

PAGE COUNT OF 50 PAGES

SOL. STROUD: Objection.

THE COURT: Objection sustained. *(Sustained)*

Q Now as I understood your testimony on Friday you said that you went to the liquor store on Saturday morning. Is that correct?

A Yes, sir.

~~Q Now what time did you get up on Saturday morning?~~

~~A Around 7 o'clock or 7:30. I am not for sure.~~

~~Q Around 7 or 7:30?~~

~~A Yes, sir.~~

Q And what time was it when you left the - I believe you said you left the church or left Rev. Templeton's house. Is that correct?

A Yes, sir.

Q What time was that?

~~A I don't know for sure, Mr. Ferguson.~~ *what time I left*

Q Was it before 8 o'clock?

A I am not for sure.

~~Q Now did you leave alone?~~ *not*

A No, sir.

~~Q Did you leave walking or riding?~~ *I left*

~~A Walking.~~

~~Q Now what time did you get to the liquor store?~~ *I don't know what*

~~A I don't know, Mr. Ferguson.~~

Q ~~You don't know what time you got to the liquor store?~~

A ~~Not for sure.~~

Q ~~Now was it that morning that you say you went by your father's house - by your uncle's house father than Friday night?~~

A I went by my uncle's house on a Friday night.

Q ~~And you say you went to your ^{my} cousin's on Saturday after you left the liquor store. Is that correct?~~

A ~~Yes, sir.~~

Q ~~What cousin was that?~~

A My cousin stay on South 6th Street.

Q ~~Is it a male or female?~~

A ~~Female.~~

Q ~~What is her name?~~

THE COURT: Go ahead: Answer the question.

A ^{Her name is} Gwendolyn Carroll.

Q ~~Where on 6th Street does she live?~~

A South 6th Street.

Q ~~Do you ^{not} know the number?~~

A ~~Not right offhand.~~

Q ~~Who was there when you came by your ^{my} cousin's house?~~

A Her and some of her friends. I don't know who they were. ^{were there.}

Q ~~You don't know any of her friends?~~

A ~~No, sir.~~

Q ^Q You had the pint of liquor with you? ^{MC}

A ~~Yes, sir.~~

Q ^Q When you went by her house?

A ~~Yes, sir.~~

Q ^Q Did you go to her house directly from the store?

A ~~Yes, sir.~~

Q ~~Did I understand you to say that you bought~~
of liquor?

A ~~Yes, sir.~~

Q ^Q Had you had any of it to drink before you ^{not}
her house?

A ~~No, sir.~~

Q ~~And how long did you stay at her house?~~

A ~~Approximately 10 minutes.~~

Q ^Q Did you have a drink while you were there? ^{I was}

A ~~Yes, sir.~~

Q ~~How much did you have to drink?~~

A ~~Maybe it was 3 inches in a glass.~~ ^{I had}

Q ~~Did she have something to drink also?~~ ^{she didn't}

A ~~No, sir.~~

Q Did anyone else there at the house have to drink?

A Yes, sir.

~~Q~~ ^{I not} Do you know who had something to drink?

~~A~~ No, sir; I don't know them by their name.

~~Q~~ When you left her house, where did you go?

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

~~Q~~ So if I understand you you went to the liquor store; you came back to your ^{my} cousin's house and then you went to Rev. Templeton's. Is that correct?

~~A~~ Yes, sir; after I left the church that morning.

~~Q~~ (What time did you arrive back at Rev. Templeton's?)

~~A~~ I couldn't say right offhand. I couldn't say right offhand. I am not for sure.

~~Q~~ How long did you stay at Rev. Templeton's when you arrived back there.

~~A~~ I stayed there, I'd say, around 15 or 20 minutes; long enough for the discussion that Ben Chavis was giving.

~~Q~~ Stayed there long enough for the discussion. How long did the discussion last?

~~A~~ I couldn't say right offhand, maybe 15 minutes.

~~Q~~ Then after that discussion what did you do?

~~A~~ Myself and Ben Chavis and Marvin Patrick went to my aunt's house.

~~Q~~ What aunt is that?

~~A~~ We went to Celestine's.

Q ~~Celestine what?~~ Do you know ^{Mr.} your aunt's last name?

A ~~Yes, sir~~

Q What is her last name? What are you looking at Mr. Stroud for?

SOL. STROUD: Object to the last question.

THE COURT: Go ahead and answer the question.

A Celestine Graham.

Q ~~Where does she live?~~

A She stays in town, *in*

Q ~~In what town?~~

A ~~Wilmington~~ *on*

Q ~~Where? Did you hear my question?~~

~~THE COURT: Go ahead and answer.~~

A ~~Yes, sir.~~

Q ~~Where does she stay in Wilmington?~~

A ~~14th Street.~~

Q ~~What number on 14th Street?~~

A ~~14th Street.~~

Q ~~Do you know the address?~~

A ~~No, sir.~~

Q ~~How long did you stay at your aunt's house?~~

A ~~Just stayed there long enough to get something to eat to carry back to Rev. Templeton's house.~~

Q ~~How long was that?~~

A I can't say right offhand *how long that was.*

~~Q~~ You don't have any idea how long it was?

I was
~~A~~ Just a few minutes.

~~Q~~ *She was not*
~~Was she there?~~

~~A~~ No, sir.

~~Q~~ Was anyone else there?

~~A~~ Yes, sir.

~~Q~~ Who was there?

~~A~~ *a* Friend was there, Sherill.

~~Q~~ What friend? I asked you what friend?

~~THE COURT:~~ Go ahead and answer the question.

~~A~~ Sherrihl.

~~Q~~ Sherrihl who?

~~A~~ I don't know her last name.

~~Q~~ She was a friend of whose? *mine* A friend of yours of a friend of *my* aunt's?

~~A~~ A friend of both of us.

~~Q~~ Was *S* she *not* living there at *my* aunt's house?

~~A~~ No, sir.

~~Q~~ But she was just there at *my* aunt's house when *my* aunt wasn't at home?

~~A~~ Yes, sir.

~~Q~~ Did she open the door for *me* you?

~~A~~ Yes, sir.

~~Q~~ You don't know her last name?

~~A~~ No, sir.

