th and Nun on that evening if he or any of the defendants were wounded.~~

THE COURT: Objection sustained as to Ann Shepard and Reginald Epps. Members of the jury, you

will not consider this testimony received against Reginald Epps or Ann Shepard. Objection as to all other defendants is overruled. (Exemption 155.)

A No, sir.

~~Q Who went back to the church at this time?~~

~~A All of us~~ all except Reginald Epps and Ann Shepard what wasn't out there.

~~Q All of the defendants that were out there?~~

~~A Yes, sir.~~

~~Q And you?~~ ^{of me}

~~A Yes, sir.~~

~~Q When you returned to the church, did you see the defendant Epps or the Defendant Shepard?~~ ^{we}

~~A Ann Shepard and Reginald Epps was on the inside of the church.~~

~~Q And what occurred upon your return to the church?~~

~~A After I had came back to the church that is with -~~
Excuse me. After we came back to the church that is whenever Marvin Patrick came to me, started fussing, said I had run because we started backing back, going back to the church and -

MR. BECKTON: Move to strike. He is testifying about Marvin Patrick. Move to strike as to the other defendants. Objection as to Marvin Patrick.

THE COURT: Objection is overruled. (Exemption 155.)

~~Q~~ At the time you and Marvin Patrick were talking, ⁴²
~~where were you?~~

~~A~~ We was on the inside of the church.

~~Q~~ ~~Where on the inside of the church?~~

~~A~~ WE was standing up there at the front door coming
into the church.

~~Q~~ ~~Were any of the other defendants present at that~~ ^{was}
~~time?~~

~~A~~ Ben Chavis.

~~Q~~ Any of the others?

~~A~~ They wasn't standing up there with us. The rest of
them had came in the church.

~~Q~~ Where were they on the inside of the church, if you
know?

~~A~~ They were standing up talking, most of them, standing
by the pulpit talking.

~~Q~~ ~~And you were by the front door of the church?~~ ^{I was}

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

~~Q~~ What was it Marvin Patrick said?

MR. HUNEVOL: Objection.

THE COURT: Overruled. (Exception No. —)

~~Q~~ ~~Would you point out Marvin Patrick to us, please?~~

~~A~~ Marvin Patrick is the one sitting on the far end
with the beige suit, yellow tie and white shirt.

~~Q~~ ~~What did he say?~~

~~A~~ He said I had run and then he took the gun from me.

~~Q He said you had run?~~

~~A Yes, sir.~~

Q Did he say from where or under what circumstances?

A From shooting at the police officers at 5th and
Nun.

~~Q And he did what?~~

~~A Then he took the gun.~~

~~Q What kind of gun was it that you had at that time?~~

~~A I had a
.25 automatic.~~

~~Q And what did he do with the gun, if anything?~~

~~A He took ^{the gun} it and put it in his coat pocket.~~

Q Now what, if anything, did the defendant Chavis say
at this time?

MR. HUNEVOL: Objection to the leading.

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

A Chavis then told me to come over to Rev. Templeton's
house with him.

Q Then what happened?

A Then me and him went upstairs.

MR. HUNEVOL: Objection to this.

THE COURT: Overruled. (Exception No. —)

Q You went upstairs where?

A Upstairs in Rev. Templeton's house.

MR. HUNEVOL: Objection.

THE COURT: Overruled. (Exception No. —)

MR. HUNEVOL: Move to strike.

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

Q ~~Did anyone else go with you at this time?~~

A ~~No, sir.~~

Q ~~Where did you go upstairs with Rev. Templeton's house?~~

A ~~Went up in the bedroom where Ben Chavis was staying at.~~

Q How many bedrooms were upstairs?

MR. HUNEVOL: Object.

THE COURT: Overruled. (Exception No. —)

A There was three.

Q Were there beds in all three rooms?

MR. HUNEVOL: Objection.

THE COURT: Overruled. (Exception No. —)

A Yes, sir.

Q What occurred when you went into the bedroom upstairs?

MR. HUNEVOL: Objection.

THE COURT: Just a minute.

