

PAGE COUNT OF 50 PAGES

my neck like it be's - this light makes my head start hurting and hurts my eyes. This last Sunday a year ago I had to come to the hospital with a nervous breakdown or something. I feel like I am going to pass out. I haven't had anything to happen in quite a while.

Q ~~You~~ feel that ~~you~~ will be physically unable to serve because of this condition?

A ~~Yes, sir.~~

Q You, Mr. Atkinson, feel you will be physically unable to serve because of your condition?

A That is right.

MR. FERGUSON: Your Honor, I would ask the Court to excuse those jurors.

THE COURT: We sure are having a lot of sick people around here, aren't we? I am going to excuse those three people. All three of you may stand aside. Go ahead and pass on the rest of the jurors.

Q Now I assume that the remaining persons on the jury feel at least that physically you are able to sit on the jury and serve. Is that correct?

A (Juror 6) I don't. I have a nervous condition and my nervs goes into a spasm and sometimes they have to take me to the hospital as tension rises when something upsets me.

~~Q When was the last time you had this?~~

~~A I am taking medicine from the doctor.~~

~~Q Has the condition ^{has} seemed to worsen since you came up yesterday?~~

~~A Yes, I didn't sleep very well last night.~~

~~Q How do you feel right now?~~

~~A I feel pretty good now, but I took a nerve pill.~~

Q Do you feel you could serve throughout an extended trial?

A I don't know. I'll serve if I am able.

Q Right now you feel all right?

~~A Right now I do, but if you have to take me to the hospital don't be surprised.~~

Q I am just trying to find out do you feel that your condition would in anyway effect your ability to sit and listen to the evidence in this case?

A No, I'll try.

Q Now have any of you had occasion to reconsider any answers that you gave to me to any questions that I asked on yesterday regarding any influence or opinions, fixed opinions. that you might have involving these cases that you would have difficulty putting out of your mind? How many of you regularly view Channel 6?

A (Juror 7) What is that?

Q How many of you regularly view Chanel 6 on your television? That is everybody except Mr. Woodcock and Mrs. Mewborn.

A (Juror 11) I do.'

Q Did you raise your hand?

A No, I did not. (Juror 9)

Q Everybody except Miss Simmons?

A (Juror 10) I had my hand raised. I must took it down too quick.

Q What about Chanel 3. Do any of you subscribe to the Hanover Sun paper? That is a Wilmington weekly. Do any of you regularly read that paper? Have any of you read anything in that paper regarding any of these defendants or the charges against these defendants? You have, Miss Simmons?

A Yes, I have.

Q Do you recall any of the defendants' names being mentioned in the article?

A No, I really don't. Of course, Benjamin Chavis. That is the only one that I remember.

Q Do you remember reading something in there about Benjamin Chavis?

~~A Yes,~~

Q Have you read more than one article in that paper?

A No, I have never read it, but maybe once or twice.

Q Do I understand that occasionally you do read the Hanover Sun?

A Not occasionally. I have read it maybe once or twice since it has been in publication.

Q Did somebody call your attention to it?

A Not really. I didn't by the copy.

Q Is there ^{no} anything ^{you} read in that article that gave ^{me} you an opinion adverse to the defendant?

A ~~No, not at all.~~

Q You feel you have an open mind about the case now?

A Yes, sir.

THE COURT: Mr. Lawyer, I want you to direct those questions to all of the panel.

MR. FERGUSON: Yes, sir, your Honor. She was the only one that read that.

THE COURT: Ask as general questions as you can and move along.

Q Now, ladies and gentlemen of the jury, it so happens in this case that nine of the defendants on trial are black persons. The store that they are charged with burning is owned by Mike Poulos, a white person in Wilmington. Let me as first if any of you presently have any feelings of racial prejudice against black people. This is would any of you more readily convict these persons because they are black than you would if they were white?

Do any of you feel more strongly about this case because the person whose store was allegedly burned was white? All of you feel that you could put that out of your minds and not let it influence your verdicts one way or the other in the trial of this case? One of the defendants in this action, Mrs. Shepard, is white, young white lady. Does the fact that nine black men are charged along with one white woman give any of you any feelings about any of the defendants in this case which might be adverse to them or against them? Do any of you harbour any feelings of racial prejudice that you are aware of whatsoever? Have any of you ever belonged to any clubs or organizations which has as one of its tenets white supremacy?

SOL. STROUD: Objection.

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

Q If during the trial of this case white persons should testify on behalf of the State and black persons on behalf of the defendants would any of you tend to take the word of a white person over a black person just because of the race involved? You have heard the Court on a number of occasions explain to you the law in the case regarding presumption of innocence and the right of the defendant to remain silent

and all of you have stated that you will follow the law in that regard. Let me ask if any of you have any personal feelings regarding the guilt or innocence of the defendants which you might have some difficulty putting aside? In other words, have any of you ever at anytime felt that any of these defendants was guilty? Have you ever felt that way, Mr. Crom?

MR. JOHNSON: We object, your Honor.

SOL. STROUB: He asked the question to the panel.

If anyone responds -

THE COURT: Is that correct? Direct your question to the panel. If anyone responds -

MR. FERGUSON: Your Honor, I directed it to the panel, but -

THE COURT: Direct your question to the panel.

Q Have any of you at anytime felt that any of the defendants were guilty of the charges against them? Would you answer yes or not so that I can hear you?

A (All) No.

Q Let me just ask this question now. Do any of you know of a reason which you may wish to express or may not wish to express to me now why you feel that you could not serve and be completely fair and impartial as a juror in this case? If you have such a reason indicate so by raising your hand.

MR. FERGUSON: The defendants will excuse the following persons. Mr. Croom, Mr. Carter, Mrs. Hall, Mr. Dixon, Mrs. Padgett, Mr. Woodcock, Miss Mewborn, Mr. Flynn.

