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THE COURT: The naming of those excludes others. Is there another point to what you are making there?

MR. FERGUSON: I think there is. I want to move further to quash on the grounds that the conspiracy statute itself does not impose the requirement of intent or overt act. It simply seems to require that persons agree that they are going to do something, so that if it is a violation of a traffic law to jaywalk and Mr. Ballance says let's go out and jaywalk and I say okay let's do that, without any intention of doing it, and just say or agree I will so that and we don't do it, now under this statute under that interpretation this statute would say that is a conspiracy. Or, if two people sit down and say let's go burn a building and they say yes, that is all that is required under this statute.

THE COURT: I seem to recall this is one of only a few states which does not require an overt act subsequent to the conspiracy. I do not know whether this statute cited has been court tested as to constitutionality heretofore or not.

MR. FERGUSON: Your Honor, let me just state here that this aspect of the motion relates to the charge of conspiracy to assault emergency personnel, also under G.S. 14-288.9, and also common law conspiracy. The requirements as I understand are the same and we submit that is not a constitutional basis upon which to bring a conviction and to define the statute G.S. 14-49, which defines the substantive offense,

1 that is the explosive devices, and says that it is a crime to
2 burn by use of incendiary devices because that statute also
3 checks up the incendiary devices of 14-50.1. I hope I haven't
4 confused the Court about it.

5 THE COURT: No. I don't think so.

6 MR. HUNOVAL: Your Honor, I would like to join in
7 the motion as to quash.

8 THE COURT: That is dealing with Ann Shepard?

9 MR. HUNOVAL: Yes, sir, dealing with the specification
10 intent is required. It is my understanding that specific intent
11 is required under our statute, and if it is not required and
12 if you feel as though you do not have to charge under it or
13 will not charge under specific intent, then under those condi-
14 tions I move to quash the two conspiracy charges. But I think
15 you have to charge on it even under our law on specific intent.

16 THE COURT: Well, this Court feels that there is
17 always a presumption of constitutionality in acts passed by the
18 General Assembly. The questions raised here afford some food
19 for thought. This Court feels that the constitutional question
20 is one properly submitted to an appellate court, and the motions
21 are overruled at this time, exception as to all of the rulings.
(EXCEPTION NO. 4-MT)

22 MR. FERGUSON: Yes, sir.

23 MR. HUNOVAL: Or exception as to the part as to
24 specific intent in indictments as regards Shepard if you do not
25 charge on specific intent at the time. (EXCEPTION NO. 5-MT)

1 MR. STROUD: Judge, I would like the record to show
2 if it will that all the motions on behalf of the defendants
3 were made outside of the presence of the jury.

4 (THE COURT REPORTER ADVISED MR. STROUD THAT THE
5 RECORD REFLECTS PROCEEDINGS IN CHAMBERS AND PROCEEDINGS IN
6 OPEN COURT. FURTHER DISCUSSION OFF THE RECORD. THE TRIAL
7 RESUMES IN OPEN COURT AT 4:07 P.M., AS FOLLOWS:)

8 MR. STROUD: If it please the Court, at this time the
9 state would like to call the cases for trial.

10 THE COURT: Very well.

11 MR. STROUD: If it please the Court, in calling these
12 cases I will call them by name and by charge, and there is a
13 New Hanover County case number and a Pender County case number.
14 And I believe, if I'm not mistaken, your Honor probably has in
15 front of you a list, a written list.

16 THE COURT: Proceed.

17 MR. STROUD: I will just call the Pender County num-
18 ber, your Honor. In Case No. 72-CR-1655, the defendant Ben
19 Franklin Chavis is charged with conspiring to assault - pardon
20 me. That case number is incorrect. The cases were put in
21 disorder. In Case No. 72-CR-1653 the defendant Benjamin
22 Franklin Chavis is charged with conspiring to assault emergency
23 personnel. How does he plead?

24 MR. FERGUSON: The defendant enters a plea of not
25 guilty to that charge.

1 MR. STROUD: In Case No. 72-CR-1654 the defendant
2 Benjamin Franklin Chavis is charged with conspiring to burn
3 property with an incendiary device. How does he plead?

4 MR. FERGUSON: Mr. Chavis enters a plea of not guilty.

5 MR. STROUD: In Case No. 72-CR-1655 the defendant
6 Chavis is charged with burning property with an incendiary
7 device.

8 MR. FERGUSON: He enters a plea of not guilty to
9 that, your Honor.

10 MR. STROUD: The next defendant, your Honor, is
11 Marvin Patrick, who is also charged in three cases. In Case
12 No. 72-CR-1656 the defendant Marvin Patrick is charged with
13 conspiring to assault emergency personnel.

14 THE COURT: Is that 1656 or 57?

15 MR. STROUD: I have 56, your Honor.

16 THE COURT: Very well. Go ahead.

17 MR. STROUD: How does he plead?

18 MR. FERGUSON: Mr. Patrick enters a plea of not
19 guilty to that offense.

20 MR. STROUD: In Case No. 72-CR-1657 the defendant
21 Patrick is charged with conspiring to burn property with an
22 incendiary device. How does he plead?

23 MR. FERGUSON: It will be a plea of not guilty.

24 MR. STROUD: In Case No. 72-CR-1658 the defendant
25 Patrick is charged with burning property with an incendiary

1 device. How does he plead?

2 MR. FERGUSON: Mr. Patrick enters a plea of not
3 guilty to that.

4 MR. STROUD: The next defendant, your Honor, also
5 with three indictments against him is Connie Tyndall. In Case
6 No. 72-CR-1659 the defendant Tyndall is charged with conspir-
7 ing to assault emergency personnel. How does he plead?

8 MR. FERGUSON: Mr. Tyndall pleads not guilty to
9 that charge.

10 MR. STROUD: In Case No. 72-CR-1660 the defendant
11 Tyndall is charged with conspiring to burn property with an
12 incendiary device. How does he plead?

13 MR. FERGUSON: Mr. Tyndall pleads not guilty to that
14 charge.

15 MR. STROUD: In Case No. 72-CR-1661 the defendant
16 Tyndall is charged with burning property with an incendiary
17 device. How does he plead?

18 MR. FERGUSON: Mr. Tyndall pleads not guilty to that
19 charge.

20 MR. STROUD: The next defendant, your Honor, is also
21 charged in three indictments, and that is Jerry Jacobs. In
22 Case No. 72-CR-1662 the defendant Jacobs is charged with con-
23 spiring to assault emergency personnel. How does he plead?

24 MR. FERGUSON: Mr. Jacobs pleads not guilty.

25 MR. STROUD: In Case No. 72-CR-1663 the defendant

1 Jacobs is charged with conspiring to burn property with an
2 incendiary device. How does he plead?

3 MR. FERGUSON: Mr. Jacobs pleads not guilty to that
4 offense.

5 MR. STROUD: In Case No. 72-CR-1664 the defendant
6 Jacobs is charged with burning property with an incendiary
7 device. How does he plead?

8 MR. FERGUSON: Mr. Jacobs pleads not guilty to that
9 offense.

10 MR. STROUD: The next defendant, your Honor, is also
11 charged in three indictments, and that is Willie Earl Vereen.
12 In Case No. 72-CR-1665 the defendant Vereen is charged with
13 conspiring to assault emergency personnel. How does he plead?

14 MR. FERGUSON: Mr. Vereen pleads not guilty.

15 MR. STROUD: In Case No. 72-CR-1666 the defendant
16 Vereen is charged with conspiring to burn property with an
17 incendiary device. How does he plead?

18 MR. FERGUSON: Mr. Vereen pleads not guilty to that
19 offense.

20 MR. STROUD: In Case No. 72-CR-7667 - pardon me -
21 1667 the defendant Vereen is charged with burning a building
22 with an incendiary device. How does he plead?

