

**PAGE COUNT OF 50 PAGES**

MR. FERGUSON: Objection.

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

Q Did you see them come back to the church?

A Later on that morning, night rather.

Q About what time was it, approximately what time was it when you came back to the church?

A Maybe 12:30 or 1 o'clock.

~~Q Where at the church did you go?~~

A As soon as we came back to the church Chavis mentioned that somebody had got shot and so at this time a special news bulletin came over the television and -

MR. BALLANCE: Object.

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

A And said that Steve Corbett -

MR. FERGUSON: Object.

(Conference at the bench.)

THE COURT: Objection sustained.

~~Q Were you inside of the church at this time?~~

~~A Yes, sir.~~

~~Q Where in the church?~~

A Sitting up there by the pulpit where the television was.

Q And after you heard this on the television, what, if anything, was said or done at that time?

MR. BALLANCE: Your Honor, we move to strike what

he said. Object to further questions.

THE COURT: Motion to strike as to anything that came on television is allowed.

A They started getting mad in the church, saying that they were going to go out and kill all the cops, all the white people for killing Steve Corbett.

MR. FERGUSON: Objection; move to strike that.

THE COURT: Now I didn't understand who he quoted.

Q Who said this?

A Chavis.

THE COURT: Just a minute. Objection sustained as to the question and motion to strike is allowed. Continue.

MR. FERGUSON: Your Honor, we want to object to the leading by the Solicitor.

THE COURT: Don't lead him.

Q Do you recall any particular person saying anything at this time?

~~A Yes, sir.~~

~~Q Who?~~

A Ben Chavis.

~~Q Anyone else?~~

~~A That is all.~~

Q What did the defendant Chavis say?

MR. FERGUSON: Objection.

THE COURT: Overruled. (Exemption No. —)

A About going out there killing the cops and all the white people for killing Steve Corbett.

Q Then what, if anything, occurred?

A And then everybody in the church started hollering and picking up guns.

MR. HUNEVOL: Objection to "everyone".

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

A Started pulling out guns and so then Chavis said — then he asked was he going back out there tonight, this dude. I don't know his name. Chavis said it wouldn't be right to go back out there tonight because the cops was all behind the church.

MR. FERGUSON: Move to strike.

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

~~Q Then what, if anything, occurred?~~

A Then the rest of them came back to the church, and everybody was mostly talking about Steve, and Chavis was talking what we had to do, revenge for his death and all.

Q Now as you went back to the church that evening as you have described, what was the condition as to the houses on 6th Street at that time?

A They was on fire and Mike's Grocery was to the ground.

~~Q How about the other houses?~~

~~A The other house it was still burning, and the two-story house was burning, and the fire was coming across to the third house.~~

~~Q Point out the houses on there that you are talking about please.~~

~~A This house and this house was on fire, (Pointing) and the fire was coming to the side of this vacant lot to the third two-story house, which would have been the third house.~~

~~Q Now did you stay at the church that morning after you came back to the church?~~

~~A Yes, sir.~~

~~Q How long did you stay?~~

~~A I stayed there until Sunday afternoon.~~

~~Q Now so you spent the night in the church. Is that right?~~

~~A Yes, sir.~~

~~Q How many people were there at the church during the night at any one time approximately?~~

MR. FERGUSON: Objection.

(Conference at the bench.)

THE COURT: Members of the jury, we'll take about a 10 minute recess. Retire to your room, please.

(The Court recess from 3:22 Until 3:40 P M.)

(The jury returned to the jurybox.)

THE COURT: Members of the jury, the testimony as to a statement made by the defendant Chavis in the church as to what they were going to do do will be considered by you only against the defendant Chavis. You will not consider that testimony received against the defendants Patrick, Tyndall, Jacobs, Vereen, McKoy, Epps, Moore, Wright and Shepard, that being the testimony as to the testimony made in the church. You will not consider anything said there by the defendant Chavis received against the defendants Patrick, Tynda-l, Jacobs, Vereen, McKoy, Epps, Moore, Wright and Sheparf. You will only consider it as to the defendant Chavis. (Shepard No. \_\_\_\_\_)

ALLEN RAY HALL, witness on behalf of the State, having already been duly sworn, returned and testified as follows:

DIRECT EXAMINATION BY SOL. STROUD Continued:

Q Mr. Hall, after Mikes burned on the evening of February 6, did you have occasion at a later time to go by the area of 6th and Ann Street?

A Yes, sir.

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

THE COURT: Overruled. (Shepard No. \_\_\_\_\_)

Q When was that please?

A I went by there the Wednesday which would be the 10th before Steve Corbett's funeral.

MR. FERGUSON: Object; move to strike.

THE COURT: Motion to strike allowed. Go ahead.

Q What day was it that you went by there?

MR. FERGUSON: Object.

THE COURT: Overruled. (Exemption No. —)

A On a Wednesday.

Q What, if anything, did you observe there at 6th and Ann Street?

MR. FERGUSON: Object.

MR. HUNEVOL: Objection.

THE COURT: Overruled. (Exemption No. —)

A I observed that Mike's Grocery was burned down, and the two houses owned by blacks were burned down, and the third house was scorched.

MR. FERGUSON: Move to strike.

THE COURT: Denied. (Exemption No. —)

Q What did you see at this time?

MR. HUNEVOL: Object.

THE COURT: Overruled. (Exemption No. —)

A I saw the tin that was on top of the house and bricks laying out there and ashes and stuff.