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

A Just a week, week and a half.

Q ~~I see. So you walked in your aunt's house~~ friends and got something to eat and carried it to Rev. Templeton's house.

A ~~Yes, sir.~~

Q (What time did you get back to Rev. Templeton's house?)

A I don't know.

Q Had you seen your aunt on the day before?

A ~~Yes, sir.~~

Q (What time had you seen her on the day before?)

A I don't know for sure.

Q ~~Where did you see her on the day before?~~

A At her house.

Q ~~Did you see anyone else there?~~

A ~~No, sir.~~

Q ~~Who else did you see there?~~

A ~~I said I didn't see anyone else there.~~

Q ~~You didn't see anyone else there?~~

A ~~No, sir.~~

Q Do you recall on last week that you told me that you left Rev. Templeton's house shortly after 7 o'clock on Saturday morning?

A I don't believe I said I left because it

out what time I left Rev. Templeton's house.

Q Do you recall saying ^{you} left with Jerry Jacobs?
You gave him some money to buy wine?

A ~~Yes, sir.~~

Q You went over there to Little Pigs, and you left the Little Pigs and went directly to Rev. Templeton's house?

A No, sir; I said after I left Rev. Templeton's house I went to the V F W, but it was closed. Then I went to Little Pigs. Then I went to the liquor store. Then I went to my cousin's house.

Q Did you ^{not} tell this jury anything about the V F W Club before ^{you} ^{me} asked you on Friday?

A ~~No. No, sir,~~ because the question hadn't come up where did I go at that Friday morning before.

Q Are you telling this jury Mr. Stroud hadn't asked you about where you went Saturday morning?

SOL. JOHNSON: Objection.

THE COURT: Sustained. (Exception taken)

Q Didn't Mr. Stroud ask you about where you went Saturday morning?

SOL. JOHNSON: Object.

THE COURT: Sustained. (Exception taken)

Q Do you recall whether or not Mr. Stroud asked you about that?

SOL. JOHNSON: objection.

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

Q Now you also didn't tell this jury that you went to the liquor store on Saturday morning, did you until I asked you about it?

A No, sir.

Q And you had signed a statement before that you went to the liquor store on Friday night, had you not?

A They must have misunderstood me. I corrected. I went there on Saturday.

~~Q I asked you did you sign a statement to the effect that you went to the liquor store on Friday night?~~

~~A Yes, sir.~~

Q *And* that you left the liquor store and went to the V F W Club on Friday night?

A *No, Sir.*

Q You didn't sign a statement to *that* effect?

A I signed a statement that I went to the A B C and I corrected it.

Q I asked you didn't you sign a statement to the effect that you went to the liquor store and then you went on down to the V F W Club on Friday night?

A Yes, sir.

~~Q And you say you corrected that?~~

~~A yes, sir.~~

~~Q~~ ~~When did you correct that?~~

~~A~~ I corrected it for a week after Mr. Stroud -

~~Q~~ Did you correct what you told this jury about where you went Saturday morning?

~~A~~ Yes, sir.

~~Q~~ I'll ask you if in that same statement you didn't also sign a statement to the effect that you left Rev. Templeton's and went to the Little Pig.

A Yes, sir.

Q And that in that statement you did not mention the name of Jerry Jacobs as having gone with you on Saturday morning.

A I mentioned Jerry Jacobs.

Q You say you mentioned -

SOL. STROUD: Your Honor, let the witness answer the question.

THE COURT: Let him answer the question.

A I mentioned Jerry Jacob's name. I told that myself and Jerry Jacobs left Rev. Templeton's, went to the V F W and Jerry Jacobs asked me to give him enough money to buy him a wine, and I gave him the wine.

~~Q~~ Did you mention that in your ^{will} statement?

~~A~~ Yes, sir.

Q In the signed statement?

A I told Mr. Stroud afterward.

Q I am asking you if you mentioned it in the statement.

A I told him afterwards, and I told him what was out of the statement and it wasn't in the

Q ~~You~~ asked him to put that in the statement. Did you ask him to correct it?

~~A Yes, sir.~~

Q ~~Did you ever sign a statement showing that it be corrected?~~

~~A Yes, sir.~~

MR. FERGUSON: I move at this time that a given copy of corrected statement Mr. Ferguson has in his possession.

THE COURT: I believe we went into the

MR. FERGUSON: That was before he said these corrections.

THE COURT: He said he did not sign the statement.

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

THE COURT: Yes, sir.

(Conference at the bench.)

Q ~~Now, Mr. Hall, have you said that you did something to drink on Friday night? Is that~~

~~A Yes, sir.~~

~~Q~~ And you say ^(w) when you had a drink that ^l you had the drink over at ^{my} your cousin's house, Gwendolyn Carrol, on Saturday morning?

~~A~~ Yes, sir.

Q Did you sign a statement to the effect that you did have a drink on Friday night?

A I corrected that mistake.

Q Didn't you sign a statement to the effect that you had that drink on Friday night with your uncle, Mr. Graham, at his house?

A I corrected that mistake.

Q I am asking you if you ~~did~~ sign a statement to that effect.

SOL. STROUD: Your Honor, may he answer the question?

MR. FERGUSON: He hasn't answered it.

THE COURT: You didn't give him time.

A Whenever I saw Mr. Stroud I told him that was a mistake about me having a drink with my uncle on Friday night, that I had gave my uncle his money what I had borrowed from him and me and my aunt had been to the Kentucky Fried Chicken on Dawson Street, but I told him that they had made a mistake about me having had a drink with my uncle, and the whiskey

I had got on Friday night and about me going to the VFW on Friday night.

Q ~~But you are admitting you signed a statement to that effect?~~

A ~~Yes, sir;~~ and I told Mr. Stroud that there was a mistake, that they must have took Friday night when I had bought the whiskey, but I told them that was not what I said.

Q ~~Did you ever sign the corrected statement?~~

A ~~No, sir.~~

Q ~~Was it offered to you by Mr. Stroud to sign to verify that you were changing something you had signed before?~~

A ~~No, sir;~~ because he made a correction on his statement.

Q Were you adopting that statement as your own when he made the corrections on it?

SOL. STROUD: Objection.

THE COURT: Objection sustained.