23 MR. FERGUSON: Mr. Vereen pleads not guilty to that
24 charge.

25 MR. STROUD: Next comes the defendant James McKoy,

1 your Honor, who is also charged in three indictments. In Case
2 No. 72-CR-1668 the defendant McKoy is charged with conspiring
3 to assault emergency personnel. How does he plead?

4 MR. FERGUSON: Mr. McKoy pleads not guilty to that
5 offense.

6 MR. STROUD: In Case No. 72-CR-1669 the defendant
7 McKoy is charged with conspiring to burn property with an
8 incendiary device. How does he plead?

9 MR. FERGUSON: Mr. McKoy pleads not guilty.

10 MR. STROUD: And in Case No. 72-CR-1670 the defendant
11 McKoy is charged with burning a building with an incendiary
12 device. How does he plead?

13 MR. FERGUSON: Mr. McKoy pleads not guilty to that
14 offense.

15 MR. STROUD: Next comes the defendant Reginald Epps,
16 your Honor. He is also charged in three indictments. In Case
17 No. 72-CR-1671 the defendant Epps is charged with conspiring
18 to assault emergency personnel. How does he plead?

19 MR. FERGUSON: Mr. Epps pleads not guilty to that,
20 your Honor.

21 MR. STROUD: In Case No. 72-CR-1672 the defendant
22 Epps is charged with conspiring to burn a building with an
23 incendiary device. How does he plead?

24 MR. FERGUSON: Mr. Epps pleads not guilty to that
25 charge.

1 MR. STROUD: In Case No. 72-CR-1673 the defendant
2 Epps is charged with burning a building with an incendiary
3 device. How does he plead?

4 MR. FERGUSON: Not guilty.

5 MR. STROUD: Next comes the defendant Joe Wright,
6 your Honor. I believe also known as William Dallas Wright,
7 is that correct?

8 MR. FERGUSON: That is correct, your Honor.

9 MR. STROUD: He is charged also in three indictments,
10 your Honor. In 72-CR-1677 the defendant Wright is charged with
11 conspiring to assault emergency personnel. How does he plead?

12 MR. FERGUSON: Mr. Wright pleads not guilty.

13 MR. STROUD: In Case No. 72-CR-1678 the defendant
14 Wright is charged with conspiring to burn a building with an
15 incendiary device. How does he plead?

16 MR. FERGUSON: Mr. Wright pleads not guilty. Is
17 that -- Yes. Pleads not guilty to that offense.

18 MR. STROUD: In Case No. 72-CR-1679 the defendant
19 Wright is charged with burning a building with an incendiary
20 device. How does he plead?

21 MR. FERGUSON: Mr. Wright pleads not guilty to that
22 offense.

23 MR. STROUD: Next comes the defendant Wayne Moore,
24 your Honor. He, too, is charged in three bills of indictment.
25 In Case No. 72-CR-1674 the defendant Moore is charged with

1 conspiring to assault emergency personnel. How does he plead? 59

2 MR. FERGUSON: Mr. Moore pleads not guilty to that
3 offense.

4 MR. STROUD: In Case No. 72-CR-1675 the defendant
5 Moore is charged with conspiring to burn a building with an
6 incendiary device. How does he plead?

7 MR. FERGUSON: Mr. Moore pleads not guilty to that
8 offense.

9 MR. STROUD: And in Case No. 72-CR-1676 the defendant
10 Moore is charged with burning a building with an incendiary
11 device. How does he plead?

12 MR. FERGUSON: Mr. Moore pleads not guilty to that
13 offense.

14 MR. STROUD: Next comes the defendant George Kirby,
15 your Honor. He is charged in two bills of indictment. In
16 Case No. 72-CR-1680 the defendant Kirby is charged with con-
17 spiring to assault emergency personnel. How does he plead?

18 MR. FERGUSON: Mr. Kirby pleads not guilty to that
19 offense, your Honor.

20 MR. STROUD: And in Case No. 72-CR-1681 the defendant
21 Kirby is charged with conspiring to burn a building with an
22 incendiary device. How does he plead?

23 MR. FERGUSON: Mr. Kirby pleads not guilty to that
24 offense, your Honor.

25 MR. STROUD: Next comes the defendant Ann Shepard,

1 your Honor, represented by Mr. Matthais Hunoval. She is
2 charged in two bills of indictment. In Case No. 72-CR-1682
3 the defendant Shepard is charged with conspiring to assault
4 emergency personnel. How does she plead?

5 MR. HUNOVAL: Miss Shepard pleads not guilty to that
6 charge.

7 MR. STROUD: And in Case No. 72-CR-1683 the defendant
8 Shepard is charged with conspiring to burn a building with an
9 incendiary device. How does she plead?

10 MR. HUNOVAL: Miss Shepard pleads not guilty to that
11 charge also, your Honor.

12 THE COURT: All right. Madam Clerk, call twelve in
13 the box.

14 MR. STROUD: Your Honor, at this time the state would
15 like to make a motion before calling a jury into the box that
16 these cases be consolidated for the purposes of trial.

17 THE COURT: Either of the defendants care to be heard
18 on it?

19 MR. FERGUSON: I do not care to be heard on behalf of
20 the defendants I represent.

21 MR. HUNOVAL: No, sir.

22 THE COURT: All right. Without objection, the motion
23 for consolidation is allowed.

24 (THE CLERK CALLS THE FOLLOWING JURORS IN THE BOX.
25 UPON REQUEST OF MR. FERGUSON AND WITH THE APPROVAL OF THE COURT,

1 THE RECORD WILL REFLECT "BLACK" OR "WHITE" FOLLOWING THE NAME
 2 OF EACH JUROR CALLED IN THE BOX BY THE CLERK. THIS DESIGNATION
 3 WILL BE IN PARENTHESES AS IT IS THE REPORTER'S CONCLUSION FROM
 4 OBSERVATION.)

5 CLERK: (1) Z. L. Thompson (WHITE). (2) Jessie
 6 James McIntyre (BLACK). (3) Acie Carl Rivenbark (WHITE).
 7 (4) Ray Edens (WHITE). (5) Lettie Graham (BLACK). (6) Carl
 8 Wells (WHITE). (7) Lillie Mae Sidbury (WHITE). (8) Sennie
 9 Wooten Lisane (BLACK). (9) Frances Jewel Alford (WHITE).
 10 (10) Earlie James (BLACK). (11) Vera W. Shingleton (WHITE).
 11 (12) James Carr Jones (WHITE).

12 THE COURT: Now, ladies and gentlemen of the members
 13 of the jury panel in the box as well as those still outside,
 14 the day is far spent, and it will be necessary for some con-
 15 siderable time to be taken in selecting the jury; and upon
 16 request of counsel the Court has agreed that having gotten this
 17 far the selection of the jury will not begin until tomorrow
 18 morning. It could not nearly be finished today in any event.
 19 Accordingly, we are going to recess very shortly and begin the
 20 selection of the jury tomorrow morning. I want to give you
 21 these admonitions. The purpose, of course, in asking you
 22 questions when that begins will be to select twelve people
 23 who are in a position to serve as fair and impartial jurors.
 24 That means people who have not heard or read or learned anything
 25 about these cases or these people who are here indicted which

1 would render you - would render it difficult for you to sit as 62
2 a juror and render a fair and impartial verdict without being
3 influenced by some other factor other than the evidence which
4 comes from this witness stand. Accordingly, in order that you
5 may as nearly as possible be able to fulfill those requirements
6 of a fair and impartial juror, I request that while the selec-
7 tion of the jury is in progress and until it is completed -
8 tonight or tomorrow or until the final members of the jury is
9 selected - that you abstain from attempting to educate yourself
10 about these cases or learn anything about them; that you abstain
11 from reading a newspaper account or television or radio news
12 item concerning the case or any aspect of it; that you do not
13 attempt to form or express any opinion whatsoever as to the
14 guilt or innocence of the defendants whom you have seen arraigned
15 this afternoon; that you avoid talking with anyone or permitting
16 anyone to talk to you about the cases or anything concerning the
17 cases. In other words, that you maintain a free and open mind
18 in readiness to serve as a fair and impartial juror in the
19 event you should be selected in that position. Do not talk
20 with anyone. Do not permit anyone to talk to you about the
21 cases. Please observe that rule scrupulously in order that you
22 may do your part in doing your best to see that this week in
23 these trials that the progress is made in an orderly, just,
24 and proper way, without any suggestion of other factors being
25 injected which have no part in the administration of justice.