(State's Exhibits 30, 31, 32, 33, 34 marked for identification.)

MR. FERGUSON: Object.

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

Q I hand you has been marked for identification as State's Exhibit 30 and ask if you can identify that please.

A Yes, sir. This is a photo of After Mike's was burned and the three houses that were burned with it.

Q Does that photograph fairly and accurately portray the area there as you observed it on the Wednesday after the fire?

A Yes, sir.

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

Q I hand you what has been marked for identification as State's Exhibit number 31 and ask if you can identify that, please, sir.

A This is Mike's Grocery.

MR. FERGUSON: Object; move to strike.

THE COURT: Objection overruled; motion to strike denied. *(Exception No. ---)*

A This is Mike's Grocery after it was burned.

Q Does that photograph accurately and fairly portray Mike's Grocery after it was burned as you observed it on the Wednesday after the fire on Saturday?



MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

THE COURT: Overruled. (*Exhibit No. 32*)

A Yes, sir.

Q I hand you what has been marked for identification as State's Exhibit number 32 and ask if you can identify this please.

MR. FERGUSON: Objection.

THE COURT: Overruled. (*Exhibit No. 32*)

A This is the burning of the two houses that was next to Mike's.

Q Does it fairly and accurately portray the houses as you observed them on the Wednesday after the fire on Saturday?

MR. FERGUSON: Objection.

THE COURT: Overruled. (*Exhibit No. 33*)

A Yes, sir.

Q I hand you what has been marked for identification as State's Exhibit number 33 and ask you if you identify that please.

A Yes, sir.

MR. FERGUSON: Object.

THE COURT: Overruled. (*Exhibit No. 33*)

Q What is it?

A This is the burning of the two-story house that was burned down.

MR. FERGUSON: Move to strike.

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

Q Does it fairly and accurately portray the two-story house as you observed it on Wednesday after the fire on Saturday?

MR. HUNEVOL: Object.

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

A Yes, sir.

Q And I hand you lastly what has been marked for identification State's Exhibit 34 and ask you can you identify that.

A Yes, sir.

MR. FERGUSON: Object.

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

Q What is it?

A This is what that store and the two houses look after they was burned down.

Q Does that photograph accurately and fairly portray the store and the two houses after they were burned on Wednesday after the fire on Saturday?

MR. FERGUSON: Objection.

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

A Yes, sir.

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

THE COURT: Yes, sir.

(Conference at the bench.)

SOL. STROUD: May it please the Court, State moves that these five photographs be admitted into evidence as State's Exhibits 30, 31, 32, 33 and 34.

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

THE COURT: Members of the jury, State's Exhibits 31, 32, 33, 34 and 30 are offered by the State and received for the purpose of illustrating and explaining the witness's testimony if you, the jury, find that it does illustrate and explain the testimony of the witness and for no other purpose. They are not substantive evidence.

SOL. STROUD: May I pass them among the jury, <sup>(Exhibits No. —)</sup> your Honor?

THE COURT: Yes, sir.

(Exhibits passed to the jury.)

THE COURT: Members of the jury, just before recess there was a question asked by the State as to what did defendant Chavis say, referring

to at the church. The question was what did the defendant Chavis say. This was after testimony that he and others had returned to the church, and the question was what did the defendant Chavis say and there was objection which was overruled. And then there was testimony that he stated that he was going out and kill the cops and all the white people for killing Steve Corbett and then there was further testimony as to - further statement of Chavis as to they were not going back out there that night. Now I have heretofore instructed you, and I instruct you again. You will not consider this statement, this testimony as evidence for any purpose against the defendant Patrick, Tyndall, MacKoy, Epps, Moore, Wright and Shepard. You will only consider this testimony as to the defendant Chavis. (Exemption No. —)

Q Now, Mr. Hall, when was it that you first went to Gregory Congretational Church?

MR. HUNEVOL: Objection; this question has been asked.

THE COURT: Overruled. (Exemption No. —)

A On a Friday, February 5, '71.

Q That was prior to the Saturday that you have just testified about?

MR. FERGUSON: Object to the leading.

THE COURT: Overruled. (Exception No. —)

A Yes, sir.

Q What time did you arrive at the church on that Friday evening?

MR. BALLANCE: Object.

THE COURT: Overruled. (Exception No. —)

A 5 o'clock; 5:30.

Q When you arrived in the area of the church, did you go to the church or to Rev. Templeton's house?

MR. HUNEVOL: Objection.

THE COURT: Overruled. (Exception No. —)

A I started to the church.

Q ~~Did you see anyone at the church at that time?~~ (Saw me)

A ~~Yes, sir;~~ Marvin Patrick and Ann Shepard ↑

Q ~~Where were they?~~

A They were standing on the <sup>front</sup> porch of the church.

Q ~~Which porch?~~

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

Q ~~And did you see any of the other defendants at that time?~~

A ~~Not that I recall.~~ ↓

Q What, if anything, occurred at that time?

MR. FERGUSON: Objection.

MR. HUNEVOL: I object, too, your Honor.

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

Q Answer the question.

A I asked Marvin Patrick where was Ben Chavis.