MR. FERGUSON: Your Honor, I would like to have his answer placed into the record.

THE COURT: All right. Step down to the Reporter.

A (Whispered) I don't know what is wrong that he didn't make the change on there.

~~Q~~ Now this statement was taken on February 18, 1972, that you signed. ~~Is that correct?~~

~~A~~ Yes, sir.

Q When did you realize that you had told Mr. Stroud something that wasn't true?

SOL. STOUD: Objection.

A I hadn't told him -

THE COURT: Objection sustained as to the form of the question. *(Exception 15, -)*

~~Q~~ Was it ^{not} true that you had a drink of liquor on Friday night, Mr. Hall?

~~A~~ No, sir.

Q Did you tell Mr. Stroud you had had one on Friday night?

THE COURT: Mr. Ferguson, you have asked him about that.

MR. FERGUSON: He said he hadn't signed anything that wasn't true.

Q Was it true that you had a drink on Friday night, Mr. Hall?

A No, sir.

~~Q~~ Did you ^{not} tell Mr. Stroud that you did have a drink on Friday Night?

~~A~~ No, sir.

Q You never told Mr. Stroud that?

A No, sir, they must have misunderstood me told you before.

Q You are saying Mr. Stroud just put in here Mr. Stroud put in here you had a drink on night?

A I am not saying he just put it in. I am could have made a mistake because all human mistakes.

Q All right. So you are saying now you never told him that.

SOL. JOHNSON: Objection; been over it times.

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

Q When did you realize that there was something in that statement that you hadn't said?

SOL. JOHNSON: Objection.

THE COURT: Sustained. *(Exception No. 2)*

Q MR. FERGUSON: I'd like to have that in the record.

THE COURT: All right. Step down and to the Reporter.

A (Whispered) Two days later.

Q Now when was it that you sent for Mr. Stroud?

make that correction?

SOL. STROUD: Objection.

THE COURT: We went into that Friday.

MR. FERGUSON: Your Honor, I'd like to get the answer to the question.

THE COURT: All right. Go ahead and answer it.

A. I had the Superintendent of the Prison Unit to call Mr. Stroud a day later. I told the Superintendent to call Mr. Stroud that I would like to see him.

~~Q. That was the day after you had made the statement?~~

~~A.~~ That was a day after I had signed the statement after I had read the statement and after I had signed the statement and the next morning I had the Superintendent of the Prison Unit to try to get in contact with Mr. Stroud to call him and tell him that I would like to see him.

Q. Now you said that you had discussed, you had talked with Mr. Walden while he had the statement up there for you to sign. Isn't that correct?

A. I said at the time I was reading the statement I was talking with Mr. Walden, but I didn't say I was discussing the case. We were discussing other matters.

~~Q.~~ You didn't discuss the case with Mr. Walden at all

when he was up there?

A Not at that time. We was talking about other r

Q Did Mr. Walden ^{did it} give you a copy of the statement

A ~~No, sir,~~ he gave me a copy of the statement to
and sign, but he did not give me a personal co
of the statement for me to keep myself.

Q At the time you called Mr. Stroud or told the
erintendent to call Mr. Stroud you didn't even
a copy of the statement in front of you?

A ~~No, sir.~~

Q Now how long was it before Mr. Stroud got the

A If I am not mistaken three days later because
first day that I had the Superintendent to ca
him the Superintendent said that he forgot, a
because he had so many other matters to tend
and he called him the next morning and the no
day Mr. Stroud came.

Q Now did Mr. Stroud offer you an opportunity
sign the corrections that you asked him to m

SOL. JOHNSON: Objection.

THE COURT: Go ahead and answer the que
objection overruled.

A I don't remember.

Q Did you ^{not} ask him for an opportunity to sign

A ~~No, sir.~~

Q But yet you say you knew and Mr. Stroud knew you were changing the statement that you had already signed.

A No, sir; not changing the statement, but what they had left out of the statement was told him and telling them what they had got dates, some of the dates, misplaced on the statement. Like on a Friday whenever it said the liquor it was on Saturday. I explained Mr. Stroud that he had got the wrong date instead of Friday it was on Saturday.

~~Q That was changing the statement.~~

~~MR. JOHNSON: Let the witness finish,~~

~~A That was change and things they had left out of the statement. It was changed like, you know, they had left this out and, you know, the statement was changed and all. So I said to myself I'd better get in contact with Mr. Stroud before I try to get in contact with Mr. Johnson. There must have been a misunderstanding. I'd better get in contact with him and let him know about the misunderstanding before we go on.~~

Q So without looking at the statement you told them that the date was wrong.

A I told you, Mr. Ferguson, that during the

Mr. Walden brought the statement to me that I read the statement and signed it and that at that time that it was not no concern of mine; that I thought about the statement, what had been left out and some of the days was mixed up, and then it became a concern of mine because it wasn't exactly what I had - all of it wasn't in there what I had said, and the days was wrong.

~~Q~~ And it became ^{my} your concern the same date that Mr. Walden left. Is that right?

~~A~~ Yes, ~~sir~~ that night.

Q You told the jury last week that it was a week later that you realized that, didn't you?

~~A~~ No, sir; I said it was a week before Mr. Stroud came up there.

Q As a matter of fact, you told the jury that it was no concern of yours why it was left out because you didn't know why that it was left out.

A I told Mr. Walden when I read the statement that it was no concern of mine because I didn't know why they left it out whatsoever.

Q You say at one time it was not concern and another time it was a concern?

A But then I told the jury after I had realized what

they left out that I had the Superintendent to contact Mr. Stroud.

Q What time did you go to your uncle's house on Friday night?

SOL. JOHNSON: Objection; been over it

MR. FERGUSON: Have not been over that, Judge.

THE COURT: Overruled.

A I can't say right offhand, Mr. Ferguson. I didn't have a watch.

Q (What time did you get back to the church after you left your uncle's house?)

A I can't say right offhand.

Q You can't.

A No, sir.

Q Have you told Mr. Stroud before what time you got back?

A I said approximately, maybe before Fields had closed because I realized that Fields closes at 9 o'clock; that we had went to, myself and Chavis and Grant and John Robinson had went to get bullets at Fields and gasoline and then had came back to the church and that Chavis had showed me how to make firebombs.