1 All right. Mr. Sheriff, take a recess until nine-thirty
2 tomorrow morning. Now, after the Sheriff recesses, please
3 remain in your places until the defendants, along with their
4 counsel, have gone or are outside of the court room. All right.

5 JUNE 6, 1972:

6 THE COURT: Ladies and gentlemen, both the jurors
7 sitting in the box as well as those who have not yet been called,
8 at this time the solicitor for the state and following him the
9 attorneys for the defendants will be questioning you touching
10 upon your qualifications to serve as jurors in these particu-
11 lar cases. Now, the purpose of this examination is to deter-
12 mine whether or not you or any of you by reason of your
13 acquaintance or association or knowledge about matters pertain-
14 ing to this case or relationships in general or some personal
15 experience would be such as might make it difficult if not
16 impossible for you to serve as a fair and unprejudiced and un-
17 biased juror, the entire objective being that of obtaining
18 twelve people who are in a position to and will hear the evi-
19 dence in these cases and render a verdict finally based solely
20 upon the evidence which comes from the witness stand as applied
21 to the law as it will be the Court's duty to instruct you with
22 reference to. I want you to understand it is not in any way
23 intended, this examination, to embarrass you or to inquire into
24 your personal affairs beyond the point necessary to ascertain
25 your suitability as a juror. Now, each side, that is to say,

1 the state and the defendants, under our law have a certain number 64
2 of what is called peremptory challenges; that is to say, both
3 the state and the defendants have a right to ask that a certain
4 prospective juror be excused without assigning any cause for it.
5 Cause would be some situation or condition whereby you have
6 indicated that in all probability you could not sit as a proper
7 juror. For instance, if you said that by information that had
8 come to you, you had already made up your mind as to the guilt
9 or innocence of the defendants without having heard the evidence,
10 obviously you could not serve properly here; and other informa-
11 tion might be brought out by questioning you whereby it would
12 be clear that in all probability you could not properly serve
13 and so you would be excused. That would be for cause. But,
14 in addition to that, each side has a number, as I said, ^{of} per-
15 emptory challenges, that is to say, for reasons satisfactory to
16 themselves up to a certain number without stating any cause.
17 If they didn't like the color of the dress you are wearing or
18 the color of your shirt or the way you part your hair or for
19 some reason wholly satisfactory to him without giving any ex-
20 planation you might be excused. If you are so excused, you
21 should not take that to mean that your honesty or integrity is
22 being questioned; that will not be the case. It simply means
23 that for some reason satisfactory to the respective parties
24 that you should not sit, and so, others will be called. Now,
25 with those preliminary remarks to acquaint you with what is to

1 come, you will now hear questions from first the attorney for
2 the state, the solicitor. Let me ask that your responses to
3 questions be spoken and spoken loud enough so that the court
4 reporter, this lady sitting here, can hear your response. It
5 is necessary that she take down both the questions and the
6 responses, and she cannot do it unless you speak clearly and
7 audibly for her to hear you. So, do not nod your head or
8 otherwise indicate some response to a question where she cannot
9 hear you nod your head. So, speak up, speak plainly, and speak
10 loudly enough so that not only the court reporter but the
11 attorneys and the Court may hear you clearly. I would say one
12 thing further: It is your duty to answer the questions
13 addressed to you as honestly as you know how. It is not for
14 the purpose of embarrassing you, as I have stated, but you owe
15 that duty to the Court, to the state, and to the defendants.
16 I hope there will be no disposition on the part of any of you
17 to do other than answer questions honestly or to answer ques-
18 tions with a view to having yourself excused if possible; that
19 would be wrong on your part. It is your duty to be honest
20 with the Court and with the lawyers, and if you should be
21 selected, to be selected on the basis of your honest answers
22 to the questions; and if you are excused, let that also be on
23 the basis of your honest response to questions that are
24 addressed to you. All right. The jury is with the state.

25 MR. FERGUSON: If your Honor please, may I approach

1 the bench?

2 (MR. FERGUSON CONFERS WITH THE COURT. THE DEFENDANTS
3 TAKE THEIR SEATS AT DEFENSE TABLES.)

4 MR. STROUD: Ladies and gentlemen, as his Honor has
5 already referred to, I am Jay Stroud. I am with the District
6 Solicitor's Office in the Fifth Judicial District which is
7 New Hanover and Pender Counties. It is my function in this
8 trial to prosecute the cases on behalf of the State of North
9 Carolina. The State of North Carolina is for all practical
10 purposes the plaintiff in this action, and so, I will be
11 representing the State of North Carolina in these cases, in the
12 prosecution aspect of these cases. Now, as you know, when you
13 were present in the court room yesterday, we have on trial
14 here eleven defendants, all of whom are seated over here with
15 their attorneys. All eleven of these defendants are charged
16 with at least two and most of them are charged with three
17 felonies. The three felonies involved are conspiring to assault
18 emergency personnel, police officers and firemen, with a
19 deadly weapon; the second charge is conspiring to burn a
20 building with an incendiary device, to-wit: a fire bomb or a
21 gas bomb; and third, the actual burning of a building with an
22 incendiary device, to-wit: a fire bomb or a gas bomb. Now,
23 these as alleged in the bills of indictment, these offenses
24 took place in February, of 1971, February a year ago, in
25 Wilmington, North Carolina. The two conspiracies are alleged

1 to have occurred in the bill of indictment on the days of the
 2 5th and 6th of February, 1971, being Friday and Saturday. The
 3 actual burning of the building with the incendiary device is
 4 alleged to have occurred on the 6th of February, which was on
 5 a Saturday. So, we are talking a two day period of time in
 6 February, of 1971. The building involved was Mike's Grocery
 7 Store, located on Sixth Street, in Wilmington. It's a two-
 8 story -- As alleged in the bill of indictment, it's a two-story
 9 wooden frame building. So, these are basically the allegations
 10 as contained in the bills of indictment on which the defendants
 11 are being tried at this time. Now, all of the defendants, with
 12 the exception of Miss Shepard seated here and Mr. Kirby who is
 13 the third gentleman here, all of the defendants with the
 14 exception of these two are charged with all three of the crimes
 15 I've referred to: conspiring to assault emergency personnel
 16 with a deadly weapon, police officers and firemen; conspiring
 17 to burn a building with an incendiary device; and burning the
 18 building with an incendiary device. Mr. Kirby and Miss Shepard
 19 are charged with two crimes: conspiring to assault emergency
 20 personnel with a deadly weapon, to-wit, firemen and police
 21 officers; and secondly, conspiring to burn the building with
 22 an incendiary device. They are not - these two defendants -
 23 are not charged with burning the building. So, we have eleven
 24 defendants, thirty-one charges in all. Now, at this time I'm
 25 going to question each of you or question you as a panel, as a

1 group, and then I will later direct the individual questions
 2 to you or questions to you as individuals as to whether or not
 3 you know any of these defendants or recognize them or perhaps
 4 know any of the members of their family. So, I will ask with
 5 regard to each defendant. Now, with regard to Miss Shepard,
 6 Mrs. Shepard, the young lady sitting here at the table beside
 7 her attorney: Do any of you know Mrs. Shepard or have you
 8 ever seen her or do you feel that you might know any of her
 9 family? She is from Wilmington, North Carolina. If any of
 10 you do know her, I would appreciate your raising your hand.

11 (NO RESPONSE FROM THE JURY.)