Q Miss Simmons, do you right now feel that you could sit as a juror in this case?

A Yes, sir.

Q With a completely fair and open mind?

A Yes, sir; I could.

Q Base your verdict solely on the evidence as it is presented from the witness stand and give each one of these defendants the presumption of innocence to which they are entitled right now?

A Yes, sir.

~~Q~~ You presume them all to be innocent right now?

~~A~~ Yes, sir.

Q The defendant is satisfied.

EXAMINATION BY THE COURT:

Q You told me yesterday at the bench that you live in this county?

A Right.

~~Q~~ You work here?

~~A~~ Right.

~~Q~~ But that you have an apartment over in Wilmington that you use occasionally?

~~A~~ Right.

~~Q~~ But this is ^T your ^{my} home? This is where you ^I live?

~~A~~ Right. I am registered in this county.

Q How much time do you spend, say, out of a month in Wilmington?

A I usually spend most weekends.

Q I believe you said you had heard or read something about the case. Have you discussed the case with people from Wilmington?

A No, I have not. In fact, most of my friends are not in Wilmington.

~~Q~~ Where is ^T the school that you ^{I am} are Assistant Teacher at?

~~A~~ In Hampstead.

~~Q~~ Are you a native of Pender County?

~~A~~ Yes, I am.

~~Q~~ You have relatives in Wilmington?

~~A~~ Yes, I have a brother living in Wilmington.

Q What is the name of the school that you work at?

A Topsail High School.

SOL. STROUD: Your Honor, may we approach the bench a minute?

(Conference at the bench.)

THE COURT: Anything further, Mr. Ferguson?

MR. FERGUSON: I have no further questions.

THE COURT: Do you pass the juror?

MR. FERGUSON: We pass the juror.

THE COURT: What says the defendant Shepard,
Mr. Hunevol?

MR. HUNEVOL: Pass this juror.

THE COURT: Madam Clerk, call 11 jurors.

Raeferd Eugene Brown - Juror #1 (W)

~~Willie Hill~~ - Juror #2 (B) ✓

Carl Walker - Juror #3 (W)

Evelyn Laughter - Juror #4 (W)

Luby F. Jones - Juror #5 (W)

~~Clarestine Johnson~~ - Juror #6 (B) ✓

Christine J. Carr - Juror #7 (W)

Gene Raymond Chadwick - Juror #8 (W)

Janet C. Gurganus Boney - Juror #10 (W)

~~John Allen Hayes~~ - Juror #11 (W)

Mary Margaret B. Haynes - Juror #12 (W)

THE COURT: Members of the jury, you heard me make
some explanation as to the duty of the jury and
the law yesterday. You could hear me all right?
Now, members of the jury, starting with the
gentleman number one on the back row would you
tell me your residence, please sir?

A I am from Burgaw.

~~Q~~ Have you lived in this county for sometime?

~~A~~ Yes, sir, all my life.

~~Q~~ What is your marital status?

~~A~~ I am married.

~~Q And your employment?~~

~~A~~ *I am* Post Master here in Burgaw.

~~Q And the members of your family?~~ *There are 5* *my*

~~A~~ Five.

Q Your residence? (To juror No. 2.)

A Burgaw

~~Q How long have you lived in this county?~~ *I*

~~A~~ 25 years.

Q Your marital status?

A Wife and 5 children.

~~Q Where are you employed?~~ *I am* *at*

~~A~~ Martin Railroad, Castle Hayne.

Q Your residence? (To Juror No. 3.)

A Currie.

Q How long have you lived in this county?

A I was gone for 25 years in the Navy. I am back here for about 3 years.

~~Q Your marital status?~~

~~A~~ *I am* Separated.

~~Q Your employed?~~

~~A~~ *I am* Self-employed.

Q What kind of work?

A T V service.

Q Your residence? (To Juror No. 4.)

A Wallace.

~~Q You have lived in this county for sometime?~~ *I*

~~A~~ All my life.

~~Q Your marital status?~~

~~A~~ *I am*
Separated.

~~Q Your employment?~~

~~A~~ *I am employed at*
Wallace Sewing Company.

Q Next gentleman, your residence? (To juror no. 5)

A Burgaw.

~~Q The length of time you have lived in this county?~~

~~A~~ Five years.

~~Q~~ *I am*
~~You are married?~~

~~A~~ Married.

~~Q Your employment?~~

~~A~~ *I do*
Construction work *with*

~~Q~~ With whom?

~~A~~ Yeargans Construction, Wilmington.

~~Q~~ *I*
~~Do you have any children?~~

~~A~~ One.

Q The next lady, your residence? (To Juror No. 6)

A Burgaw.

~~Q~~ *I*
Have you lived in this county for sometime?

~~A~~ Yes, I have.

~~Q Your marital status?~~

~~A~~ *I am*
Married.

~~Q Your employment?~~

~~A~~ *I work at*
Burgaw Cafeteria.

Q The ladie over here, your residence? (To juror
No. 7)

A Willard.

~~Q~~ Have ~~you~~ lived in this county for ~~some~~time?

~~A~~ Eight years.

~~Q~~ Your marital status?

~~A~~ *I am* Married.

~~Q~~ Your employment, do you work outside the home?

~~A~~ Yes, I own and operate a beauty shop.

~~Q~~ Do you have children?

~~A~~ Two.

Q The next gentleman, your residence? (To juror no. 8)

A Burgaw.

~~Q~~ *I have lived* Length of residence in this county?

~~A~~ All my life.

~~Q~~ Your marital status?

~~A~~ *I am* Married.

~~Q~~ Your employment?

~~A~~ *I am employed by the* N. C. State Highway Commission *in the*

~~Q~~ What capacity?