MR. BALLANCE: Objection.

THE COURT: Members of the jury, you will not consider this testimony received against the defendants Patrick, Tyndall, Jacobs, Vereen, McKoy, Epps, Moore, Wright and Shepard; Overruled

as to the defendant Chavis. *(Exemption No. —)*

A Then he opened up his luggage and took out a .38 revolver.

~~Q And was anyone else present at that time in the bedroom?~~

~~A James Earl Glenn was present at that time in the bedroom.~~

Q He is not one of these defendants?

A No, sir.

Q What did he do with the .38 revolver?

MR. HUNEVOL: Objection.

THE COURT: Objection sustained as to Patrick, all of them except Chavis. You will not consider evidence this as/against either of the defendants *(Exemption # —)*

A Then he took the gun out and gave it to me with some shells, and he told me that for me to look out for him and that he would look out for me.

~~Q Was anything else said at this time that you recall?~~

~~A No, sir.~~

~~Q Then what happened?~~

A Then we went back over to the church, Gregory Congregational Church.

~~Q Where did you go at the church at this time? Where in the church?~~

We A Went up to the pulpit.

~~Q Now on this particular evening, did you see Jerome~~

Mitchell at the church?

~~A Yes, sir.~~

~~Q Had you seen him before the time that you are now describing?~~ *a few times* *I am*

~~A On a few.~~

~~Q You had?~~

~~A Yes, sir.~~

~~Q Would you point Jerome Mitchell out in here, please?~~

~~A Jerome Mitchell, he is sitting behind Mr. Johnson with the black shirt.~~

~~Q Before February 6, 1971, did you know Jerome Mitchell?~~

MR. FERGUSON: Objection.

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

~~A Yes, sir.~~

~~Q How long had you known him?~~

~~A Around 16 years or more.~~ *I know him*

~~Q What occurred after you left Rev. Templeton's house and went back on the inside of the church?~~

~~A That is when Ben Chavis got on the P A system.~~

~~Q Which of the defendants were present in the church at that time, if you know?~~ *all*

~~A All of them~~

~~Q What, if anything, did the defendant Chavis say over the P A system?~~

~~A Then he started talking about the Chicago Strategy.~~

MR. FERGUSON: Move to strike that, your Honor.

THE COURT: Overruled; motion denied. (*Exception No. ---*)

~~Q~~ ~~What did he say at this time?~~

A He told us that it would be best for - he was telling us about the Chicago Strategy. He asked us had we ever heard of it before and so the most of us, all I remember, said, no. So he told us that you set the business on fire and you set up ambush for the policemen.

~~Q~~ Had you heard about the Chicago Strategy before this time?

~~A~~ Yes, sir.

~~Q~~ ~~When was that?~~

A I heard about it on February 5 on a Friday.

Q How did you hear about it?

MR. HUNEVOL: Objection.

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

A From Chavis.

MR. HUNEVOL: Objection.

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

Q Did he make any other statement at this time when he was talking about the Chicago Strategy?

A Yes, sir; for us to bury Mike's Grocery.

~~Q~~ ~~Did he say anything else at this time?~~

A He told us all about how the Chicago Strategy go.

Q Did he say anything about the Chicago Strategy in relation to burning Mike's Grocery?

MR. FERGUSON: Objection to the leading.

THE COURT: Overruled. Don't lead him. *(Exception No. —)*

A Yes, sir.

~~Q~~ ~~What did he say?~~

~~A~~ He said for us to shoot middle ways up in the front window and shoot half way on the side window in order so they won't get out of the car, Keep them in and shoot three-fourths inches down the back window of the car.

MR. FERGUSON: Objection.

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

Q What did he say about burning Mike's Grocery at this time?

MR. FERGUSON: Objection.

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

A Then he said that - went back telling about Mike had cussed out this colored girl and that Mike's was run by a white man in a black section and that he thought that we should be getting the percentage of what Mike make in the black neighborhood. He think he should be donating so much money to us and that he wasn't and that for us to burn it down.

MR. BALLANCE: Motion to strike.