12 MR. STROUD: All right. Let's continue at the table.
 13 Next would be, seated beside her would be Mr. Connie Tyndall,
 14 of Wilmington. Do any of you know him or do you feel like you
 15 might know any members of his family?

16 (NO RESPONSE FROM THE JURY.)

17 MR. STROUD: Next would be Mr. Benjamin Chavis seated
 18 at the table. Do any of you know him personally or do you know
 19 any of the members of his family? If so, please raise your
 20 hand.

21 (NO RESPONSE FROM THE JURY.)

22 MR. STROUD: Next would be the defendant William
 23 Wright seated immediately behind me, from Wilmington. Do any
 24 of you know Mr. Wright or do you feel like you would know any
 25 of the members of his family, in Wilmington, or anywhere for

1 matter? Please raise your hand if you do.

2 (NO RESPONSE FROM THE JURY.)

3 MR. STROUD: Next is the defendant Wayne Moore, the
4 second one from this end. Do any of you know Mr. Wayne Moore,
5 from Wilmington? Do any of you recognize him, or do you feel
6 like you know any of the members of his family?

7 (NO RESPONSE FROM THE JURY.)

8 MR. STROUD: The next would be the defendant George
9 Kirby. He is the third gentleman from this end. Do any of you
10 know Mr. George Kirby, from Wilmington, or do you feel like you
11 know any of the members of his family, or have you ever seen
12 him that you know of? If so, please raise your hand.

13 (NO RESPONSE FROM THE JURY.)

14 MR. STROUD: Next is the defendant Willie Earl
15 Vereen, the fourth gentleman in the row back there. Do any of
16 you know him, or do you feel like you might know any of the
17 members of his family - he is from Wilmington - or do you
18 recognize him.

19 (NO RESPONSE FROM THE JURY.)

20 MR. STROUD: Do all of you have a clear view of the
21 defendants? Is there anyone who cannot see the defendants?

22 (NO JUROR INDICATES IN THE NEGATIVE.)

23 MR. STROUD; All right. Next would be the defendant
24 Jerry Jacobs, the young man with the glasses on, the fifth.
25 Do any of you recognize Mr. Jacobs, or do you feel like you

1 would know any of the members of his family? He is also from
2 Wilmington.

3 (NO RESPONSE FROM THE JURY.)

4 MR. STROUD: Next is the defendant James McKoy, from
5 Wilmington, North Carolina. Do any of you feel like -- Can you
6 all see that far down in the rear there? Juror No. One, I
7 believe you are Mr. Thompson; can you see all of them.

8 #1 MR. THOMPSON: I can see all but the two last ones
9 on the end.

10 MR. STROUD: Okay. Now, do any of you recognize Mr.
11 McKoy? He's the sixth gentleman from the end. Do you feel
12 like you would know any of the members of his family. He's
13 also from Wilmington.

14 (NO RESPONSE FROM THE JURY.)

15 MR. STROUD: The next is the defendant Reginald Epps.
16 Would you stand up, please, Mr. Epps? (DEFENDANT EPPS COMPLIES.)
17 Do any of you recognize Mr. Epps or do you feel like you would
18 know any members of his family? He is also from Wilmington,
19 North Carolina. Any of you?

20 (NO RESPONSE FROM THE JURY.)

21 MR. STROUD: The next is the defendant Patrick. If
22 you would stand up, please? (DEFENDANT PATRICK COMPLIES.)
23 If you would take your glasses off, please? (DEFENDANT PATRICK
24 COMPLIES.) Do any of you recognize Mr. Patrick? He is from
25 Wilmington, North Carolina. Or do any of you know him or do

1 you think you might be aware of any of the members of his
2 family? Mr. Marvin Patrick.

3 (NO RESPONSE FROM THE JURY.)
4 Thank you.

5 MR. STROUD: Now, counsel involved in the cases for
6 the defendants consist first of all with Mr. Matt Hunoval, who
7 is seated immediately to my left. Mr. Hunoval is representing
8 Mrs. Shepard. Mr. Hunoval is an attorney from Wilmington,
9 North Carolina. Now, do any of you know Mr. Hunoval? If so,
10 please raise your hand.

11 (NO RESPONSE FROM THE JURY.)

12 MR. STROUD: The next attorney seated beyond Mr.
13 Chavis is Mr. Frank Ballance, from Warrenton, North Carolina.
14 Can you see Mr. Ballance?

15 #12 MR. JONES: No, sir, I can't.

16 MR. STROUD: Mr. Balance, would you mind? (MR.
17 BALLANCE STANDS.) That's Mr. Ballance. Do any of you know
18 Mr. Ballance, from Warrenton, North Carolina. He is involved
19 in the defense of the other ten defendants.

20 (NO RESPONSE FROM THE JURY.)

21 MR. STROUD: All right. The next is Mr. James Fergu-
22 son, from Charlotte, North Carolina, who is involved in the
23 defense of the other ten defendants, other than Mrs. Shepard.
24 Do any of you know any of these attorneys? If so, please raise
25 your hand.

(NO RESPONSE FROM THE JURY.)

1 MR. STROUD: All right. Again I will ask you, do any
2 of you know any of the defendants?

3 (NO RESPONSE FROM THE JURY.)

4 MR. FERGUSON: Excuse me. If I might, your Honor, Mr.
5 Harmon will be joining us for the trial this afternoon or
6 tomorrow.

7 MR. STROUD: There will be a third attorney joining
8 in the defense of the ten defendants, other than the defendant
9 Shepard, and that will be Mr. John Harmon, from New Bern, North
10 Carolina. Do any of you know Mr. Harmon? If so, please raise
11 your hand.

12 (NO RESPONSE FROM THE JURY.)

13 MR. STROUD: Now, appearing as possible witnesses for
14 the defendants in these cases are the following, whose names and
15 areas of residence I will call out to you, and if any are pre-
16 sent in the court room, I would like to have them stand so that
17 the jury might see them. The first possible witness for the
18 defendants would be Annie McLain, from Wilmington, North
19 Carolina. Is she in the court room? Do any of you know Mrs.
20 McLain?

21 (NO RESPONSE FROM THE JURY.)

22 MR. STROUD: Next would be Mr. Roderick Kirby, of
23 Wilmington, North Carolina. Mr. Kirby in the court room? Do
24 any of you know Mr. Roderick Kirby? If so, please raise your
25 hand.

1 (NO RESPONSE FROM THE JURY.)

2 MR. STROUD: Next would be Mr. Hugh Jones, from
3 Wilmington, North Carolina. Is Mr. Jones in the court room?
4 Do any of you know Mr. Hugh Jones, from Wilmington, North
5 Carolina? If so, please raise your hand.

6 (NO RESPONSE FROM THE JURY.)

7 MR. STROUD: Reverend and Mrs. Eugene Templeton,
8 presently of New Jersey as I understand it, formerly of Wilming-
9 ton, North Carolina. Do any of you know Rev. and Mrs. Eugene
10 Templeton?

11 (NO RESPONSE FROM THE JURY.)

12 MR. STROUD: Mr. John Green, from Wilmington, North
13 Carolina. Is Mr. Green in the court room? Do any of you know
14 Mr. John Green, from Wilmington? If so, please raise your
15 hand.

16 (NO RESPONSE FROM THE JURY.)

17 MR. STROUD: Mrs. Stephanie Green, of Wilmington,
18 North Carolina. Do any of you know Mrs. Green, Stephanie Green,
19 from Wilmington, North Carolina?

20 (NO RESPONSE FROM THE JURY.)

21 MR. STROUD: Mrs. Minnie Monroe, from Wilmington,
22 North Carolina. Is Mrs. Monroe in the court room? Do any of
23 you know Mrs. Monroe, of Wilmington?

24 (NO RESPONSE FROM THE JURY.)

25 MR. STROUD: And Rev. Leon White, of Raleigh, North

1 Carolina. Do any of you know Rev. White, from Raleigh?

2 (NO RESPONSE FROM THE JURY.)