~~A~~ Landscaping Department.

Q Member of your family?

A One.

Q Your residence? (To juror no. 10)

A Willard.

~~Q~~ You have lived in this county for ~~some~~time?

~~A~~ Yes, sir, 25 years.

~~Q~~ ~~Your marital status?~~

I am
A Married.

~~Q~~ ~~Do you work outside the home?~~

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

~~Q~~ ~~Where?~~

I
A Wallace Drug Company.

~~Q~~ ~~Do you have children?~~

not
~~A~~ ~~No, sir.~~

Q The next gentleman, your residence? (To juror no. 11)

A Willard.

I
~~Q~~ ~~Have you lived in this county for sometime?~~

I am
~~A~~ 35 years.

~~Q~~ ~~Are you married?~~

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

~~Q~~ ~~Where do you work?~~

I
~~A~~ ~~Nowhere.~~ Don't have no job.

(I am)
~~Q~~ ~~Are you retired?~~

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

~~Q~~ ~~Where did you work before you retired?~~

I
~~A~~ I farmed.

Q Do you have children?

A Nobody but me and my wife.

Q The lady, your residence? (To juror No. 12)

A Yes, sir; 7 years Hampstead.

(I am)
~~Q~~ ~~Are you married?~~

~~A~~ ~~Yes.~~

~~Q~~ ^A Do you work outside the home? ^{not}

~~A~~ No.

~~Q~~ Do you have children? ³

~~A~~ Three.

Q Now, members of the jury, as a group, have any of you served on a jury during the last two years? Have any of you formed or expressed an opinion as to the guilt or innocence of either of the defendants in these cases? Have any of you a prejudice or bias against the State of North Carolina which would prevent you from bringing in a fair and impartial verdict in these cases? If so, raise your hands. Have any of you a prejudice or bias against either of the defendants which would prevent you from rendering a fair and impartial verdict in either of these cases? If so raise your hand. Do any of you know of any reason of your own that would prevent you from being a fair and impartial juror in these cases? If so, please raise your hand. Is there any reason why any of you would not be willing to follow the law as given to you in these cases by the Court? If so raise your hand. Is there any reason that has been suggested that would prevent anyone from being fair and impartial in these cases? If so, please raise your hand. What says the State?

EXAMINATION BY MR. JOHNSON:

Q My name is Dale Johnson. I am assisting -

THE COURT: Mr. Solicitor, do not go into any matters in the law in these cases.

Q Are all of you at this time aware of what the charges are against these 10 defendants? Were you all here in the courtroom yesterday when they were mentioned? Do all of you understand the necessity of the lawyers in this case asking you questions? We are not trying to pry into your affairs. Do any of you know any of the witnesses for the State who are here in the courtroom today? This is Mr. Fredlaw who is a detective with the Wilmington Police Department. Do any of you know him? This is Allen Hall. Do any of you know him? This is Jerome Mitchell. Do any of you know him? The gentleman beside Mr. Mitchell is Mr. Curtis Register of the State Bureau of Investigation. Do any of you know him? This is W. C. Brown who is a detective with the Wilmington Police Department. Do any of you know him? And the list of policemen from the City of Wilmington that were called out and also the list of firemen - Yes, sir; Mr. Jones?

A Billy Chipps, which is known as Willie Chipps on there.

Q How well do you know him?

A I went to school with him.

e f Do you ^{not} think their presence in the trial of this case would keep ^{me} you from rendering a fair and impartial verdict?

~~A No, sir.~~

e f Do you ^{not} think you could sit, listen to what the witnesses say under oath and render a fair and impartial verdict?

~~A No, sir.~~

Q Have you heard these cases discussed whatsoever by these people?

A No, sir. There is one thing I want to say. I was in a riot down in Wilmington. I stayed down there for a week. Nobody knows what it is like until they are down there.

~~Q What kind of employment did you have? What reason were you there?~~

~~A I was in the National Guard.~~

Q Do any of you know the young black man that was killed during this period of time, February of 1971? His name was Steve Corbett or Steve Mitchell. Mr. Hill, you didn't know him?

A No.

Q Do you, any of you, know Mrs. Bell Fennell who owned one of the houses that was burned down right

near Mike's grocery during this period of time?

MR. FERGUSON: Objection.

THE COURT: I really didn't hear the question.

Would you repeat the question?

MR. JOHNSON: I asked the jurors if they knew Mrs. BELL Fennell who was a black woman in Wilmington who owned one of the houses that was burned down near Mike's grocery in February 1971.

THE COURT: Are you asking of the entire panel?

MR. JOHNSON: Yes, sir.

THE COURT: Overruled. Go ahead.

MR. FERGUSON: Your Honor, may I approach the bench?

(Conference at the bench.)

THE COURT: I'll sustain the objection as to the question.

Q Did any of you state whether or not you knew Mrs. Bell Fennell? Nobody knows her. Is that right?

If you would, everyone give me an answer of some type. I notice every now and then there is someone not shaking their head. Do any of you know Mr. and Mrs. James Jackson who resided in a home that was burned down beside Mike's grocery?

MR. FERGUSON: Objection.

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

Q Does anyone know Mr. and Mrs. James Jackson? Does

anyone know Mrs. McKeithan who lived in a home that was burned beside Mike's grocery?

MR. FERGUSON: Objection.

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

Q Does anyone know Mrs. McKeithan who resided close to Mike's grocery in Wilmington? Nobody knows her? Is there anyone on this panel familiar with the area around 6th Street, Ann Street and Nun Street in Wilmington? Nobody is? Do any of you know any of the other persons that are here in the courtroom summoned to be jurors or anyone who has gone on the panel ahead of you?

A (Several hands raised.)

Q Yes, sir, Mr. Brown, who do you know?