Q My question is what time did you tell Mr. Stroud you got back to the church?

A I don't know for sure the exact time.

~~Q You don't know?~~

~~A I didn't tell him no exact time. Approximately 7 o'clock or 8:30. Don't know for sure, not the exact time.~~

~~Q You don't know what time you went there?~~

~~A No, sir.~~

~~Q What time did you arrive at the church?~~

~~A That Friday?~~

~~Q On Friday.~~

~~A Approximately around 5 o'clock or 5:30 or earlier.~~

~~Q 5 o'clock or 5:30?~~

~~A I said I don't know for sure.~~

~~Q (How long did you stay at the church before you left?)~~

~~A I don't know for sure, Mr. Ferguson.~~

~~Q You don't know anything for sure today, do you?~~

SOL. STROUD: Objection.

THE COURT: Sustained. (Exception No. —)

~~Q You knew everything for sure when Mr. Stroud was asking you, didn't you?~~

SOL. STROUD: Objection.

THE COURT: Sustained. (Exception No. —)

~~Q What did you do when you first arrived at the church on Friday?~~

~~A I asked Marvin Patrick where was BEN Chavis.~~

~~Q~~ ~~How long did that take?~~ *That took*

~~A~~ Just a few seconds.

~~Q~~ *I* Did you find Ben Chavis?

~~A~~ Yes, sir. *I found*

~~Q~~ ~~Where did you find him?~~

~~A~~ Over at Rev. Templeton's house as usual.

Q Had you seen him at Rev. Templeton's house before?

A Like he was staying at Rev. Templeton's house.

~~Q~~ *I* Had you seen him at Rev. Templeton's house before?

~~A~~ Not before, but afterwards.

Q What was so usual about that?

A You asked me where was Rev. Templeton - where was Ben Chavis. At that time he wasn't calling himself a Reverend.

Q I asked you where did you find him. What was so usual about it?

A You asked me where was Ben Chavis. I said at Rev. Templeton's house as usual. I saw him there afterwards. That is where he stayed at. That is where he kept his luggage at.

Q Did you have any private conversation with him at that time when you found him at Rev. Templeton's house?

A I told him I was going around the corner. He asked

me was I coming back and I told him yes that I'd be back in a few minutes.

~~Q~~ ^d Did you go around the corner?

~~A~~ Yes, sir.

~~Q~~ Where did you go?

~~A~~ I just walked around the corner,

~~Q~~ Where?

~~A~~ To a friend's house.

~~Q~~ What friend?

~~A~~ Friend on 6th Street.

~~Q~~ ^d Do you know the friend's house, what friend?

~~A~~ Yes, sir.

Q What is the friend's name?

A I didn't go to the house. We were talking on the sidewalk.

Q What friend?

A Marva Jacobs.

~~Q~~ Marva who?

~~A~~ Jacobs.

~~Q~~ Is that M-A-R-V-A a girl?

~~A~~ Yes, sir.

~~Q~~ ^d You went around to talk to her? How long did you talk to Marva Jacobs?

~~A~~ Just a few minutes because she was getting ready to go somewhere.

~~Q~~ When you ^I left at the time you went around the corner, ^I ~~were~~ you looking for Marva Jacobs?

~~A~~ No, sir.

~~Q~~ Where were you on your way to?

~~A~~ I was, you know, I was going to my cousin's house.

Q What cousin?

A My cousin.

SOL. STROUD: Objection, your Honor. He doesn't have to shout.

MR. FERGUSON: Your Honor, I asked him what cousin and he won't tell me what cousin.

THE COURT: Gentlemen, keep your voices down.

Go ahead and answer the question.

A Gwen's house.

~~Q~~ ^{I did not go} You went to Gwen's house on Friday night?

~~A~~ No, sir. Friday afternoon. I said I had started around there. You asked me where I was headed. I said Gwen's house. I met Marva, a friend. I talked to her a few minutes, and I came back to Rev. Templeton's house.

~~Q~~ ^{I did not} You continued to go around to Gwen Carrol's house?

~~A~~ No, sir.

Q What stopped you from going to her house?

SOL. STROUD: Objection

THE COURT: Objection sustained. (S/Plurim...)

Q Why didn't you go to her house?

SOL. SEROUD: Objection.

THE COURT: Overruled.

A Because after I had talked to Marva then I just said to myself, "Well I ain't got time to go to Gwen's house. I'll catch her later."

Q ~~You~~ hadn't talked to Marva but a couple of minutes, had you?

A ~~No~~, sir.

Q All of a sudden after a couple of minutes you found you didn't have time to go to Gwen's house?

A Mr. Ferguson, it doesn't take an hour or two for a mind to change. A person can realize he might not have that much time as far as what is going on at the church. I said I had to make it back to the church because I told Ben Chavis I'd be back in a few minutes, not an hour and 30 minutes.

Q What were you going to go to Gwen's house for to start with?

SOL. STROUD: Objection.

THE COURT: Overruled.

A Just going to talk; just to conversate.

Q ~~Going to~~ conversate?

A ~~Yes~~, sir.

~~Q~~ But you say you didn't go because you thought
was more important to come back to the church.

~~A~~ Yes, sir, at that time.

~~Q~~ You were just going to converse?

~~A~~ Repeat your question.

~~Q~~ You say you left there and came back to

~~A~~ Came back to Rev. Templeton's house.

~~Q~~ (What time was it when you got back to Rev.
ton's house?)

~~A~~ I am not sure.

~~Q~~ You don't have any idea?

~~A~~ No, sir.

~~Q~~ What did you do when you got back to Rev.
house?

~~A~~ Whenever I got to Rev. Templeton's house
Ben Chavis talked. That is whenever Ben
me upstairs where he was staying at Rev.
house. That is where he told me he was
show the crackers we mean business. He
to make the crackers beg. He was going
what we want no matter what it takes. I
ing the Chicago Strategy. He asked me
heard of the Chicago Strategy. I told
asked me had I ever been to Chicago.

~~Q~~ You didn't even intend to answer my question.

SOL. STROUD: Object. He is answering.

MR. FERGUSON: Your Honor, he is not answering my questions.