3 MR. STROUD: And Mr. Benjamin Wonce, W-o-n-c-e, from
4 Wilmington, North Carolina. Is Mr. Wonce here? Do any of you
5 know Mr. Benjamin Wonce, of Wilmington, North Carolina?

6 (NO RESPONSE FROM THE JURY.)

7 MR. STROUD: All right. You are Mr. Z. L. Thompson,
8 Juror No. 1, is that correct?

9 MR. THOMPSON: Yes, sir.

10 MR. STROUD: You are a resident of Pender County,
11 Mr. Thompson?

12 MR. THOMPSON: Yes, sir.

13 MR. STROUD: How long have you been a resident?

14 MR. THOMPSON: All of my life.

15 MR. STROUD: Mr. Thompson, what is your occupation,
16 please, sir?

17 MR. THOMPSON: I am a maintenance man for Eastern
18 Carolina Housing Authority.

19 MR. STROUD: Have you ever served on jury duty before,
20 Mr. Thompson?

21 MR. THOMPSON: Yes, sir.

22 MR. STROUD: When was the last time?

23 MR. THOMPSON: About four year ago.

24 MR. STROUD: Was that at a criminal session or a civil
25 session, if you know?

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MR. THOMPSON: It was criminal court.

MR. STROUD: Mr. Thompson, you know none of the defendants or their attorneys, if that correct?

MR. THOMPSON: How is that?

MR. STROUD: You know none of the attorneys or their

MR. THOMPSON: No, sir, I don't.

MR. STROUD:clients, is that correct?

MR. THOMPSON: That's right.

MR. STROUD: You know none of the witnesses for the defendants that I called out, is that correct?

MR. THOMPSON: That's right.

MR. STROUD: Do you have any difficulty in your hearing, Mr. Thompson?

MR. THOMPSON: Sometimes.

MR. STROUD: Have you had this problem with hearing so far as what has been said in the court room?

MR. THOMPSON: No, sir.

MR. STROUD: Do you feel like you will be able to hear the witnesses as they testify from the witness stand?

MR. THOMPSON: I think so, yes, sir.

MR. STROUD: Would your verdict in these cases in any way be influenced by the fact that some of the defendants are young in age?

MR. THOMPSON: No, sir.

1 MR. STROUD: Now, Mr. Thompson, have you - or do you
2 know personally anything about the facts in these cases as I
3 have stated the allegations to you in the bills of indictment?

4 MR. THOMPSON: I don't know anything about it, only
5 what I see the headlines in the papers, that's all.

6 MR. STROUD: You have read about the cases?

7 MR. THOMPSON: I have read about the cases, yes, sir.

8 MR. STROUD: Have you heard anything about them on
9 T.V. or radio?

10 MR. THOMPSON: Well, yes, I've heard some, yes, sir.

11 MR. STROUD: Have you discussed with anyone at great
12 length your feelings or their feelings about the cases?

13 MR. THOMPSON: No, sir.

14 MR. STROUD: Have you formed an opinion about the
15 cases?

16 MR. THOMPSON: No, sir.

17 MR. STROUD: Do you hold any view that might be preju-
18 dicial to the state's case as the case is presented?

19 MR. THOMPSON: No, sir.

20 MR. STROUD: Do you know of any factor that would pre-
21 vent you from serving as a fair and impartial juror in this
22 case?

23 MR. THOMPSON: No. Not at this time, No, sir.

24 MR. STROUD: If the state should prove to you beyond
25 a reasonable doubt that each of the defendants were involved in

1 the crimes of conspiring to burn a building, and conspiring to
2 assault emergency personnel, would you find them guilty as
3 charged?

4 MR. THOMPSON: I think so, yes, sir.

5 MR. STROUD: And if the state proved to you to all
6 of these defendants, except for the defendants Shepard and Kirby,
7 were involved in the crime of burning a building with an incen-
8 diary device, would you find them guilty as charged?

9 MR. THOMPSON: Yes, guilty as charged, that's right.

10 MR. STROUD: Do you know of any factor that might
11 influence your decision in this case other than the evidence
12 that you will hear as it comes from the witness stand and the
13 arguments of the attorneys involved and the charge of his Honor,
14 the Judge?

15 MR. THOMPSON: No, sir.

16 MR. STROUD: Mr. McIntyre?

17 MR. MCINTYRE: Yes, sir.

18 MR. STROUD: Are you a resident of Pender County?

19 MR. MCINTYRE: Yes, sir.

20 MR. STROUD: How long have you been a resident?

21 MR. MCINTYRE: All of my life.

22 MR. STROUD: What is your occupation, please, sir?

23 MR. MCINTYRE: Kiln tender, at Timme Corporation.

24 MR. STROUD: How old are you, please, Mr. McIntyre?

25 MR. MCINTYRE: Twenty-eight.

1 MR. STROUD: Are you married?

2 MR. MCINTYRE: Yes, sir.

3 MR. STROUD: Do you have any children?

4 MR. MCINTYRE: Two children.

5 MR. STROUD: Mr. McIntyre, would the fact that the -
6 that the defendants in these cases are young, would that in any
7 way affect your decision?

8 MR. MCINTYRE: No, sir.

9 MR. STROUD: You know none of the defendants?

10 MR. MCINTYRE: No, sir.

11 MR. STROUD: Have you ever seen any of them before?

12 MR. MCINTYRE: Not that I know of.

13 MR. STROUD: You know none of the attorneys?

14 MR. MCINTYRE: No, sir.

15 MR. STROUD: Nor any of the possible witnesses for the
16 defendants that I have called out?

17 MR. MCINTYRE: No, sir.

18 MR. STROUD: Do you personally know anything about the
19 allegations in these cases?

20 MR. MCINTYRE: No, sir.

21 MR. STROUD: Do you have any personal interest in the
22 outcome of the cases?

23 MR. MCINTYRE: No.

24 MR. STROUD: Are you aware of any factor that might
25 in any way influence your decision in the cases other than the

1 evidence, the arguements of counsel, and the charge of the
2 Court?

3 MR. MCINTYRE: No, sir.

4 MR. STROUD: If the state proved to you beyond a
5 reasonable doubt that all of the defendants participated in
6 planning and conspiring to assault emergency personnel with a
7 deadly weapon, and all of the defendants were involved and par-
8 ticipated in planning and conspiring to burn a building with an
9 incendiary device, would you find them guilty as charged?

10 MR. MCINTYRE: Yes, sir.

11 MR. STROUD: If the state proves to you beyond a
12 reasonable doubt by its evidence that all of the defendants
13 with the exception of Shepard and Kirby participated in the
14 burning of a building with an incendiary device, would you find
15 them guilty as charged?

16 MR. MCINTYRE: Yes, sir.

17 MR. STROUD: Now, have you heard or read anything
18 about the participation of any of these defendants in the dis-
19 turbance in Wilmington in February, of 1971?

20 MR. MCINTYRE: No more than what was on television.

21 MR. STROUD: Television. Have you had any personal
22 conversation with anyone about the incident?

23 MR. MCINTYRE: No, sir.

24 MR. STROUD: Or about any of these defendants?

25 MR. MCINTYRE: No, sir.

1 MR. STROUD: Have you heard or read anything about any
2 of the defendants?

3 MR. MCINTYRE: Yes, sir.

4 MR. STROUD: What you have heard or read, would that in
5 any way influence your decision in these cases?

6 MR. MCINTYRE: No, sir.

7 MR. STROUD: Have you formed an opinion about the
8 guilt or innocence of the defendants?

9 MR. MCINTYRE: No, sir.

10 MR. STROUD: Do you now have the view that as a result
11 of what you have heard or read that might be in any way preju-
12 dicial to the state's case?