Q What, if anything, did Marvin Patrick say?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

THE COURT: Objection is sustained as to defendants Chavis, Tyndall, Jacobs, Vereen, Epps, Moore, Wright and Shepard. You will not consider this testimony against defendants Chavis, Tyndall, Jacobs, Vereen, MacKoy, Epps Moore, Wright and Shepard. Overruled as to Patrick. (*Exception No. ---*)

A He said that Chavis was over Rev. Templeton's house.

Q And what, if anything, did you do at that time?

A I went over to -

MR. FERGUSON: Objection.

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

A I went over to Rev. Templeton's house.

Q What occurred at that time?

MR. HUNEVOL: Objection.

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

A As I walked in, Chavis was talking on the phone, and I told him that I would be back in a few minutes and -

~~Q Where was he (when he was talking over the phone?)~~

~~A *Chavis* He was standing in the hall.~~

Q Where is that in relation to the front door of the house?

A It is right at the front door middle ways the front door and the kitchen.

~~Q And you told him what?~~

~~A I told him I would be back in a few minutes.~~

~~Q Then what, if anything, happened?~~

~~A Then I left and I went around the corner.~~

~~Q Did you return?~~

~~A Yes, sir.~~

Q When you returned to the area of the church did you go to the parsonage or to the church?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

A I went to Rev. Templeton's house.

Q What was happening there at that time?

MR. HUNEVOL: Objection.

MR. FERGUSON: Objection.

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

~~A There was a bunch in the livingroom.~~

~~MR. FERGUSON: I didn't understand what he said. There was something in the livingroom. I didn't understand that.~~

A There was a group in the livingroom

MR. FERGUSON: Objection; motion to strike.

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

Q Who was in the livingroom?

A Ben Chavis, Jim Grant and others that was there besides the defendants.

Q Did you see any of the defendants there in the livingroom?

MR. FERGUSON: Object to his leading. (Exemption No. --)

A Yes, sir.

MR. FERGUSON: Move to strike his answer.

THE COURT: Motion denied. (Exemption No. --)

Q Who?

MR. FERGUSON: Objection.

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

A Ben Chavis, Jim Grant. I mean, just ben Chavis.

Q Did you know some of the other people that were in the room?

MR. FERGUSON: Objection.



MR. HUNEVOL: Objection.

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

A Yes, sir.

Q Who were some of the people?

MR. FERGUSON: Objection.

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

A Tom Houston, Jim Grant, Molly Hicks, George Kirby, Mr. and Mrs. Templeton, Patricia Rhodes and Tom Houston.

Q Was anyone talking at that time?

A Yes, sir.

Q Do you recall now what was said?

MR. FERGUSON: Object.

MR. HUNEVOL: Object.

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

A Chavis was talking about collecting money whenever I came in there.

Q What did you do upon arriving?

THE COURT: Members of the jury, you will not consider this testimony of any statement of the defendant Chavis as evidence against the defendant Patrick, Tyndall, Jacobs, Vereen, Epps, Moore, Wright and Shepard and McKoy. *(Exception No. ...)*

Q What, if anything, did you do at that time please?

A I asked for Ben Chavis and so he was coming out of the livingroom behind Grant and so me and Chavis went upstairs.

Q Where did you go upstairs?

A Chavis's bedroom.

MR. FERGUSON: Object; move to strike that.

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

Q Did you have any conversation with the defendant Chavis before going upstairs?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

A Only earlier whenever he asked me was they coming back.

THE COURT: Members of the jury, you will not consider this testimony as evidence against Patrick, Tyndall, Jacobs, Vereen, McKoy, Epps, Moore, Wright and Shepard. *(Exception No. 1)*

Q What occurred when you arrived upstairs?

A Whenever we got upstairs Jim Grant was sitting to the window facing Nun Street with a gun pointed out the window with a scope on it.

MR. FERGUSON: Motion to strike; object.

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

A And Ben Chavis started talking about, telling me about the way the blacks was being treated in Wilmington, and he told me about this black girl getting cut at school and that this white -

THE COURT: Members of the jury, you will not consider this testimony against the defendants Patrick, Tyndall, Jacobs, Vereen, McKoy, Epps, Moore, Wright and Shepard. You will not consider this evidence against these defendants for any purpose. *(Excerpt from...)*

A He told me about this here black girl had got cut at school and that the white boy that cut her hadn't been arrested or anything; hadn't been done about it, and that the Police Department was run by the Klans, and he said he was going to do everything in his power to see that the blacks get what they want in Wilmington, and he said that the whites was carrying guns to school, and he said he thinks us blacks should carry guns to school also.

MR. FERGUSON: Move to strike every bit of it.

THE COURT: Motion to strike denied. *(Excerpt from...)*

Q Did he say anything else at this time?

A Yes, sir. Then he mentioned the Chicago Strategy to me.

MR. FERGUSON: Object; move to strike.

THE COURT: Members of the jury, you will not consider this testimony as evidence against Patrick, Tyndall, Jacobs, Vereen, McKoy, Epps, Moore, Wright and Shepard. *(Exemption No. —)*

Q What, if anything, did he say to you at this time about the Chicago Strategy?

MR. HUNEVOL: Object.

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

A He asked me had I ever heard of the Chicago Strategy, ever been to Chicago. I told him, no, and so he said that the Chicago Strategy, that is what they did in Chicago. They pick a building and set it on fire and hide around the building into position and when the policemen come then they shoot them. And so he said that is why it is called the Chicago Strategy. And then he told me that "You set the building on fire, and you get into position, and you shoot the middleways of the front window and middleways the side of the windows on the driver's side and three-fourths of an inch in the back window."