A You asked me whenever I came back talking to Marva where did I go then, and I told you to Rev. Templeton's house, and then you said where

~~Q Right.~~

~~A~~ Then I said upstairs with Ben Chavis.

Q That was the answer to my question. How long did you stay up there?

A Maybe 30 minutes.

~~Q Who was up there with you?~~

A Ben Chavis and Jim Grant. *were up there with me.*

~~Q~~ Just the three of ^{us} you stayed upstairs 30 minutes?

~~A~~ Yes, sir.

~~Q~~ (Who was downstairs while ^{us} you were upstairs?)

~~A~~ I can't say for sure.

Q When you left upstairs and went back downstairs what time was it?

A I don't know for sure.

~~Q~~ You don't have any idea?

~~A~~ No, sir, because I didn't have a watch.

~~Q~~ When you got back downstairs how long did you stay in the house?

~~A~~ Not too long.

Q What do you call not too long?

A That is whenever Chavis started talking about we needed some gasoline to make firebombs.

Q How long did you talk about that?

A Well, you know, he just said we needed gasoline to make firebombs in order to burn some of the big business in Wilmington.

Q Who was present at that time?

A Molly Hicks, Tom Houston, George Kirby. Then John Robinson came into the door and Patricia Holmes, Connie Tyndall, Benjamin Wonce, Annie McLean, Jim Grant and some others I don't know.

~~Q~~ You don't know who the others were who came in?

~~A~~ No, sir, not right offhand.

Q How long did you talk to Allen Hall?

A I don't know, Mr. Ferguson.

Q Was it an hour?

A I don't know, Mr. Ferguson.

Q Was it a half hour?

SOL. STROUD: Objection.

THE COURT: Sustained. He said he didn't know.

~~Q~~ Did anyone leave before you left?

~~A~~ No, sir.

Q You were the first one to leave?

A Myself, Chavis, John Robinson, Jim Grant and another

dude left to get the gasoline and the bullets at Sears.

Q All of you left to go to get the gasoline and bullets at Sears?

A Not all of us. Just us five and Marvin Patrick.

~~Q~~ That was you ^{me} ~~?~~

~~A~~ Chavis,

~~Q~~ Grant?

~~A~~ Grant,

~~Q~~ Robinson?

~~A~~ Robinson and another dude I don't know.

~~Q~~ And another dude you don't know. That is five right there.

~~A~~ Yes, sir.

~~Q~~ Did anybody else ^{go} ~~go~~ with you? ^{went} ^{us.}

~~A~~ Not with us.

~~Q~~ Is that when you left and went out on Oleander Drive?

~~A~~ Yes, sir.

Q What time was it when you arrived out at Fields on Oleander Drive. Is that where you say you went?

A Yes, sir.

Q What time was it when you arrived?

A I can't say because I don't know what time it was.

~~Q~~ Was it dark?

St used
A Dusk dark.

Q How long did you stay out there?

A I can't say right offhand, Mr. Ferguson, because I didn't time the time we got to Fields. I didn't time the time we went into Fields. I didn't time the time we had a conversation with the cashier. I didn't time the time whenever we left. I can't say what time it was.

Q You don't have any idea in the world what time it was?

SOL. JOHNSON: Objection.

THE COURT: Sustained. *(Exception this...)*

Q
~~Q~~ When you ^{we} left there ~~where did you go to?~~

~~A~~ Then we went to the filling station to get some gasoline.

~~Q~~ How long ^{we} were you at the filling station getting gasoline?

~~A~~ Just long enough to get the gasoline. I went in the store first. I went to the soda machine to get some soda. Then I went inside the filling station to get some candy.

~~Q~~ Go ahead.

~~A~~ Then Chavis paid the service station and then the dude came back and brought the change and then we left.

Q

Q How far is Oleander Drive from 6th and Nun?

A I haven't the least idea because I don't know. I had never measured it that far.

~~Q~~ You don't have any idea how far it is?

~~A~~ No, sir, because I can't say how far it is, Mr.

Ferguson. I have never measured how far is it from 6th and Nun to Oleander Drive. Like I don't know because I can't say how far it is.

Q Is it 2 or 3 miles out, Allen Hall?

SOL. STROUD: Objection.

THE COURT: Sustained. He said he did not know how far is it.

Q You don't know how long it took you or how long you stayed or how long it took you to get back?

A I didn't have a watch. Even if it did have a watch at that time I probably wouldn't have been timing the time we left the church, the time we got to Oleander Drive, the time we got to Fields and then the time we stopped at the service station. Chavis had a watch to my knowledge. I don't know whether he timed the time we left or not. He could have, but I don't know.

~~Q~~ You don't know what time it was when you arrived back at Rev. Templeton's house. Is that right?

~~A~~ Not right offhand.

work back

~~Q~~ ~~What did you do when you got back? Did you go back~~
to REV. Templeton's when you left Oleander Drive?

~~A~~ Yes, sir.

~~Q~~ When you left the service station?

~~A~~ Yes, sir.

Q Did you go anywhere other than Fields and the service station where you got the gasoline?

A Fire bomb Mike's grocery and to shoot at the whites on 5th and Nun.

~~Q~~ That is where you went when you got back?

~~A~~ Yes, sir.

~~Q~~ (What time was it when you went to firebomb Mike's Grocery?)

~~A~~ I don't know.

~~Q~~ (What time was it when you got back?)

~~A~~ I don't know.

~~Q~~ (What time was it when you went to shoot the man on 5th and Nun?)

~~A~~ I don't know.

~~Q~~ (What time was it when you got back?)

~~A~~ I don't know.

Q What time did you go to bomb the man?

A I told you I do not know. I don't know what time it was whenever we left. I don't know what time it was

when we got back. I didn't ask anybody what time it was. Time was not on my mind. Time was not concerned. Maybe Ben Chavis would worry about time because he had a deadline. I don't know.

Q You don't have any idea what time it was whenever you did any of these things?

SOL. STROUD: Object.

Q I don't know what time it was. I have told you and told you.

Q I want you to tell me what time it was -

(The witness came off the witness stand and attempted to reach the defense table. Chairs and tables were pushed around and upset. The witness was subdued. All the jurors had left the courtroom with the exception of juror 8. The jurors returned to the jurybox and were asked to retire to the juryroom by the Court.