A I knew Mr. Croom who sat here and Mr. Dixon and Mrs. Wagstaff and -

~~Q~~ ^{No} Anybody on this panel that you know right now?

~~A~~ NO.

~~Q~~ ^{that I am} Or you are personally acquainted with other than seeing them?

~~A~~ No, sir.

Q Mr. Walker, do you know anyone on this panel?

A No.

Q Other than by sight is what I mean. Mrs. Boney?

A I know Mrs. ^{Christine} Carr.

~~Q Mrs. Christine Carr?~~

~~A Yes.~~

~~Q Are you any kin to her?~~

~~A No.~~

A I also know her. (Juror no. 4)

Q Would the fact that Mrs. Carr was on the panel make any difference to you as far as rendering a fair and impartial verdict? Will each of you go by the law as the Court instructs you, the law is as he has asked you to do regardless of what you think the law should be or is? Will you do that? Do you feel that any man or any person is above the law? Do you at this time feel that the defendants in this case are being unfairly indicted? How about you, Mrs. Johnson?

~~A I don't know.~~

~~Q You just don't know?~~

A I just don't know.

Q Could each of you on this panel, assuming the State convinces you beyond a reasonable doubt, come back into this courtroom, face these defendants and anyone else that might be here and render a guilty verdict against him?

THE COURT: Just a minute. I do not think that is a proper question. I am going to instruct the jury as to the law in these cases. I do not

wish for any of you to ask any questions regarding the law. I expect the jury to follow the law.

Q In the event that you are chosen to be jurors in this case do you feel that it might be embarrassing to you to go back to your home or your family or to see your friends as a result of any verdict that you might bring in regardless of what verdict, whether it is guilty or not guilty? Would it be embarrassing you feel like regardless of what verdict you brought in? Do each of you feel at this time regardless of what you might have known or heard about this, do you feel that you do have a fair and open mind about this matter at this time? I am sure some of you probably have heard something about it and everyone gets a reaction or impression from something; but do you feel like that you can sit in this courtroom in these chairs that you are sitting in now and listen to these witnesses that are under oath and render a fair and impartial verdict based solely on that and nothing else or based solely on what you hear here as opposed to what I might have heard somewhere else? Do any of you at this time know of any reason that would keep you from doing it? Any reason? Do you now feel like that each of you are prepared to do the

duty that you will be required to do as a juror in the event you are sworn in as a juror for this trial? Each of you prepared to do that? AGain, realizing you might have heard or read something about this case is there anyone here who feels like they know what all of the State's evidence is going to be against any one of these defendants? None of you know what it is going to be, do you? Do any of you read the Wilmington Journal?

A (Juror 1) I have read it.

(Juror 12) I have read one or two.

(Juror 6) I have read it.

(Juror 11) I don't take a paper of no kind.

Q Has any member of this panel ever held or presently held a view that would be sympathetic toward the defendant at this point? How about the members of the jury at this end? Do anyone of you hold sympathetic views for the defendants?

MR. FERGUSON: Objection, your Honor. There is no way in the world a jury can properly respond to that.

SOL. STROUD: Your Honor, may we approach the bench?)

(Conference at the bench.)

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

Q I'll ask the question again. If you will, give me an answer one way or the other. Have you or do you presently hold any view that you would consider sympathetic towards the defendants at this time? How about you, Mrs. Johnson?

A I do.

Q Realize I am not trying to pry. We are just trying to see if everyone can be fair and impartial both to the State and to the defendant. How do you feel about this matter?

A I can't help but feel sorry for them because I have boys.

Q As a result of the fact that you do have sons it might be, I presume, approximately the same age of these defendants?

A Yes.

Q You feel like when you go back to deliberate it, it might be in the back of ^{my} your mind?

~~A I sure do.~~

Q As a result of that do you feel like that it might keep you from rendering your verdict on something that is not in evidence?

A I'd want to do what is right, but still I could not help from feeling sorry for them.

Q AS a result of that do you feel like you might have a leaning towards the defendants and that that

might in some way color your impression of what the evidence is?

MR. BALLANCE: Objection.

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

A I do feel like if I feel sorry for them it would be hard for me. I just feel sorry for them. I just couldn't open up.

Q Regardless of how you feel you feel like it would be hard for you to be fair and impartial?

A I still would want to be fair but by me feeling sorry for them it still would do something to me.

~~Q I can't hear.~~

A I feel sorry for them. It is just hard for me. I don't know.

Q At this point feeling like you do, do you feel like you could give the State of North Carolina and the defendants a fair trial?

A I would do that the best I could.

Q However you feel, however small it might be, do you feel like that would be in the back of your mind during this trial?

A I would be honest.

Q So you feel like that is not going to interfere with you whatsoever? You are the only one that knows. Nobody else knows.

A I'll tell the truth, but still regardless I feel

sorry for them. I'll tell the truth the way I feel about it but I feel sorry for them.

Have 4
Q ~~How many children, do you have?~~

A ~~Four.~~

Q ~~What are they?~~ *They are boys.*

A ~~Three boys.~~

Q Does anybody else feel the same way Mrs. Johnson Does?

MR. FERGUSON: Objection.

THE COURT: Sustained.

A I do.

Q Mr. Hayes, do you feel like you presently hold some sympathy for the defendants?

A Yes, I feels sorry for anybody that I see in trouble no difference who it is. I am like Mrs. Johnson. I have some boys. They is coming on. I feel sorry for anybody. I do.

Q If you feel sorry for anybody do you necessarily feel sorry for these defeddants; or would you feel sorry for anybody who is sitting over there?

A Anybody who is sitting over there regardless to the color I'd feel sorry for them.

Q Mr. Hayes, you are the only one that knows. Do you feel like that is going to keep you from being fair and impartial?

A I would be fair with anybody. I'd go along with

the truth anywhere.