13 MR. MCINTYRE: No, sir.

14 MR. STROUD: Thank you. Mr. Rivenbark, you are a
15 resident of Pender County?

16 MR. RIVENBARK: Yes, sir.

17 MR. STROUD: How long have you been a resident here?

18 MR. RIVENBARK: Thirty-one years.

19 MR. STROUD: Pardon?

20 MR. RIVENBARK: Thirty-one years.

21 MR. STROUD: Thirty-one years. You are married and
22 have a family, sir?

23 MR. RIVENBARK: Yes, sir.

24 MR. STROUD: How many children?

25 MR. RIVENBARK: One.

1 THE COURT: I believe you will have to speak a little
2 louder.

3 MR. STROUD: You are married and have one child?

4 MR. RIVENBARK: That's correct.

5 MR. STROUD: What is your occupation, please, sir, /Mr. Rivenbark?

6 MR. RIVENBARK: Mechanic.

7 MR. STROUD: Mr. Rivenbark, would you in any way be
8 influenced in rendering a decision in this case because of the
9 age of the defendants, the fact that they are young defendants?

10 MR. RIVENBARK: No, I would not.

11 MR. STROUD: You know none of the defendants, is that
12 correct?

13 MR. RIVENBARK: That's correct.

14 MR. STROUD: Or their attorneys?

15 MR. RIVENBARK: I don't know any of them.

16 MR. STROUD: Or the witnesses that might appear for
17 the defendants?

18 MR. RIVENBARK: No, sir.

19 MR. STROUD: Do you have any personal interest in the
20 outcome of this case?

21 MR. RIVENBARK: No, I don't.

22 MR. STROUD: Are you aware of any factor that might
23 influence your decision in this case other than the evidence
24 that will be rendered from the witness stand and the arguments
25 of the attorneys and the charge of the Court?

1 MR. RIVENBARK: No, sir.

2 MR. STROUD: Do you know -- Do you have personal
3 knowledge of any of the activities or incidents that occurred
4 during February, 1971, in Wilmington, North Carolina?

5 MR. RIVENBARK: No. I was working in Wilmington at
6 the time.

7 MR. STROUD: Were you in the area where the incidents
8 are alleged to have occurred?

9 MR. RIVENBARK: I was working on Fifth Street, about
10 four blocks from Castle Hayne.

11 MR. STROUD: Where were you working at the time?

12 MR. RIVENBARK: National Linen Service.

13 MR. STROUD: As a result of what you have read or
14 heard about the case, if anything, has this - have you formed
15 an opinion about the case as to the guilt or innocence of the
16 defendants?

17 MR. RIVENBARK: I have not formed an opinion, sir.

18 MR. STROUD: Do you have a view that might be preju-
19 dicial to the state's case?

20 MR. RIVENBARK: No, sir.

21 MR. STROUD: If the state proves to you beyond a
22 reasonable doubt that each of the defendants were involved and
23 participated in the planning to assault emergency personnel
24 with a deadly weapon and to burn a building with an incendiary
25 device, would you find them guilty as charged?

1 MR. RIVENBARK: Yes, I would.

2 MR. STROUD: If the state.....

3 THE COURT: Speak louder, please. What was your
4 response?

5 MR. RIVENBARK: I said: Yes, I would.

6 MR. STROUD: If the state should prove to you beyond
7 a reasonable doubt that all the defendants, with the exception
8 of Shepard and Kirby - the defendant Shepard and the defendant
9 Kirby, were involved and participated in the burning of a build-
10 ing, Mike's Grocery, with an incendiary device, would you find
11 them guilty as charged?

12 MR. RIVENBARK: Yes, I would.

13 MR. STROUD: Thank you, sir. Now, ladies and gentlemen,
14 I am addressing this to all of the members of the panel, if I
15 may. I will list for you at this time the witnesses that will
16 probably appear for the State of North Carolina in these cases
17 and will ask you if you know them or - well, if you know them or
18 know anything about them. First of all will be Mr. Mike Poulas,
19 who is the owner or was the owner of Mike's Grocery Store located
20 on Sixth Street, in Wilmington, North Carolina.

21 (NO RESPONSE FROM THE JURY.)

22 MR. FERGUSON: Excuse me. May we ask that these
23 witnesses stand if any of them are present in the court room?

24 THE COURT: Yes.

25 MR. STROUD: None of them are present, your Honor.

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THE COURT: None of them are present?

MR. STROUD: That is correct, your Honor. Do any of you know Mr. Poulas?

(NO RESPONSE FROM THE JURY.)

MR. STROUD: How about Mr. William Chips, who is a young officer with the Wilmington Police Department? Do any of you know him? Mr. Bill Chips?

(NO RESPONSE FROM THE JURY.)

MR. STROUD: Mr. Clarence Fredlaw, who is a detective with the Wilmington Police Department? Do any of you know him?

(NO RESPONSE FROM THE JURY.)

MR. STROUD: Detective James Williams, Jimmy Williams, with the Wilmington Police Department?

(NO RESPONSE FROM THE JURY.)

MR. STROUD: Detective Hollifield, D. A. Hollifield, known as Bud, of the Wilmington Police Department?

(NO RESPONSE FROM THE JURY.)

MR. STROUD: Assistant Chief Glisson, of the Wilmington Fire Department?

(NO RESPONSE FROM THE JURY.)

MR. STROUD: J. D. Rhodes, of the Wilmington Fire Department?

(NO RESPONSE FROM THE JURY.)

MR. STROUD: Jerome Mitchell, of Wilmington, North Carolina?

1 (NO RESPONSE FROM THE JURY.)

2 MR. STROUD: Mr. Paul Campbell, who is an agent with
3 the A.T.F., Alcohol, Tobacco, and Firearms, of Wilmington, North
4 Carolina?

5 (NO RESPONSE FROM THE JURY.)

6 MR. STROUD: Mr. Allen Hawe, formerly a resident of
7 Wilmington, North Carolina?

8 (NO RESPONSE FROM THE JURY.)

9 MR. STROUD: Mr. Murton Wyce, of Wilmington, North
10 Carolina?

11 (NO RESPONSE FROM THE JURY.)

12 MR. STROUD: Mr. Tony Williams; he is a young man, of
13 Wilmington, North Carolina?

14 (NO RESPONSE FROM THE JURY.)

15 MR. STROUD: And Father Jones, a priest, of Wilmington,
16 North Carolina?

17 (NO RESPONSE FROM THE JURY.)

18 MR. STROUD: And Sgt. Hobbs, of the Wilmington Police
19 Department?

20 (NO RESPONSE FROM THE JURY.)

21 MR. STROUD: Now, do any of you know any of those
22 witnesses whose names I have called? These will be appearing
23 as possible witnesses for the state.

24 (NO RESPONSE FROM THE JURY.)

25 MR. STROUD: Now, Mr. Edens, are you a resident of

1 Pender County?

2 MR. EDENS: Yes, sir.

3 MR. STROUD: How long have you been a resident,
4 please, sir?

5 MR. EDENS: All of my life.

6 MR. STROUD: And how old are you, please?

7 MR. EDENS: Twenty-three.

8 THE COURT: What was your answer?

9 MR. EDENS: Twenty-three.

10 THE COURT: Twenty-one?

11 MR. EDENS: Twenty-three.

12 THE COURT: Speak a little louder, please.

13 MR. STROUD: Are you married, Mr. Edens?

14 MR. EDENS: No, sir.

15 MR. STROUD: What is your occupation, please, sir?

16 MR. EDENS: Plumber's helper.

17 MR. STROUD: Would the fact that the defendants in
18 these cases are young in age, would that in any way affect
19 your decision in this case?

20 MR. EDENS: No, sir.

21 MR. STROUD: You know none of them, is that correct?

22 MR. EDENS: That's correct.

23 MR. STROUD: Or their attorneys?

24 MR. EDENS: No, sir.

25 MR. STROUD: Or the witnesses for the defendants that

1 I called out?

2 MR. EDENS: No, sir.

3 MR. STROUD: Do you have any personal interest in the
4 outcome of this case?

5 MR. EDENS: No, sir.

6 MR. STROUD: Are you aware of any factor that might
7 prevent you from reaching a fair and impartial verdict in this
8 case.....