THE COURT: We'll all take about a 10 minute recess.

(The Court recessed from 10:20 until 10:33 A.M.)

THE COURT: Gentlemen, I have asked you to keep your voice lowered and when it is apparent that this witness is becoming excited your voice got louder and you stood up and kept asking him questions until it was very apparent that

Completed

NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

PENDER COUNTY

STATE OF NORTH CAROLINA)

-vs-

BENJAMIN FRANKLIN CHAVIS)

MARVIN PATRICK)

CONNIE TYNALL)

JERRY JACOBS)

WILLIE EARL VEREEN)

JAMES MCKOY)

REGINALD EPPS)

WAYNE MOORE)

JOE WRIGHT)

ANN SHEPHARD)

TRANSCRIPT OF TESTIMONY

Burgaw, North Carolina

September 11, 1972.

Before: Robert M. Martin, Judge Presiding,
and a jury.

Appearances:

JAMES T. STROUD, Assistant Solicitor and DALE JOHNSON,
Assistant Attorney General, representing the
State of North Carolina.

JAMES FERGUSON and CHARLES BECTON, Esqs., of Charlotte,
N. C.; FRANK BALLANCE, Esq., of Warranton, N. C.;
JOHN HARMON, Esq., of New Bern, N. C., of counsel,
attorneys at law, representing the defendants
Chavis, Patrick, Tyndall, Jacobs, Vereen, McKoy,
Epps, Moore and Wright.

MATHIAS P. HUNEVOL, Esq., of counsel, attorney at law,
representing the defendant Shephard.

Josephine L. Seila,
Official Court Reporter,
P O Box 718
Selma, North Carolina 27576.

he was becoming excited. I am asking you to keep your voice lowered and not excite the witness, and continue with this trial.

MR. HUNEVOL: Your Honor, before the jury comes in I'd like to make a motion on behalf of Mrs. Shephard for a mistrial. *(Deception No. —)*

MR. FERGUSON: I'd like to join that motion.

I'd like to request the Court that some guards be put near the witness on the stand. *(Deception No. —)*

MR. HUNEVOL: I ask that guard be put on Jerome Mitchell as well.

THE COURT: I'll ask the Sheriff to do this.

(The jury returned to the jurybox.)

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

(Conference at the bench.)

(Defendant Shephard started breathing heavy and moved to the opposite end of the defense table from the witness stand.)

THE COURT: Call Mr. Hall back to the stand.

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

CROSS EXAMINATION BY MR. FERGUSON Continues:

THE COURT: Gentlemen, I am going to ask all of

you to keep your voices down. Proceed.

Q What were you about to do just now when you came down from the stand, Mr. Hall?

MR. JOHNSON: Objection.

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

Q All right, sir, now trying to follow your testimony, if I recall, you said you went to Oleander Drive, came back to REV. Templeton's, went to Mike's Grocery to try to bomb him, came back to the church, went to 5th Street. Is that correct?

A No, sir; I said after I came back from Oleander Drive before I went to bomb Mike's Grocery, Ben Chavis showed me how to make firebombs and then he told me to firebomb Mike's Grocery.

Q ~~Where were you~~ when you said he showed you ^{me} how to make firebombs?

A ^{I was} Behind the church

Q Was anyone back there other than you and Ben Chavis?

A All I know is somebody called Butch -

Q (How long ~~did~~ that demonstration behind the church ^{took} take?)

A I don't know

Q Was ^{I was} it dark when you ~~were~~ behind the church?

A ~~Yes, sir,~~ but there is a light from back of Rev. Templeton's house that showed to the back of the

church.

~~Q~~ ~~You don't know Butch's real name?~~

~~A~~ ~~No, sir.~~

Q Did you estimate the time you stayed there?

A I don't know for sure.

~~Q~~ Now after ^lyou left there then ^lyou went to Mike's Grocery. ~~Is that correct?~~

~~A~~ ~~Right.~~

~~Q~~ ~~Who (went with you to Mike's Grocery on Friday night?)~~

A Myself and Butch

~~Q~~ Did ^{No} anyone else ^{went.} go?

~~A~~ ~~No, sir.~~

~~Q~~ ~~Just you and Butch?~~

~~A~~ ~~That is all.~~

~~Q~~ ~~What did you do when you got to Mike's Grocery?~~

~~A~~ Whenever we got to Mike's Grocery Butch lit the firebomb and it went out the first time. Then he struck another match. Then I throwed the firebomb and the firebomb hit against the screen. Then we ran back to the church and went in Rev. Templeton's house.

Q You and Butch still together?

A No, sir; I went in Rev. Templeton's house. All I know he came back through the path. I don't know whether he went in the church or standing guard.

Q When you got in Rev. Templeton's house, how many people were in there?

A I can't say right offhand.

~~Q Can you estimate?~~

~~A Maybe 25 or more. I don't know for sure.~~

~~Q Where were they?~~

A *They were*
In the livingroom and diningroom.

~~Q In what portion of the house did you go to when you went back?~~

~~A Whenever I went back to the house I came in the livingroom.~~

~~Q And there were these 25 or 30 people sitting around the living room?~~

A *in the*
Livingroom and diningroom.

~~Q Where was Rev. Chavis at that time?~~

A If I am not mistaken *Rev. Chavis* he was in the diningroom.

~~Q He was in the diningroom and you were in the livingroom?~~

A ~~Yes, sir: Ben Chavis was in the diningroom.~~

Q Do you know who the people were who were in the diningroom?

A Molly Hicks, Tom Houston, George Kirby, Trisha Rhodes Annie McLean, Benjamin Wonce, Connie Tyndall and somemore. I don't know all of them by names.

Q You have named all the ones you know? Who was in the livingroom?

A All of them.

Q All of these people were in the diningroom and the livingroom?

A The ones that I saw at the house.

~~Q When you got back up there what did you do?~~

~~A Whenever I got back up there I was going to tell Chavis about the firebombs and things up against Mike's, the screens. So him and Grant went upstairs and so I went upstairs and Grant and Chavis was in the bedroom talking. So Chavis handed Grant some cards which to my knowledge were contract cards and told him to make sure he get these filled out.~~

Q Do you understand what I am asking you? What did you do?