Q Knowing how you feel?

A That is the way I feel. I'd go along with the truth.

Q If the State convinces you personally beyond a reasonable doubt that these defendants are guilty of what they are charged with would you bring back a guilty verdict?

THE COURT: That is a matter of law. Sustain the objection.

Q As a result of how you feel do you feel that it will keep you from being fair and impartial?

A Yes, I'd be fair with them

THE COURT: The question is in these cases, gentlemen, is whether they will follow the instructions of the Court as to the law. I might say right at this point. This is not a question of sympathy for anyone. Nor is it a question of prejudice against anyone. The duty of jurors is to take the evidence as it comes from the mouths of the witnesses; take the law as given by the Court and find the facts that speak the truth. Sympathy has no place in the trial of a lawsuit.

SOL. STROUD: Your Honor, may we approach the bench?

THE COURT: Yes, sir.

(Conference at the bench.)

THE COURT: Members of the jury, everyone has requested a recess at this time. It is about 11 o'clock. We'll take about a 10 minute recess. I'll ask the jurors in the box to retire to your room. Sheriff, be sure they have coffee or cold drinks or whatever they desire and let me caution you now, members of the jury; and this applies to all jurors. Do not discuss this case with anyone nor allow anyone to discuss it with you or in your presence. Do not discuss it among yourselves. If anyone should try to talk to you about this case just get their names and let me have their names. We'll take a recess for about 10 minutes. You go to your room.

(The Court recessed from 11:03 until 11:15 A M.)

THE COURT: Strike out "sympathy has no place in a lawsuit."

EXAMINATION BY MR. JOHNSON Continues:

Q The Court failed to ask you at this time do you know any of the defendants. Do you know any of the defendants in this case? Do you happen to have seen them anywhere by associating with them or seeing them in person whatever? Do you know any of the attorneys involved in this case, Mr. Ballance,

Mr. Hunevol or Mr. Ferguson? Have you ever seen them anywhere? What religious denomination are you, Mr. Brown?

A I am Baptist

A (2) Baptist

(3) Baptist

(8) Baptist

(5) Baptist

(6) Baptist

(7) Holiness

(8) Holiness

(9) Baptist

(10) Presbyterian

(11) Baptist

(12) Baptist

Q Have any of you talked about this case since you arrived here? Have any one of you discussed it since you arrived here? And, Mrs. Johnson, have you read anything in the Wilmington Journal that you feel would keep you from being fair and impartial in the trial of this case?

A No.

MR. JOHNSON: Your Honor, the State will excuse Mrs. Hill (2), Mr. Johnson (6) and Mr. Hayes (11)

THE COURT: Call 3 more jurors.

Annette T. Wells - Juror #2 (W)

William Henry Malloy - Juror #6 (B)

Mattie Hicks Moore - Juror #11 (B)

EXAMINATION BY THE COURT:

Q I'll be addressing my questions this time to the last three jurors who came up here. Let me ask you, the lady in the front there, your residence?

A (Juror 11) Rocky Point.

~~Q~~ Have you lived in this county for ~~some time~~?

~~A~~ All my life.

~~Q~~ ^{I am} Are you married?

~~A~~ Yes.

~~Q~~ Do you work outside the home?

~~A~~ Yes, I work at Rocky Point Elementary ^{School}.

~~Q~~ Elementary School?

~~A~~ Yes.

Q Who is the other person? Where do you live?

A (Juror 2) Route 1, Watha.

~~Q~~ ^{I am} Are you married?

~~A~~ Yes.

~~Q~~ ^Q Do you work outside the home?

~~A~~ No.

~~Q~~ ^{He} What business is your husband in?

~~A~~ He teaches occupational education at Penderlea School.

Q The gentleman, where do you live?

A (Juror #6) Rocky Point.

~~Q Have you lived in this county for sometime?~~

~~A All my life.~~

~~Q *I am* Are you married?~~

~~A Yes, sir.~~

~~Q Where do you work?~~

~~A I work around home now.~~

~~Q *I am* Are you retired?~~

~~A Yes, sir.~~

Q Where did you work?

A I work for Mr. (didn't get the name)

Q Arming?

A Yes, sir.

Q Let me ask you three jurors that just came in the box, have either of you served on the jury during the last 2 years?

A (Response no.)

Q Have either of you formed or expressed an opinion as to the guilt or innocence of either of the defendants in these cases? Have either of you a prejudice or a bias against the State of North Carolina which would prevent you from rendering a fair and impartial verdict in these cases?

A (Response no.)

Q Have either of you a prejudice or bias against

either of the defendants which would prevent you from rendering a fair and impartial verdict in these cases? Do either of you know of any reason of your own that would prevent you from being a fair and impartial juror in these cases? Is there any reason why either of you would not be willing to follow the law as given you in these cases by the Court? What say the State?

EXAMINATION BY MR. JOHNSON:

Q I'll be addressing my questions to the last three jurors. So you understand the purpose of my asking these questions to you the purpose being to find out if you can be fair and impartial and are competent to be a juror in this case. Do you understand that? Mr. Malloy?

A Do what now?

Q Do you understand the reason I am asking you these questions? Do you realize I am asking you these questions not trying to pry into your personal affairs but to see if you can be a fair and impartial juror in these cases and to see if you are competent to sit as a juror in these cases. Do you understand the necessity of being just as frank and honest as you can be? Do each of you know and understand what the charges are in the trial

trial of this case? If you don't i'll tell you again what they are. Did you hear them in the audience? Do you remember, Mr. Malloy, generally what they are?

A No.