9 MR. EDENS: No, sir.

10 MR. STROUD:other than the evidence, the argu-
11 ments of counsel, and the charge of the Court?

12 MR. EDENS: No, sir.

13 MR. STROUD: If the state proved to you beyond a
14 reasonable doubt, Mr. Edens, that each of the defendants were
15 involved in and participated in planning and conspiring to burn
16 Mike's Grocery, in Wilmington, North Carolina, and that all of
17 the defendants were involved in the planning and conspiring to
18 assault emergency personnel in the vicinity of Mike's Grocery,
19 in Wilmington, North Carolina, would you find them guilty as
20 charged?

21 MR. EDENS: Yes, sir.

22 MR. STROUD: If the state proved to you beyond a
23 reasonable doubt that each of the defendants, with the exception
24 of the defendants Kirby and Shepard, that each of them were
25 involved in and participated in the burning of the store, Mike's

1 Grocery, in Wilmington, North Carolina, would you find them
2 guilty as charged?

3 MR. EDENS: Yes, sir.

4 MR. STROUD: All right. Mrs. Graham, is that correct?

5 MRS. GRAHAM: Yes.

6 MR. STROUD: Are you a resident of Pender County, Mrs.

7 Graham?

8 MRS. GRAHAM: Yes, I am.

9 MR. STROUD: How long have you been a resident, Mrs.

10 Graham?

11 MRS. GRAHAM: All my life.

12 MR. STROUD: Are you married?

13 MRS. GRAHAM: Yes, I am.

14 MR. STROUD: And do you have any children living at
15 home with you?

16 MRS. GRAHAM: Yes.

17 MR. STROUD: Are you employed outside of the home,
18 Mrs. Graham?

19 MRS. GRAHAM: Yes, I am.

20 MR. STROUD: What do you do?

21 MRS. GRAHAM: A cafeteria helper.

22 MR. STROUD: Is your husband employed?

23 MRS. GRAHAM: No. He is disabled.

24 MR. STROUD: Pardon?

25 MRS. GRAHAM: He is disabled.

1 MR. STROUD: Disabled?

2 MRS. GRAHAM: Yes.

3 MR. STROUD: Do you know any of the defendants?

4 MRS. GRAHAM: No.

5 MR. STROUD: Or their lawyers?

6 MRS. GRAHAM: No.

7 MR. STROUD: Or the witnesses for the defendants that
8 might appear?

9 MRS. GRAHAM: No.

10 MR. STROUD: The fact that the defendants are young
11 in age, would that in any way affect your decision?

12 MRS. GRAHAM: No.

13 MR. STROUD: Do you have any personal knowledge about
14 the incidents that occurred in Wilmington in February, of 1971,
15 with regard to Mike's Grocery Store?

16 MRS. GRAHAM: No. Only what I seen on television.

17 MR. STROUD: Do you -- You have watched it on tele-
18 vision and you have heard about it, is that correct?

19 MRS. GRAHAM: That's right.

20 MR. STROUD: Have you had any lengthy discussion or
21 any discussion with other people about the incidents that
22 occurred in Wilmington?

23 MRS. GRAHAM: No.

24 MR. STROUD: Have you heard anyone make a comment or
25 have you made a comment to anyone about the incidents?

1 MRS. GRAHAM: No.

2 MR. STROUD: Now, what you read in the newspaper and
3 what you have heard on television, would that - has that caused
4 you to form an opinion about the case with regard to the guilt
5 or innocence of the defendants?

6 MRS. GRAHAM: No.

7 MR. STROUD: Do you have any view as a result of what
8 you have heard and read, do you have any view that might in any
9 way be prejudicial to the state's case in the cases?

10 MRS. GRAHAM: No.

11 MR. STROUD: Do you have a personal interest of any
12 kind in the outcome of this case?

13 MRS. GRAHAM: No.

14 MR. STROUD: Would you in any way be embarrassed or
15 reluctant to serve on this jury?

16 MRS. GRAHAM: Beg pardon?

17 MR. STROUD: Would you in any way be embarrassed or
18 reluctant to serve on this jury?

19 MRS. GRAHAM: No.

20 MR. STROUD: Do you know or are you aware of any
21 factor that might influence your decision in this case if you
22 were to serve on the jury.....

23 MRS. GRAHAM: No.

24 MR. STROUD:other than the evidence that you
25 will hear, the arguments of counsel involved, and the charge

1 of the Court?

2 MRS. GRAHAM: (INDICATES NEGATIVE.)

3 MR. STROUD: If the state proved to you beyond a
4 reasonable doubt, Mrs. Graham, that each of these defendants
5 were involved in and participated in the planning and conspiring
6 to burn Mike's Grocery Store with an incendiary or incendiary
7 devices, and that all of the defendants were involved and par-
8 ticipated in the planning and conspiring to assault emergency
9 personnel, policemen and firemen who came in the are of Mike's
10 Grocery Store, in Wilmington, North Carolina, would you find
11 them guilty as charged?

12 MRS. GRAHAM: Yes.

13 MR. STROUD: If the state should prove to you by its
14 evidence and beyond a reasonable doubt that all of the defendants
15 with the exception of the defendants Shepard and Kirby were
16 involved and participated in the burning of the building at
17 Mike's Grocery Store, in Wilmington, North Carolina, would you
18 find them guilty as charged?

19 MRS. GRAHAM: Yes.

20 MR. STROUD: Thank you. Mr. Wells, you are a resident
21 of Pender County, is that right?

22 MR. WELLS: Yes, sir.

23 MR. STROUD: How long have you been a resident, please,
24 sir?

25 MR. WELLS: Twenty-five years.

1 MR. STROUD: Are you married, sir?

2 MR. WELLS: Yes, sir.

3 MR. STROUD: What is your occupation, please?

4 MR. WELLS: Retired.

5 MR. STROUD: What was your occupation before you
6 retired, please, sir?

7 MR. WELLS: Oh, farming.

8 MR. STROUD: Do you know -- You do not know any of the
9 defendants or their attorneys, is that correct?

10 MR. WELLS: That is correct.

11 MR. STROUD: Or the witnesses that were called out
12 that might appear for the defendants?

13 MR. WELLS: No, I don't.

14 MR. STROUD: Do you know anything -- Do you have any
15 personal knowledge with regard to the incidents that occurred
16 in Wilmington, in February, 1971?

17 MR. WELLS: No personal knowledge. Just what I have
18 read in the papers.

19 MR. STROUD: As a result of what you have read and
20 heard, have you formed an opinion about the guilt or innocence
21 of the defendants?

22 MR. WELLS: I am afraid I have.

23 MR. STROUD: Challenge for cause, your Honor.

24 THE COURT: The Court heard the response, "I am afraid
25 I have". All right. You may be excused. Proceed.

1 CLERK: (6) William Henry Moore (BLACK).

2 MR. STROUD: Mr. Moore, you have heard all of the
3 comments that I have stated thus far, have you not?

4 MR. MOORE: Yes, sir.

5 MR. STROUD: Do you know any of the defendants that
6 are on trial here?

7 MR. MOORE: No, sir.

8 THE COURT: Please speak up.

9 MR. STROUD: Do you know any of their attorneys?

10 MR. MOORE: No, sir.

11 MR. STROUD: Do you know any of the witnesses that
12 might appear for the defendants whose names I called out?

13 MR. MOORE: No, sir.

14 MR. STROUD: Do you know any of the witnesses that
15 might appear for the state whose names I called out?

16 MR. MOORE: No, sir.

17 MR. STROUD: You are a resident of Pender County, is
18 that correct, Mr. Moore?

19 MR. MOORE: Yes, sir.

20 MR. STROUD: How long have you been a resident?

21 MR. MOORE: All my life.

22 MR. STROUD: What is your occupation, please, sir?

23 MR. MOORE: I am retired.

24 MR. STROUD: What was your occupation before you were
25 retired?

MR. MOORE: Farming.