A I am telling you what I did.

~~Q ^{I am} Are you saying that ^I you went upstairs?~~

~~A Yes, sir.~~

~~Q ^I Now (how long did you stay upstairs?)~~

~~A I don't know for sure.~~

~~^I Can you estimate how long you stayed up there, ^{ed} Alien Hall?~~

~~A No, sir; I don't know for sure.~~

Q Do you know what time it was when you got up there?

SOL. STROUD: Objection.

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

A No, sir.

~~Q Now when you came back downstairs where did you go?~~

~~A~~ Me and Ben Chavis went, whenever we got the dynamite and rags, then we went behind, that is, whenever he told the dudes that this should be enough to make firebombs and to us be careful and that is whenever he took the dynamite and stuck it in a hole of the basement of the church and told this dude to take the dynamite, keep it down there because he was going to use it later.

~~Q You don't know the dude's name?~~

~~A No, sir.~~

~~Q How long did that take?~~ *look*

~~A~~ Just long enough for him to tell the dudes then for us to go in the church.

~~Q Then you went into the church?~~

~~A Yes, sir.~~

~~Q (How long did you remain inside of the church at that time?)~~

~~A~~ I don't know.

Q You don't have any idea, Allen Hall?

~~A~~ SOL. STROUD: Objection.

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

Q Can you estimate how long it was?

SOL. JOHNSON: Object.

THE COURT: Sustained. (Exception No. —)

Q You told Mr. Stroud how long you stayed in the church, didn't you?

SOL. STROUD: Object.

THE COURT: Overruled.

A Not that I recall.

Q You told Mr. Stroud what time it was when you got back from the grocery store that night, didn't you?

A I don't know nothing about the grocery store,

~~Q Mike's Grocery?~~

~~A No, sir; I didn't tell him what time.~~

~~Q You never told him what time?~~

~~A No, sir.~~

Q I'll ask you if you didn't sign a statement on March 2 telling Mr. Stroud what time you said you got back from Mike's Grocery on Friday night.

A I didn't say no definite time.

Q You didn't say a definite time?

THE COURT: Do you have another copy of that statement?

(Paper writing handed to the Court.)

Q I refer you to page 3 of Defendant's Exhibit "3" or of the paper writing that has been identified as Defendant's Exhibit "3" and ask you to familiarize yourself with that and then I'll refer you to the sixth full paragraph of that page.

A Do you mind if I answer your first question first, Mr. Ferguson. It says here when I got back to the church it was about 10 o'clock P M.

Q Just now you couldn't even tell me about what time it was.

A I told you I wasn't for sure what time it was. This still doesn't say it was 10 o'clock. It says "about". It could have been 15 minutes before 10 or 20 minutes before 10.

Q Didn't I tell you to estimate it for me?

A I told you I wasn't sure.

Q So when you said about 10 o'clock you weren't sure about that?

A No, if I was sure it was 10 o'clock, about wouldn't have been there.

~~Q What did you do after that?~~

~~A Then after Chavis told about this man at the house 5th And Hun that we were going to firebomb it and to shoot the man whenever he came out, then he told me~~

to throw the firebomb. He handed me the firebomb where he had showed how to make firebombs in the church and so then he told me, Marvin Patrick, Connie Tyndall and himself and then we went up there to 5th and Nun. And then he said that he would like to light the firebomb for me. So he lit the firebomb. So when he lit the firebomb I threw the firebomb. At that time a car pulled up and we went back to the church.

Q Did you tell Mr. Stroud about that on February 18, 1972, when ^{alone} you were talking to him?

A ~~Yes, sir.~~

Q Did he include that in your signed statement?

A All of it, like I said at the beginning, all of it wasn't in there. Some of it was left out, and I told him what was left out of my statement and he put it in there whenever I was talking to him.

Q My question was did you include that in the statement?

A Yes, sir. Whenever I was giving him my statement February 18 I told him all of it.

Q Was ^{that} ~~that~~ included in the statement that you signed on March 23?

A ~~No, sir, not all of it.~~

Q Was any of it?

A Yes, sir.

Q Look at that statement and tell me what part of it you had in there about going down to 5th Street after you came back to the church on Friday.

JUROR 1: We are getting some interference out of this box again.

THE COURT: You are getting more music. Let me cut mine off.

JUROR 1; We didn't notice it when we were out here before

THE COURT: I cut mine off. If you hear it again, members of the jury, let me know. Proceed, Mr. Ferguson.

Q What portion of going down 5th Street did you include in the statement you signed on February 18, 1972, Allen Hall?

A It is not in here, but I told Mr. Stroud about it and he put it in his statement.

Q He put it in the statement that you gave him when you told him to come up there?

A ~~Yes, sir.~~

Q Did you sign that statement?

A No, sir.

SOL. STROUD: Objection.

THE COURT: Mr. Ferguson, you have asked him that any number of times. He said he did not

sign it.

MR. FERGUSON: I asked him if he signed this statement about 5th Street. I am trying to find out if he signed anything up there.

Q You didn't say about going to 5th Street?

A Yes, sir; whenever I gave the statement February 18 I told him about going to 5th Street. I told him we went to 5th Street and then whenever Mr. Stroud came up there I told him that was not in my statement and he wrote down what I told him I had left out of my statement and what they have put the wrong date in my statement.

Q You said he put the wrong date in there about you going to 5th Street?

A No, sir; the wrong date is in my statement right here where it says I got about 7 A M on Friday, February 6.

Q That is the wrong date?

A Right, which was Saturday morning February 6.

Q When you went up to 5th and Nun on Friday night, how long were you up there?

A I couldn't say right offhand, Mr. Ferguson. I don't know for sure.

Q Do you know what time it was when you got back?

A ~~No, sir.~~

Q After you got back, did you come inside the church?

A Yes, sir.

Q (How long did you remain inside the church at that time?)

A I don't know right offhand.

Q Can you say about how long?

SOL. JOHNSON: Objection.

THE COURT: Objection sustained. Mr. Ferguson, he told you he did not know how long he was in the church.

MR. FERGUSON: Yes, sir; and I asked him if he could tell me about how long it was. I'd like to have his answer put in the record.