Q Nine of these defendants are charged with conspiring to assault emergency personnel, law enforcement officers and firemen. The same nine are charged with burning of the building known as Mike's grocery in Wilmington last February '71 with incendiary devices, to wit, firebombs. Mrs. Ann Shepard is charged with accessory before the fact. With that I'll ask you this question. Do you know any of the defendants? Have you ever seen any of the defendants? Or have you ever associated with or been with anyone who has associated with the defendants? How about the attorneys for the defendants, Mr. Frank Ballance of Warrenton and James Ferguson of Charlotte; Mr. Mat Hunevol of Wilmington? Do you know either one of these attorneys? Mr. Hohn Harmon is presently not here. Do you know him? Do you ever see them or talk to them? Has anyone talked to you since you arrived here for jury duty; made any comment or remark whatsoever about this case? Do you know any of the State's witnesses in this case? There is about 30 of them that Mr. Stroud called out yesterday. Do you know

any of them? Mr. Malloy, do you remember the names I called out or did any names strike you of the 10 or 15 policemen?

A I know Mr. James and Player.

~~Q~~ They are jurors?

~~A~~ Yes.

~~Q~~ But you don't know any of the State's witnesses that ^{you} ~~we~~ called?

~~A~~ No, sir.

~~Q~~ Do you know any of these witnesses that are sitting up here with ^{you} ~~us~~? ^{you vs the other jurors.} ~~The other jurors?~~

~~A~~ No, sir.

~~Q~~ Did you know Steve Corbett, ^a young man who was killed in Wilmington during the situation?

~~A~~ No.

~~Q~~ Did you know ^{not} ~~or~~ do you know ^{now} Mrs. Bell Fennell in Wilmington?

~~A~~ No.

~~Q~~ Do you know ^{not} Mr. and Mrs. James Jackson of Wilmington?

~~A~~ No.

~~Q~~ Do you know ^{not} Mrs. McKeithan who lived down in the area about Mike's grocery?

~~A~~ No.

~~Q~~ Do you know Mr. Mike Poulos or ever associated with him?

~~A~~ No.

Q Do any of you go extensively into Wilmington and are familiar with 6th Street Ann Street location? Mr. Malloy, do you happen to know where Mike's grocery was?

A No.

Q Do you have any kin folks that happen to live in that area?

A The Wilmington area?

Q Yes, sir.

A No, sir.

Q Do you, Mrs. Moore? You don't have any kind folks there?

A NO.

Q Do you know anybody else on this panel right now that is sitting up here? Mr. Malloy, do you know Mrs. Moore or Mrs. Wells?

A No.

Q Do you know Mr. Malloy, Mrs. Moore?

A Yes.

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

~~A~~ All of my life.

Q ~~Do you~~ live close together?

A ~~Yes~~

Q Do each of you feel that you can go by the law as the Court instructs you it is and put that above any personal feelings that you might have about

Q this case? Maybe you don't understand what I mean. If there is something you might disagree with what the Court tells it is will you disregard that and do exactly what the Court tells you the law is and it is your duty to follow the law as the Court gives it to you. Do you understand that, Mr. Malloy?

A Yes.

Q Do you at this time or have you ever felt that the defendants had been unfairly charged in these cases?

A (Mr. Malloy) Ever done what?

Q Do you feel like or have you ever felt like the defendants have been unfairly charged in these cases?

A No.

Q What about you, Mrs. Moore?

A I don't know.

Q Have you ever felt that way?

A Well no. Well I feel - the way I feel I feel sorry for them even though if they did do the crime I still feel sorry for them, either race, because I have sons of my own.

Q Do you feel like that your attitude that you might tend to lean toward the defendants because you feel sorry for them?

A Not exactly, but my heart just feels sorry for them, anybody that is in trouble.

Q Do you feel that it makes a difference what the ages of these defendants are? That is we are trying some who are 50 or 60 years old, would it make some difference to you because these are young men?

A I don't guess so.

Q Do you feel like that, however you feel now, that when you go back in the juryroom that that is going to be hard to forget and that might influence your verdict?

A I don't know, but I just feel sorry for anybody that is in trouble whether they were right or wrong. My heart just goes out to them.

Q You now feel, do you feel like that makes you tend to favor towards the defendants?

A Well I can't say. I just feel sorry for them.

MR. BALLANCE: Objection to the line of questioning.

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

Q How about you, Mr. Malloy?

A I just feel sorry for them like she says. I just feel sorry for them.

Q In the event you are chosen as a juror and you go back to the jury room, do you feel like you might carry this with you and you might disregard the evidence and vote on sympathy as opposed to going

by the law and the facts in this case.

MR. BALLANCE: Objection.

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

A I guess so.

Q Do you think your feeling of sympathy or whatever it is might influence your verdict in the trial of this case?

A I don't know to tell you the truth. I ain't been here before. I'll be frank with you.

Q I am just trying to find out how you feel right now.

A I understand that.

Q Do you think that that might influence you?

A Well it might. I don't know.

Q Then to that extent you don't feel like you have a free and open mind about this case?

A O, sure, yes, I have a free and open mind about it.

MR. BALLANCE: Objection.

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

Q How about you, Mrs. Moore?

A Well I guess so. I just feel sorry for them whether they were right or wrong I feel sorry for them.

Q Do either one of you feel that as a result of what your verdict might be in the event you are chosen to be a juror regardless of what it is that you might feel embarrassed to face your friends or your family or those in your neighborhood as a result of

A.

what your verdict might be in the trial of this case? Do you think anything about that might influence you to go one way or the other in deliberating in this case?

A. I don't think so.

Q. Or would it matter to you what your friends and your family and other people around the neighborhood say to you if you go back home rendering a guilty verdict or not guilty verdict? Would that make any difference to you, Mr. Malloy?

A. Make not a bit of difference to me.

Q. How about you, Mrs. Wells?

A. No.

Q. Do anyone of you hold any impressions or opinions or feelings whatsoever that you feel like you could not give these defendants a fair and impartial trial at this point, both to the State and to the defendants? Feelings, impressions or whatever that you feel like cannot be erased from your minds after listening to all of the evidence, the charge of the jury and the arguments of all of these lawyers?