MR. FERGUSON: Move to strike.

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

Q Did he say anything else at this time that you recall?

A No, sir.

Q What, if anything, occurred then?

MR. HUNEVOL: Objection.

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

A Then we went back downstairs and then Chavis said, "We need us some money in order to buy gasoline to make firebombs."

Q Who was downstairs?

MR. FERGUSON: Move to strike.

THE COURT: Motion sustained as to -

MR. HUNEVOL: Objection.

THE COURT: Patrick, Tyndall, Vereen, Epps, Moore, McKoy, Wright, Jacobs and Shepard. Members of the jury, you will not consider this testi-

mony as against all except Chavis. *(Exception No. —)*

Q ~~Who~~ <sup>were</sup> ~~was~~ downstairs when you went back downstairs?

A Marvin Patrick and Connie Tyndall. *No one else was there.*

Q ~~Any other person?~~

A ~~No, sir.~~

Q ~~And where were they?~~

A They were in the livingroom.

Q Were any persons besides those two defendants or any of the other defendants there?

MR. FERGUSON: Object.

MR. HUNEVOL: Object.

A Chavis.

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

Q And what, if anything, did the defendant Chavis say at that time?

A Chavis said that "We need money to get some gasoline to make firebombs." And about that time John Roberson came into the house and said, "We also need -"

MR. FERGUSON: Objection.

THE COURT: Objection sustained.

MR. HUNEVOL: Objection.

THE COURT: As to defendants Patrick, Tyndall, Jacobs, Vereen, McKoy, Epps, Moore, Wright and Shepard. Members of the jury, you will not consider this as evidence against Patrick, Tyndall, Jacobs, Vereen, McKoy, Epps, Moore, Wright and Shepard. *(Exception No. --)*

Q As the result of what John Roberson said, what, if anything, occurred please?

A Then Chavis started collecting money. I gave \$10.00 and then Chavis said we had to go out of the city limits to buy gasoline because they wouldn't sell it to us in containers in the city limits.

MR. FERGUSON: Move to strike that.

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

Q What was the money being collected for?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

THE COURT: Members of the jury, you will not consider this testimony as evidence against Patrick, Tyndall, Jacobs, Vereen, McKoy, Epps, Moore, Wright and Shepard. Objection as to Chavis is overruled. *(Exception No. —)*

A It was raised for getting bullets and gasoline.

Q Now would you describe John Robinson, please?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

~~THE COURT: I did not hear the question, Mr. Solicitor:~~

~~SOL. STROUD: I asked if he would describe John Robinson, your Honor.~~

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

A John Robinson 6; 6-1 or 6-2; weight around 145 pounds; dark skinned; long sideburns and afro.

~~Q~~ Had you ever seen him before that Friday evening at Rev. Templeton's house?

~~A No, sir.~~

~~Q After the money was collected what, if anything, occurred?~~

A Then Chavis told us to come on, and myself, Ben Chavis,

Jim Grant, Marvin Patrick, went on the outside of the church.

Q And what occurred at that time?

MR. HUNEVOL: Objection.

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

A At that time George Kirby mentioned about breaking in -

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

THE COURT: Members of the jury, you will not consider any statement of George Kirby as evidence against the defendants Patrick, Tyndall, Jacobs, Vereen, McKoy, Epps, Moore, Wright and Shepard. (*Exception No. —*)

Q As a result of what George Kirby said, what, if anything, occurred?

MR. FERGUSON: Objection.

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

A Ben Chavis told them to go down to the Todds Pawn Shop and Millers Pawn Shop to get guns, ammunition and powders.

Q Gun, ammunition and what?

A Gun, ammunition and gun powder.

MR. HUNEVOL: Objection.



THE COURT: Members of the jury, you will not consider this statement by the defendant Chavis as evidence against the defendants Patrick, Jacobs, Vereen, McKoy, Epps, Moore, Wright, Tyndall and Shepard. Only consider this testimony as to defendant Chavis. *(Exemption No. 1)*

Q Who was the defendant Chavis talking to at that time?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

A He was talking to Marvin Patrick, Kenneth Holmes, George Kirby and Evans.

Q What, if anything, did they do as a result of what was said?

MR. FERGUSON: Objection.

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

A They said that they were going down to break in to get them.

THE COURT: Member of the jury, you will not consider this testimony as evidence against the defendants Patrick, Tyndall, McKoy, Epps, Moore, Wright, Vereen, Jacobs and Shepard.

MR. HUNEVOL: Move to strike. *(Exemption No. 1)*

Q What, if anything, did they do at that time?

MR. HUNEVOL: Object. *(Exemption No. —)*

A They left.

Q At this time did the defendant Chavis say anything else?

MR. FERGUSON: Object.

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

A He only told them to be careful and if there was a back way to get into the pawn shop to go in the back way instead of the front.

THE COURT: Members of the jury, you will not consider this testimony, the statement of the defendant Chavis as evidence against the defendants Patrick, Tyndall, Jacobs, Vereen, Epps, Moore, McKoy, Wright and Shepard. *(Exemption No. —)*

Q What, if anything, did the defendant Chavis say at this time with regard to coming into and leaving the area of the church?

MR. FERGUSON: Object to this leading here.

THE COURT: Don't lead him.

MR. HUNEVOL: Objection.