1 MR. STROUD: Are you married, sir?

2 MR. MOORE: Yes, sir.

3 MR. STROUD: Do you have any children living with you
4 in the home?

5 MR. MOORE: No.

6 MR. STROUD: You are aware of the charges that the
7 defendants are being tried for, is that correct?

8 MR. MOORE: Yes, sir.

9 MR. STROUD: You heard me review that, is that correct?

10 MR. MOORE: Yes, sir.

11 MR. STROUD: Would your decision in this case if you
12 were to serve on the jury, would your decision in any way be
13 influenced by the age of the defendants?

14 MR. MOORE: No, sir.

15 MR. STROUD: Do you have any personal knowledge of
16 the incidents that took place in Wilmington during February, of
17 1971?

18 MR. MOORE: Only what I heard and seen.

19 MR. STROUD: By what you've seen, you mean on tele-
20 vision?

21 MR. MOORE: Yes, sir.

22 MR. STROUD: You have read about the matter?

23 MR. MOORE: A little, yes, sir.

24 MR. STROUD: And you have heard it on television and
25 radio?

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MR. MOORE: Yes, sir.

MR. STROUD: Do you recall what you heard? I'm not asking you to repeat it.

MR. MOORE: No, sir, I haven't.

MR. STROUD: As a result of what you heard, have you formed an opinion about the guilt or innocence of the defendants?

MR. MOORE: No, sir; no, sir.

MR. STROUD: Do you know of any factor whatsoever that might in any way influence your decision in this case.....

MR. MOORE: No, sir.

MR. STROUD:other than the evidence and the arguments of counsel and the charge of the Court?

MR. MOORE: No, sir, I don't.

MR. STROUD: Do you have any personal interest in the outcome of this case?

MR. MOORE: No, sir.

MR. STROUD: Are you aware of any factor that would prevent you from returning a fair verdict in the case?

MR. MOORE: No, sir, I don't.

MR. STROUD: If the state should prove to you beyond a reasonable doubt/that each of the defendants were involved and participated in the planning and conspiring to burn Mike's Grocery Store, in Wilmington, North Carolina, with an incendiary or incendiary devices, and that each of the defendants were involved and participated in planning and conspiring to assault

1 emergency personnel, police officers and firemen in the vicinity 96
2 of Mike's Grocery Store in Wilmington, North Carolina, would you
3 find them guilty as charged?

4 MR. MOORE: Yes, sir.

5 MR. STROUD: If the state should prove to you beyond
6 a reasonable doubt that each of the defendants, with the excep-
7 tion of the defendants Kirby and Shepard, were involved and
8 participated in the actual burning of Mike's Grocery Store with
9 an incendiary or incendiary devices, would you find them guilty
10 as they are charged?

11 MR. MOORE: Yes, sir.

12 MR. STROUD: Mrs. Sidbury, you are a resident of
13 Pender County, is that correct?

14 MRS. SIDBURY: Yes, sir.

15 MR. STROUD: How long have you been a resident, please,
16 ma'am?

17 MRS. SIDBURY: All of my life.

18 MR. STROUD: And are you married, ma'am?

19 MRS. SIDBURY: Yes.

20 MR. STROUD: What does your husband do, please?

21 MRS. SIDBURY: He works for Rochelle Furniture Company,
22 near Fair Bluff.

23 MR. STROUD: Are you employed outside the home at
24 all, ma'am?

25 MRS. SIDBURY: No, sir.

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MR. STROUD: You know none of the defendants or their attorneys?

MRS. SIDBURY: I do not know any that you have named this morning, witnesses, attorneys, or defendants.

MR. STROUD: Do you have any personal knowledge about the incidents that occurred in Wilmington, North Carolina, in February, 1971?

MRS. SIDBURY: The only thing, a boy who married my granddaughter was with the fire department in Wilmington at the time, and I have heard some things from him; however, I do not know of anyone by name. You know, I've heard of the incident, but not of anyone with respect to it.

MR. STROUD: So, you are saying you have no personal knowledge, but you have heard certain things?

MRS. SIDBURY: No personal knowledge, no, sir, but I have heard him talk right much, to him and his wife.

MR. STROUD: Not repeating what you recall, but do you recall what he said or they said about the incident?

MRS. SIDBURY: Not any specific instance.

MR. STROUD: Do you recall any statement with regard to an incident at Mike's Grocery Store, not repeating what you recall, if anything?

MRS. SIDBURY: No, sir.

MR. STROUD: Now, have you heard or read anything about the incident in February, 1971, in Wilmington?

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MRS. SIDBURY: I have read about it, yes.

MR. STROUD: Do you recall what you have read, without repeating what you recall, if anything?

MRS. SIDBURY: Not to any degree.

MR. STROUD: Do you recall having read or heard anything about the burning of Mike's Grocery Store?

MRS. SIDBURY: I read about it, but when you don't know the people you just don't retain those things. I don't remember in detail.

MR. STROUD: Are you aware of any factor that would prevent you from serving as a fair and impartial juror in this case?

MRS. SIDBURY: No, sir.

MR. STROUD: Is there any factor that you are aware of that would influence your decision in the case if you serve on the jury other than the evidence and the arguments and the charge of the Court?

MRS. SIDBURY: No, sir.

MR. STROUD: If the state should prove to you beyond a reasonable doubt that each of the defendants were involved in and participated in the planning and conspiring to burn Mike's Grocery Store, in Wilmington, North Carolina, with an incendiary device, and that each of the defendants were involved and participated in the planning and conspiring to assault emergency personnel, firemen and police officers, in the area of Mike's

1 Grocery Store, in Wilmington, North Carolina, would you find
2 them guilty as charged?

3 MRS. SIDBURY: Yes, sir.

4 MR. STROUD: If the state should prove to you by its
5 evidence and beyond a reasonable doubt that each of the defen-
6 dants, with the exception of the defendants Kirby and Shepard,
7 were involved and participated in the burning of Mike's Grocery
8 Store, in Wilmington, North Carolina, with an incendiary or
9 incendiary devices, would you find those defendants guilty as
10 charged?

11 MRS. SIDBURY: Yes, sir.

12 MR. STROUD: You are Mrs. Lisane?

13 MRS. LISANE: Yes, sir.

14 MR. STROUD: Are you a resident of Pender County, Mrs.
15 Lisane?

16 MRS. LISANE: That's right.

17 MR. STROUD: How long have you been a resident, Mrs.
18 Lisane?

19 MRS. LISANE: All my life.

20 MR. STROUD: Are you married to anyone?

21 MRS. LISANE: Yes.

22 MR. STROUD: What is your husband's occupation, please?

23 MRS. LISANE: Construction.

24 MR. STROUD: And are you empbyed outside the home at
25 all?

1 MRS. LISANE: Yes.

2 MR. STROUD: In what capacity?

3 MRS. LISANE: Cleaning.

4 MR. STROUD: Do you know any of the defendants or
5 their attorneys?

6 MRS. LISANE: No.

7 MR. STROUD: Did you recognize the names of any of
8 the witnesses who might appear for the defendants in these
9 cases?

10 MRS. LISANE: No.

11 MR. STROUD: Do you have any personal knowledge of
12 the incidents that occurred in February, of 1971, in Wilmington,
13 North Carolina?

14 MRS. LISANE: No.

15 THE COURT: Speak just a little louder, please.

16 MR. STROUD: And do you recall hearing or reading or
17 having received from some other source information concerning
18 the incidents that occurred in Wilmington, North Carolina, in
19 1971 in February?

20 MRS. LISANE: No.

21 MR. STROUD: Do you have an opinion as to the guilt
22 or innocence of any of these defendants?

23 MRS. LISANE: No.

24 MR. STROUD: Do you recall reading or hearing anything
25 about any of these individual defendants?