A. (Juror 11) I don't know.

Q. How about you, Mrs. Wells?

A. Would you repeat the question?

Q. Do you presently hold any feelings, impressions, opinions or whatever that you feel like you cannot

erase after listening to the evidence that will be presented to you from the witness stand and the arguments of the lawyers and the law from the Court? Is there anything that you hold in your minds now that you just cannot erase? Do any of you read the Wilmington Journal? Do you, Mrs. Wells?

A. No.

Q. Do either one of you read the Wilmington Journal?

A. No.

Q. What denomination do you attend, Mrs. Wells?

A. Baptist.

Q. Mrs. Moore?

A. Methodist.

Q. Mr. Malloy?

A. Methodist.

Q. Have either one of you heard anyone express any opinion or remark whatsoever concerning the trial of this case against these defendants or for these defendants, Mrs. Moore?

A. I haven't.

Q. Mrs. Wells?

A. No.

Q. Mr. Malloy?

A. I haven't.

Q. In the event you were chosen do you presently feel that you are prepared to do the duty that your oath

as a juror would require?

MR. BALLANCE: Objection.

THE COURT: Objection sustained.

Q Mrs. Wells, where does your husband work?

A Penderlea High School.

~~Q Do you have any children?~~

~~A Three.~~

Q Mrs. Moore where does your husband work?

A He is retired.

~~Q What kind of work did he do?~~

~~A He farmed.~~

~~Q Do you have any children?~~

~~A They are all grown and gone. Nobody home but my husband and I.~~

~~Q How many children do you have?~~

~~A Two.~~

~~Q Where do they live?~~

~~A One live here and the other one is in New York.~~

Q How about you, Mr. Moore?

A I have got ten ^{children} head.

~~Q Ten children?~~

~~A That is right.~~

Q Do either one of you at this time feel that you have any physical or emotional reasons or anything related to that that would keep you from sitting here as jurors during the trial of this case? Do you,

Mrs. Wells?

A. No.

Q. Mrs. Moore?

A. No, no more than going up and down the steps it gives me shortness of breath.

I am not
~~Q. Are you under a doctor's care at present?~~

~~A. No.~~

Q. How about you, Mr. Malloy?

A. My nerves work right smart, but I still go.

I am
~~Q. You are not under a doctor's care?~~

~~A. Yes, sir; Dr. Taylor.~~

Q. Do you think that sitting here during extended trial, if this trial would happen to last more than a week, would that bother you sitting in that chair?

A. I don't think it will.

Q. How old are you, Mr. Malloy?

A. 71.

Q. MR. JOHNSON: Your Honor, the State will excuse Mrs. Moore and Mr. Malloy.

THE COURT: Call two jurors.

Ivey Lee Player - Juror No. 6 (W)

Mamie Hayes - Juror #11 (B)

EXAMINATION BY THE COURT:

Q. Mrs. Hayes, what is your residence?

A. *Burgaw*

~~Q. Have you lived in this county for sometime?~~

↓

~~A~~ All my life.

~~Q~~ Are you married?

~~A~~ *I am*
Separated,

~~Q~~ Where does your husband work?

~~A~~ Separated. I don't know.

~~Q~~ Where does *my* husband work?

~~A~~ I don't know; separated.

~~Q~~ *I am*
Are you working outside the home?

~~A~~ Yes.

~~Q~~ Where do you work?

~~A~~ *I work at*
New Hanover Memorial Hospital in Wilmington *for the*

~~Q~~ In what capacity?

~~A~~ Dietary Department.

Q Mr. Player, on the back, where do you live?

A Rocky Point.

~~Q~~ How long have you lived in this county?

~~A~~ All my life.

~~Q~~ *I am*
Are you married?

~~A~~ Yes, sir.

~~Q~~ What is your work?

~~A~~ *I work as a*
Salesman. *for*

~~Q~~ For who?

~~A~~ E. C. Moore and Company, Wilmington.

Q You two have heard the instructions I have given
the other jurors, have you not?

A Yes, sir.

Q Do you know any of the State's witnesses that have been called? Ma'am, do you know any of them?

A I do.

~~Q Which ones?~~

A I know Jerome Mitchell.

~~Q Anyone else?~~

A I know the Jacobs boys mother and father.

Q Do you know the defendant?

A Yes, one of them.

Q Which one?

A Jacobs.

Q You know his mother and father?

A Yes.

Q Any other defendant you know?

A No.

Q Any of the people there relatives? Any of the defendants?

A Yes.

Q Which ones?

A I know Jerome's mother. I work with her and his sister and I have visited her and she visited me.

~~Q Anyone else?~~

A Well I have been to the Jacobs boys house two or three times.

~~Q Has that been recently?~~

A No, not right recent.

- Anyone else you know or visit with?

A No.

~~Q~~ ^Q Do you know either of the attorneys for the defendants?

~~A~~ No.

~~Q~~ ^Q Do you know the Solicitor for the State?

~~A~~ No.

~~Q~~ Or his assistant?

~~A~~ No.

Q Mr. Player, do you know any of the parties involved in this case?

A No, sir.

~~Q~~ ^Q Do you know any of the attorneys?

~~A~~ No.

Q Have either of you formed or expressed an opinion as to the guilt or the innocence of either of the defendants in these cases?

A No.

Q Have either of you a prejudice or bias against the State of North Carolina which would prevent you from rendering a fair and impartial verdict in these cases?

A No, sir.

Q Have either of you a prejudice or bias against either of the defendants which would prevent you from rendering a fair and impartial verdict in these cases?

A No, sir.