THE COURT: Members of the jury, you will not consider the statement of the defendant Chavis, if any, as evidence against the defendants Patrick, Tyndall,

Jacobs, Vereen, McKoy, Epps, Moore, Wright  
and Shepard. (Exemption No. —)

A That is whenever Chavis told me that anybody come into the church with lights on for them to shoot them; and if anyone come down 6th or either 7th Street without stopping or either coming down there fast with their lights on and you holler "Halt", if they didn't slow down and stop to shoot into the car no matter who it was. And then he said that we were going to use the word "Rabbit" as our password and all the ones around the church would know the word.

MR. FERGUSON: Objection; motion to strike.

MR. HUNEVOL: Motion to strike.

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

~~Q What, if anything, occurred then, please?~~

~~A~~ Then after he told them that, then we got in John Robinson's van.

~~Q Who got in John Robinson's van?~~

~~A~~ Myself, Ben Chavis, Jim Grant, John Robinson and another dude <sup>got into Robinson's van.</sup> I don't know his name.

~~Q Would you describe the van for us, please?~~

A It is a white convertible van, Chevy van.

Q Was there anything else about the van that you observed?

MR. FERGUSON: Object.

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

A It had a tape deck and a stereo, and it had curtains up to the windows and they was faded. The curtains was faded.

(State's Exhibits number 35, 36, 37 marked for identification.)

Q I hand you what has marked for identification as State's Exhibit number 35 and ask if you can tell us what that is, please.

A This here is the Chevy van that was owned by John Robinson.

MR. FERGUSON: Objection.

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

MR. BALLANCE: Motion to strike.

Q Is that photograph a fair and accurate representation of the van as you recall it on the evening of February 5, 1971?

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

A Yes, sir. But it wasn't parked near the tree.

MR. FERGUSON: Objection.

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

Q Anything else?

A And the curtains was all the way. And that is all.

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

THE COURT: Yes, sir.

(Conference at the bench.)

Q I hand you what has been marked for identification as State's Exhibit 36 and ask if you can identify that, please.

A This here is the Chevy van that was owned by John Robinson.

Q Is that photograph a fair and accurate representation of the van as you recall it having been on the evening of February 5, 1971?

MR. FERGUSON: Objection.

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

A Yes, sir; but the windshield wasn't cracked, and it had signs on the side/<sup>and</sup>right there on the front door, and it wasn't parked in no wooded area, and it had curtains around it.

Q I hand you what has been marked for identification as Stat'e Exhibit number 37 and ask if you can identify that, please.

A Yes, sir.

~~Q What is it?~~

~~A This is the van on the inside.~~

Q Is that photograph a fair and accurate representation of the inside of the van as you recall it on the evening of February 5, 1971?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

A Yes, sir; all but the seat that was in there. There wasn't no - just two seats in there. There wasn't another seat there.

SOL. STROUD: May it please the Court, the State would offer these photographs into evidence and move that they be accepted as State's Exhibits number 35, 36, 37.

MR. FERGUSON: The defendants object.

THE COURT: Members of the jury, State's Exhibits 35, 36, 37 are offered by the State and received in evidence for the purpose of illustrating and explaining the witness's testimony if you, the jury, should find that it does illustrate and explain the testimony of the witness and for no other purpose. It is not substantive evidence. *(Exemption No. —)*

Q How did you get on the inside of the van, please?

A From the side door.

Q I hand you State's Exhibit number 35 and ask if you will point out the side doors there, please.

A The side doors is right here, but it have two side doors.

~~Q Would you point that out to Mr. Ferguson and the defendants please?~~

~~A Right here.~~

Q Would you point out in State's Exhibit number 37 the seat that you are talking about that wasn't in the van?

A This seat right here wasn't in the van. It was just these two bucket seats was in the van.

~~Q And would you point -~~

~~MR. FERGUSON: He is not showing it to us.~~

~~Q Would you point that out to Mr. Ferguson, please?~~

A This here seat right here was not in there; seat right here.

Q Now let me hand you State's Exhibit number 36 and ask you would you point out where the stickers were that you testified about.

A The stickers was right here on the driver's side of the front door and there was curtains from here all the way around the van on both sides and the windshield wasn't cracked.

Q ~~Would you show that to Mr. Ferguson and the de-~~  
~~fendants, please?~~

A Right up in here is where the stickers were and the  
curtains was from here all around here on both  
sides and the windshield wasn't cracked.

Q What kind of stickers were they, if you recall?

MR. HUNEVOL: Objection.

THE COURT: Overruled. *(Sustained)*

A To me they are sort of a - one of them voodoo and  
revolution stickers.

MR. FERGUSON: Objection; move to strike.

THE COURT: Objection sustained; motion to  
strike is allowed.

Q Did the stickers have any words on them?

A Yes, sir.

MR. FERGUSON: Objection.

THE COURT: Overruled. *(Sustained)*

Q Do you recall what the words were

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

THE COURT: Members of the jury, you will not  
consider this testimony as to the defendants  
Patrick, Tyndall, Jacobs, Vereen, McKoy,  
Epps, Moore, Wright and Shepard. Objection



as to the defendants Chavis is overruled. *(Exemption 1)*

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

MR. FERGUSON: Ask for instructions.

THE COURT: Members of the jury, you will not consider the testimony of this witness as to what was stuck on the truck or what kind of words or anything that was stuck on the truck. You will not consider that. Strike it from your minds as if you had not heard it.

SOL. STROUD: May I pass the photographs?