THE COURT: You can whisper to the Court Reporter a little later I'll let her tell.

A I came back to the church 5, 10 or 15 minutes later.
(Whispered answer)

THE COURT: You may go find out what he said.

Q Did you go inside the church when you got back?

A Yes, sir.

Q (How long did you remain inside then?)

A I don't know for sure, Mr. Ferguson.

Q Do you know about how long it was?

A No, Sir.

(Excerpt No. ...)

SOL. STROUD: Objection.

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

MR. FERGUSON: I'd like to have it put in the record.

THE COURT: Step down.

A. *(Whispered)* I don't know how long it was.

THE COURT: You may get the answer from the Reporter.

Q Did you have occasion to leave the church anymore after that?

~~A. Yes, sir.~~

~~Q. Where did you go?~~

~~A. That is whenever we went on the outside of the church shooting at the cars on 6th and 7th Street.~~

Q Did you mention that in ^{your} statement that you gave on February 18, 1972?

~~A. Yes, sir.~~

Q Was that included in the statement that you signed on March 22?

~~A. Yes, sir; to my knowledge it was.~~

Q. Would you look at the statement and then I'll ask you that question again whether or not it is in there.

A. No, sir. It is not your statement, but I made the correction in Mr. Stroud's statement.

Q That is the correction you made the same date he came up there?

A ~~Yes, sir.~~

Q ~~Did you sign that correction?~~

A ~~No, sir.~~

Q You said that you and Chavis and a dude had put some dynamite under the church shortly before that?

A No, sir; I said that Chavis put the dynamite under the church. He handed it through the window basement of the church.

Q Did you tell Mr. Stroud that on February 18?

A I told him whenever he came up there and I told him myself, Steve Corbett and Ben Chavis and Ben Chavis passed the six sticks of Dynamite in the plastic bag into the window of the church.

Q Now you say Steve Corbett was with you when you did that?

A I had always said Steve Corbett.

Q ~~Did you tell Mr. Stroud that on February 18, 1972?~~

A ~~Yes, sir.~~

Q ~~I don't think~~ Was that included in the statement that you signed on March 22?

A ~~I don't think so.~~ I am not for sure.

Q You may refresh your recollection by looking at the

statement if you like.

A I am not for sure.

Q Did you call him up there to correct that part if it wasn't in there?

A I corrected all the parts whenever I called him up there. That is what I called him up there for.

Q To correct all the parts?

A Yes, sir, the parts that wasn't in the statement.

Q Now (how long did you all stay outside the church shooting at cars?)

A I don't know for sure, Mr. Ferguson.

Q Do you know about hwo long it was?

SOL. JOHNSON: Objection.

THE COURT: Sustained. (Exception No. 1)

Q Do you not know what time it was when you got back to the church from shooting at the cars?

A No, sir.

Q When you came back inside the church at that time did you go back out of the church?

A Whenever I came back from 5th and Nun Chili got shot and then we took him over to Rev. Templeton's house. Then we were shooting at the cars on 6th Street and before going back into the church. Then we went down to 7th Street and were shooting at cars, and then we went back into the church and that is whenever

Chavis was talking about he was showing, you know, how to make firebombs and showing about guns And small kids in the church how to load guns and what kind of bullets these was and where the safety was and how to pull the hammer back on the guns and everything. And then I walked Molly Hicks to Orange Street.

~~Q~~ ~~What time was that?~~

~~A~~ I don't know for sure. *what time that was*

Q Do you know about what time it was?

SOL. JOHNSON: Objection.

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

Q Didn't you tell Mr. Stroud what time it was?

THE COURT: Gentlemen, I'll ask you to keep your voices down now.

Q Didn't you tell Mr. Stroud what time it was?

THE COURT: Just a minute. All right. Proceed.

Q Didn't you tell Mr. Stroud what time it was?

A Not that I recall.

~~Q~~ ~~You don't recall?~~

~~A~~ ~~No, sir; I didn't tell him exactly what time.~~

Q Did you come back to the church after you walked Molly Hicks down to Orange or wherever you went?

A After I came back to Orange I came back to the

church.

Q Did you ^{not} leave the church anymore after that?

A ~~No, sir.~~

Q ~~What time did you go to your aunt's house?~~

A We went to my aunt's house, Mr. Ferguson, as I told you earlier, and I told you Friday, on a Saturday to get the chicken. And myself, Ben Chavis and Marvin Patrick -

SOL. JOHNSON: Let him finish.

THE COURT: Go ahead and finish.

A Which was on a Saturday. You are now talking about what occurred on February 5 which is on a Friday.

Q ~~Yes, sir; that is right.~~

A This is on Friday. I did not go to my aunt's house, as I told you, on a Friday for chickens or anything to eat whatsoever. I told you I went on Saturday to get chickens. Whenever Marvin Patrick and Ben Chavis was talking about explosives.

Q Are you saying now that you never went to your aunt's or uncle's house on Friday night?

A No, sir. What I am saying is this here. We did not go to my uncles house on a Friday night to get nothing to eat.

Q Did you go there at all?

A Yes, sir; I went there earlier.

Q What time did you go there?

A It was before I went to Sears.

~~Q It was before you went to Sears?~~

~~A Yes, sir.~~

~~Q How did you get there?~~

~~A (To my uncle's house?)~~

~~Q Yes.~~

~~A I walked~~

~~Q Did ^{no} anyone ^{went} go with you? ^{Mr.}~~

~~A No, sir, not on a Friday.~~

~~Q You said your ^{uncle} lived at 14th ^{off} and Castle?~~

~~A 14th Street.~~

~~Q Near Castle?~~

~~A Off Castle.~~

~~Q So you walked from the church down to 14th Street to your uncle's house. Is that correct?~~

~~A No, sir.~~

~~Q Where did you walk from down to your uncle's house?~~

~~A I walked from the church to Castle Street, and I caught a ride down to 14th Street.~~

~~Q Who did you ^{I caught} catch a ride with?~~

~~A With a friend where I had ^{seen} seen on Castle before.~~

~~Q (What time was it when you arrived at ^{my} your uncle's house?) ^{Mr.}~~

~~A I don't know, Mr. Ferguson.~~