Q Is there any reason why either of you would not be

willing to follow the law as given to you in this case by the Court?

A No.

EXAMINATION BY MR. JOHNSON:

Q Mrs. Hayes and Mr. Player, do each of you understand the reason we are asking you these questions?

A Yes, sir.

Q Do each of you understand the necessity for being frank and open about it as you can be?

A Yes.

Q Are both of you familiar with what the charges are here?

A Yes.

Q You mentioned, Mrs. Hayes, that you know Jerome Mitchell. How long have you known him?

A Well I have been acquainted with his mother for about 4 years now.

~~Q~~ Have you visited in their home?

~~A~~ Yes.

~~Q~~ I believe you said you knew his sister also?

~~A~~ Yes.

~~Q~~ Do you work together?

~~A~~ Yes.

~~Q~~ Do you still work together?

~~A~~ Yes.

~~Q~~ ~~How often do you see Jerome Mitchell's mother?~~

~~A~~ Every day that I go to work.

~~Q~~ ~~Does she work with you, too?~~

~~A~~ She works right in the same department I work in.

Q How far does she actually work from you physically?

A About as far as from here to where I was sitting.

~~Q~~ About 10 feet of something like that?

~~A~~ Yes.

Q I believe you said that is the kitchen dietary work?

A That is right.

Q Do you often get to talk with her about matters?

A We talk.

Q Mr. Mitchell's sister, where does she work?

A Well she works right on the ^{same} line with me.

~~Q~~ ~~Right on the same line with you?~~

~~A~~ Yes.

Q Now let's see. Mr. Jerry Jacobs. I believe you mentioned you knew his family also. Is that right?

A Yes.

~~Q~~ ~~How long have you known Jerry Jacobs?~~

~~A~~ Well I know his mother about I guess two or three years but I don't see them very often, but I do know them.

~~Q~~ Have you visited in the defendant's, Jerry Jacob's, home?

~~A Have I ever?~~

~~Q Yes.~~

~~A Yes, I have.~~

~~Q~~ Do you consider his mother a friend of yours? *mine.*

~~A Yes, I would.~~

~~Q How about his father?~~

~~A Yes.~~

~~Q~~ Have his parents ^{have never} ever visited in ^{my} your home?

~~A No.~~

~~Q~~ ^{I am not} Are you actually any kin to Jerome Mitchell or the defendant Jacobs?

~~A No.~~

~~Q~~ When is the last time you visited in the home of the defendants Jacobs?

~~A~~ It's been I guess 6 or 7 months or more.

~~Q~~ Do you know any of the rest? ^{not} *of the defendants.*

~~A No, of the defendants.~~

~~Q~~ Have you ever heard of them or seen them?

~~A No, not that I know of.~~

~~Q~~ As a result of having to work with Jerome Mitchell's mother and sister and knowing the defendant Jacobs' mother and father ^{it} would it be embarrassing to ^{me} you to sit on this jury?

~~A Yes.~~

~~Q~~ And in the event you were chosen, Mrs. Hayes, to be a juror it would be hard for you to erase that from

your mind, wouldn't it?

A Yes.

Q And in the event you are chosen and had to serve as a juror or were chosen to serve as a juror you would still have to go back to work with Jerome Mitchell's mother and sister?

A Right.

Q Do you feel like that ~~that~~ it just has to have some effect on ^{my} your mind?

~~A Yes.~~

Q You feel like that is going to keep ^{me} you from being fair and impartial?

~~A Right.~~

MR. JOHNSON: Your Honor, State moves for cause.

THE COURT: Do I understand she knows States witness and one of the defendants also?

MR. JOHNSON: Yes.

THE COURT: And she visits in the home of each?

MR. JOHNSON: Yes, sir.

THE COURT: And she works with the States witness's sister?

MR. JOHNSON: Yes, sir.

THE COURT: Do you challenge for cause?

MR. JOHNSON: Yes, sir.

THE COURT: Do I understand that you feel that you would have some problem in rendering a

a verdict based exclusively and solely on the evidence and the law in this case? REGARDLESS of what you know and who you know can you base a verdict solely and exclusively on the evidence and the law in this case?

A I don't think so.

Q You cannot?

A I don't think so.

Q Do I understand then that you are unable to render a fair and impartial verdict in this case?

A I might be.

Q Did you answer the question yes?

A Yes.

THE COURT: The Court in its discretion will excuse this juror. You may stand aside.

Pearcie Ann Colvin, - Juror #11 (B)

EXAMINATION BY THE COURT:

Q Where do you live?

A (Juror 11) Atkinson.

~~Q~~ ^{ek} Have you lived in this county for sometime?

~~A~~ All my days.

~~Q~~ ^{I am} Are you married?

~~A~~ Yes.

~~Q~~ ^{not} Do you work outside the home?

~~A~~ No.

~~Q~~ What work is your husband engaged in?

A Farming.

~~Q~~ Do you know any of the lawyers in these cases?

~~A~~ No.

~~Q~~ Do you know any of the State's witnesses that they have called?

~~A~~ No.

~~Q~~ Do you know any of the defendants?

~~A~~ No.

~~Q~~ Have you ever talked with any of the defendants?

~~A~~ No.

~~Q~~ Have you ever talked with any of the States witnesses?

~~A~~ NO.

~~Q~~ Have you formed or expressed an opinion as to the guilt or innocence of either of these defendants?

~~A~~ NO.

~~Q~~ Have you any prejudice or bias against the State of North Carolina which would prevent you from rendering a fair and impartial verdict in these cases?

~~A~~ NO.

~~Q~~ Have you any prejudice or bias against either of the defendants which would prevent you from rendering a fair and impartial verdict in these cases?

~~A~~ NO.

~~Q~~ Is there any reason why you would not be willing to follow the law as given to you by the Court in