THE COURT: Yes, sir.

(Exhibits passed to the jury.)

Q Mr. Hall, who was driving the van?

MR. FERGUSON: Object.

MR. HUNEVOL: Object.

THE COURT: Overruled. *(Exemption 1)*

A John Robinson.

~~Q And where was the defendant Chavis seated in the van?~~

~~A Chavis was sitting in the middle of the van.~~

Q What do you mean by the middle?

MR. FERGUSON: Object to what he means by the middle.

THE COURT: Overruled. *(Exemption 1)*

A It is using - Whenever you come into the van it is a rising sort of between the seats, and he was sitting on that, and Jim Grant and the other dude was sitting in the back in two chairs.

~~Q Where were you sitting?~~

~~A I was sitting on the passenger side.~~

~~Q Where did you go in the van?~~

~~A We went out to Oleander Shopping Center.~~

Q On the way to the Shopping Center, what, if anything, did the defendant Chavis say?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

THE COURT: Members of the jury, you will not consider this testimony as to any statement which the defendant Chavis made as evidence against defendants Patrick, Tyndall, Jacobs, Vereen, McKoy, Epps, Moore, Wright and Shepard. Overruled as to the defendant Chavis. (Simpler M...)

A He was telling us whenever we get out in the Shopping Center how to go in there and get the bullets and gasoline and pellets for the gun.

Q What did he say?

A He said whenever you go in there -

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

THE COURT: Members of the jury, you will not consider this testimony as evidence against defendants Patrick, Tyndall, Jacobs, Vereen, Epps, Moore, Wright and Shepard. Objection is overruled as to the defendant Chavis. *(Exhibit No. —)*

A He told us to as soon as we asked for the bullets to sort of talk to the cashier to try to detract his attention from signing for the bullets, and as soon as he taken and put them in the bag keep talking to him and then walk out after you put the money on the counter.

MR. HUNEVOL: Move to strike.

MR. BALLANCE: Move to strike.

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

Q Was anything else said by the defendant Chavis at this time?

MR. HUNEVOL: Objection.

THE COURT: Members of the jury, you will not consider the testimony of any statement made by the defendant Chavis as evidence against the defendants Patrick, Jacobs, Vereen, Epps, Moore, Wright, McKoy, Tyndall and Shepard. You will only consider this testimony as to

the defendant Chavis. *(Exhibit No. ---)*

A He just told us about how we were going to do whenever we get stopped on our way to get the gasoline.

Q What occurred when you arrived at the Shopping Center? Where did you go?

A To Fields. We went into the parking lot of Fields. Chavis then got in the driver's seat and kept the motor running until we came back out of the store.

Q ~~Who went into the store?~~

A ~~Myself and John Robinson.~~ *went into the store*

Q Why did you go into the store?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

THE COURT: Objection sustained.

Q What occurred when you arrived in the store, please?

A We went bought some bullets.

Q What kind of bullets did you buy?

A Shotgun shells and .22 and gas cylinders and pellets.

MR. HUNEVOL: Objection: move to strike.

THE COURT: Objection overruled; motion to strike denied. *(Exhibit No. ---)*

Q Did you have to sign for the ammunition?

MR. FERGUSON: Objection.

A No, sir.

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

*Chavis*  
~~Q~~ Who paid for it?

~~A~~ Chavis.

Q Who paid for it on the inside of the store?

MR. FERGUSON: Move to strike.

MR. HUNEVOL: Objection.

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

MR. FERGUSON: Your Honor, we ask that the Solicitor not lead him.

THE COURT: Don't lead him, Mr. Solicitor. Go ahead.

~~Q~~ Who paid on the inside of the store?

~~A~~ John Robinson paid on the inside.

Q Do you know where he got the money from to pay for the bullets?

MR. FERGUSON: Objection.

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

A From Chavis.

~~Q~~ When did <sup>he</sup> get the money from the defendant Chavis?

~~A~~ Before he left the van.

~~Q~~ After you <sup>had</sup> purchased the ammunition inside the store, where did you and John Robinson go?

~~A~~ Then we came back out and got into the van.

~~Q~~ *By Chavis* And who was driving the van at this time?

~~A~~ *By Chavis* Ben Chavis.

~~Q And where did you go in the van at this time?~~

~~A Then we stopped to a service station.~~

~~Q Where?~~

~~A On Oleander Drive.~~

Q And what occurred at the service station?

MR. HUNEVOL: Objection. (*Exhibit No. -*)

A We tried to get some gasoline, but the attendant said that he couldn't -

MR. FERGUSON: Objection.

THE COURT: Objection sustained as to what the attendant said.

~~Q As the result of what the attendant said, what did you do?~~

~~A We tried to buy gasoline, but we couldn't buy any there.~~

~~Q Then what, if anything, did you do?~~

~~A Then we went on down to the Esso station next to the tracks coming back to town.~~

Q What, if anything, occurred there, please?

A We stopped there and got out a five gallon can, Army type can, to put the gas in and so the fifth fellow got out and told the attendant -

MR. FERGUSON: Objection.

THE COURT: Objection sustained.

Q As a result of what the fifth fellow told the attendant, what occurred?

A We got the gasoline and then Chavis paid for it.

Q What kind of container was the gasoline put into?

MR. HUNEVOL: Objection.

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

A It was put in a green five gallon Army type can.

~~Q Then what occurred?~~

~~A Then it was put back into the van and we was waiting on the attendant to bring Chavis's change.~~

~~Q During the time that the gas was being put into the can, where were you?~~

~~A I got out of the van and went to candy machine.~~

Q Did you do anything else at this time?

MR. HUNEVOL: Objection.

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

A Then I was on the inside of the service station because they didn't have a candy machine on the outside. And I got two pieces of candy, and I paid the attendant, and he came back before he did - He came out behind me with Chavis.

~~Q Where did you go then?~~

~~A *vic. there* Came back to the church.~~

Q ~~What church?~~

A Gregory Congretational Church.

Q What occurred at that time, please?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

A Then went back into Rev. Templeton's house.

Q ~~What, if anything, was done with the gas, if you know?~~

A The gas was carried in the back of the church and put on the air conditioning unit.

Q ~~Who carried it back there?~~

A Myself and Jim Grant. *carried it back there.*

Q ~~Where did you go after that?~~ *we went*

A Into Rev. Templeton's house.

Q ~~How about the people that you went with in the van? Where did any of those people go to?~~

A Grant and Robinson came in Rev. Templeton's house.

Q ~~Where did the defendant Chavis go, if you know?~~

A As soon as he got out of the van *Chavis* he went over to Rev. Templeton's house.

Q What occurred then, please?

A Then I came over to Rev. Templeton's house and so Chavis then asked me did I want to do a job. And



so I asked him what kind of a job. And so then he asked me again did I want to do a job. I thought maybe he was talking about working.

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

THE COURT: Objection sustained as to what he thought.

~~Q Then what occurred?~~

A Then he said that "I want to firebomb and burn Mike's Grocery."

Q Where were you and the defendant Chavis at this time?

A At this time we was in the house upstairs.

THE COURT: Members of the jury, you will not consider this testimony as evidence against the defendants Patrick, Tyndall, Jacobs, Vereen, McKoy, Epps, Moore, Wright and Shepard. You will only consider this testimony as to the defendant Chavis. *(See line 10. -)*

Q Did he say anything else at this time?

MR. FERGUSON: Objection.

THE COURT: Members of the jury, you will not consider this testimony as evidence against the defendants Patrick, Tyndall, Jacobs, Vereen,

McKoy, Epps, Moore, Wright and Shepard. You will only consider this testimony as to the defendant Chavis. Overruled. (Exemption No. 1)

A Then we went outside of the church and then he showed me how to make and throw a firebomb.

MR. BALLANCE: Objection to repetition, your Honor.

THE COURT: Overruled. (Exemption No. 1)

Q Did he say anything else at this time with regard to Mike's?

MR. FERGUSON: Objection to the leading here.

THE COURT: Objection sustained as to the leading.

Q Did he say anything else?

MR. FERGUSON: Object to that, too.

THE COURT: Overruled. (Exemption No. 1)

A He only said about Mike's whenever someone about Mike's whenever we was outside.

Q What did he say?

MR. FERGUSON: Object: move to strike.

THE COURT: Members of the jury, you will not consider this testimony as evidence against the defendants Patrick, Tyndall, Jacobs, Vereen, McKoy, Epps, Moore, Wright and Shepard. (Exemption No. 1)

A That is whenever he told me that how he wanted me to

burn Mike's down to the ground and that Mike's was owned by a white man and that he didn't need to be in the neighborhood, that we should get half of Mike's money.

MR. FERGUSON: Objection; move to strike.

MR. HUNEVOL: Move to strike.

THE COURT: Motion denied. *(Objection denied)*

Q What, if anything, occurred after he showed you how to make an throw firebombs?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

THE COURT: Overruled. *(Objection denied)*

A Then he told the dude, Butch, to go with me to burn Mike's Grocery.

Q Now were any of the -

THE COURT: Members of the jury, you will not consider -

MR. HUNEVOL: Objection.

THE COURT: The testimony as evidence against the defendants Patrick, Tyndall, Jacobs,

Vereen, Moore, Epps, Wright, Jacobs and Shepard.

You will only consider this testimony as to the defendant Chavis. *(Objection denied)*

Q Were any of the other defendants present at the time that he was talking to you behind the church?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

A No, sir.

Q Then what occurred, please?

MR. FERGUSON: Objection.

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

A Then he told Butch to get a shotgun and go with me and for Butch to light the fire when we was out throwing it into the store.

THE COURT: Members of the jury, you will not consider this testimony -

MR. HUNEVOL: Move to strike.

THE COURT: As evidence against the defendants Patrick, Tyndall, Jacobs, Vereen, Moore, Epps, Wright, Jabobs and Shepard. You will only consider this testimony as to the defendant Chavis. *(Exception No. --)*

Q And then what occurred, please?

MR. FERGUSON: Object.

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

A Then Butch went and got the shotgun and came back and then that is when Chavis told us to go ahead and burn it.

THE COURT: Members of the jury, you will not consider this testimony as evidence against the defendants Patrick, Tyndall, Jacobs, Vereen, McKoy, Epps, Moore, Wright and Shepard. You will only consider this testimony as to the defendant Chavis. *(Exception taken)*

~~Q And what occurred then, if anything, please?~~

~~A Then myself and Butch went over to Mike's Grocery.~~

~~Q Did you take anything with you?~~

~~A Yes, sir; the firebombs that Chavis gave.~~

MR. FERGUSON: Object to the leading.

THE COURT: Overruled. *(Exception taken)*

~~Q Pardon?~~

~~A The firebomb that Chavis gave.~~

~~Q How what occurred when you got over to Mike's, please?~~

~~A Then Butch lit the firebomb and I threwed the firebomb, and I heard it hit, and then I went back across the street, me and Butch.~~

~~Q Did you look at Mike's before leaving there?~~

~~A No, sir.~~

MR. FERGUSON: Object.

THE COURT: Overruled. *(Exception taken)*

~~Q Then what, if anything, did you do?~~

~~A Then I came back to Rev. Templeton's house.~~

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

THE COURT: Yes, sir.

(Conference at the bench.)

Q What evening was this that you went to Fields and then went over to firebomb Mike's?

MR. FERGUSON: Objection; move to strike.

MR. HUNEVOL: Objection.

THE COURT: Overruled; motion denied. *(Exemption)*

A This was February 5, 1971, *a*

~~Q What day in the week was it?~~

A Friday.

Q When was that in relation to the Saturday when Mike's burned?

A This was before -

MR. FERGUSON: Objection. *(Exemption)*

A Mike's actually was burned.

THE COURT: Mr. Solicitor and gentlemen, it is about 5 o'clock here now. We are going to take a recess. The Court will take a recess, members of the jury, until tomorrow morning at 9:30. Let me again caution you not to discuss this case with anyone nor allow anyone to discuss it with you. Do not discuss it

among yourselves until you have the case for your deliberation. And, members of the jury, you will not make an investigation for yourselves of this matter. You will not go to any places that have been testified about. You will not listen to anything over the radio. I'll ask you not to listen to anything over the radio if anything should occur. I'll ask you not to read anything in the press if anything should occur or view anything on television if anything should occur. You will be governed entirely by the evidence as it comes from the witness here in the courtroom. Members of the jury, you go and come back tomorrow morning at 9:30.

(The Court recessed at 5 P M.)

September 28, 1972

9:55 A M.

THE COURT: Bring the jury in.

(Jury comes into the jurybox.)

ALLEN HALL, returns to the witness stand, having already been duly sworn, testified as follows:

DIRECT EXAMINATION BY SOL. STROUD Continues:

~~Q~~ ~~Mr. Hall,~~ On the evening of Friday, February 5, 1971, when you returned from Mike's Grocery store, where did you go?

~~A~~ *I went* Over to Rev. Templeton's house.

Q Who was over there at that time?

A Ben Chavis, Marvin Patrick and the rest of the defendants.

MR. FERGUSON: Object; move to strike that.

MR. HUNEVOL: Objection.

THE COURT: Objection overruled; motion to strike is denied. *(Exemption No. 1)*

Q Would you point out on the diagram there where Rev. Templeton's house was again, please?

A Rev. Templeton's house is right here.

~~Q~~ Next to the church?

~~A~~ Right.

~~THE COURT: Would you read the answer to that~~



question?

~~(Court Reporter read the answer to the question~~

~~"Who was there at that time?"~~

~~Q~~ Was <sup>T</sup> this at Rev. Templeton's house?

~~A~~ Yes, sir

~~Q~~ ~~What occurred at that time, please?~~

~~A~~ Well I went in there and then I went upstairs of Rev. Templeton's house.

Q Prior to going to Rev. Templeton's house, had you been at the church?

MR. FERGUSON: Object to this leading.

THE COURT: Objection sustained. Don't lead him.

A No, sir.

~~Q~~ Now you went upstairs in Rev. Templeton's house.

~~A~~ Yes, sir.

Q For what purpose?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

THE COURT: Objection overruled. *(Exception this)*

A I went up to Rev. Templeton's house to tell Ben Chavis what had happened about Mike's Grocery.

MR. FERGUSON: Move to strike.

THE COURT: Members of the jury, you will

not consider this testimony as evidence against Marvin Patrick, Connie Tyndall, Jerry Jacobs, Vereen, defendants McKoy, Moore, Wright, Epps and Shepard. You will consider this testimony only as to the defendant Chavis. (Exception No. —)

A Yes, sir.

Q Where?

A Upstairs in the room.

~~Q What room?~~

~~A In the bedroom where he was staying at, at Rev. Templeton's house.~~

~~Q Did you see anyone upstairs at this time?~~

~~A Yes, sir.~~

~~Q Who else?~~

~~A Jim Grant.~~

Q Where was he?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

THE COURT: Overruled. (Exception No. —)

A He was in the room with Chavis.

Q What was occurring at the time you went in the room?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

THE COURT: Members of the jury, you will not consider this testimony as evidence against

the defendants Patrick, Tyndall, Jacobs, Ver-  
een, McKoy, Epps, Moore, Wright and Shepard.

You will consider this testimony only as to  
the defendant Chavis. (Exemption No. ---)

A They had some papers and Chavis told Grant to be  
sure and get them filled out.

MR. FERGUSON: I move to strike that.

THE COURT: Motion denied. (Exemption No. ---)

Q Do you know what kind of papers they were?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

THE COURT: Members of the jury, you consider  
this testimony only as to the defendant Chavis.

You will not consider this testimony as to  
any of the other defendants. All right.

Proceed. (Exemption No. ---)

A To my knowledge, they looked like the papers of  
contracts.

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

THE COURT: Objection sustained as to what they  
looked like.

Q What occurred when you entered the room, please?

MR. HUNEVOL: Objection.

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