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A No, sir. He had already told us. I had helped him earlier.

Q Did you ever see the white man in the apartment?

A No, sir.

Q How close did you get to the apartment?

A I got right there at Sixth and Nun.

Q Was there anyone else there at the corner of Sixth and Nun when you got there?

A Myself, Chavis and Marvin Patrick.

Q No one else was there?

A And some other guys.

Q Were they already there when you got there or did they go there with you?

A We all went there together.

Q Did you all leave the church together?

A Yes, sir.

Q How many of you left the church together?

Mr. Stroud: OBJECTION Only two people are charged. How many left the church has no relevancy in this preliminary hearing.

Mr. Ferguson: May I be heard, your Honor? As I recall, the witness earlier testified, he said three people left the church, him, Rev. Chavis and Marvin Patrick. He said now that several people left the church. I think it is quite relevant who was there at the time this incident occurred. That's all I am asking.

Mr. Stroud: He did say three people left the church, himself, Ben Chavis and Marvin Patrick. He did not say that they were the only three people there. If others left, their identity is not relevant at this hearing. The only two people who are charged at this hearing is Ben Chavis and Marvin

Patrick and the State strenuously objects to his having to identify them at this time.

The Court: Is there any particular reason you want to know who else was there?

Mr. Ferguson: Yes, sir, I think it is relevant on the point of probable cause and it is relevant on the credibility of the witness.

Mr. Stroud: The only probable cause we are concerned with is the probable cause of the two parties involved - Ben Chavis and Marvin Patrick - and nobody else, that's all.

The Court: This is not a trial of the cases and we have to keep this in mind. It is not a full fledged trial. I'm going to sustain the objection.

Q When you left the church were you in front of the other people or behind the other people?

A We was in front.

Q Approximately how many other people left?

A There were ten or more.

Q Ten or more?

A Yes.

Q Did you know all of them?

A No, sir.

Q Did any of the others have weapons?

A Yes, sir.

Mr. Stroud: OBJECTION I object to this line of questioning. What the others had or what they did is not relevant.

The Court: Well, as the attorneys know a probable cause hearing is somewhat different than a trial. In a trial you have to find guilt beyond a reasonable

doubt. Here it is strictly probable cause. I'm going to sustain it so we can move along.

Q Now, when you got- - -

The Court: You see, if it was a trial now, I would deny the motion, but in probable cause I'm going to sustain it.

Q When you got to the intersection of Sixth and Nun, where did you - did you come to a stop there?

A Yes.

Q Go to the diagram there and show me where you stopped and where the other persons who were there stopped.

A We had a concrete pipe right here - Fifth and Nun - going this way. We stopped right in here. We had rolled the concrete pipe. . .

Mr. Stroud: May I interpose to see if he knows where Fifth Street is and where Sixth Street is according to that diagram.

Mr. Ferguson: OBJECTION. Your Honor, the solicitor has had an opportunity to examine and will have an opportunity on re-direct.

The Court: MOTION DENIED Go ahead and ask him the questions and I do think just for clarity, we might be sure he does understand.

Q Do you understand the diagram? You know where Sixth Street is on the diagram?

A Yes, this one.

Q You know where Fifth Street is?

A It should be going this way.

Q Excuse me.

A I said "This way".

Q That's Fifth Street there?

A It should be going this way.

Q But that's Fifth Street there?

A Yes.

Q You know where Nun Street is?

A Right here.

Q You know where the church would be on that diagram?

A No, sir, I can't really say.

Mr. Stroud: The church is not on the diagram.

Mr. Ferguson: OBJECTION to the solicitor making any comments.

Mr. Stroud: You asked him if he knew where the church was on the diagram and it isn't on the diagram.

Q In relation to the church, where, In relation to the diagram, do you know where the church would be located?

A I couldn't really say.

Q Do you know which street the church is on?

A Seventh and Nun.

Q If that's Fifth at the bottom of the diagram and Sixth at the top of the diagram, where would Seventh be?

A I would say right there.

Mr. Stroud: Your Honor, if I may, could he draw his own diagram.

Mr. Ferguson: OBJECTION The State is seeking to put together a series of events that occurred. One of the State's witnesses has drawn a diagram on the board and another State's witness is on the stand being examined by defense regarding his testimony and the State proposes, I suppose, to tie these events together. I submit we need to cross examine this witness with regard to his knowledge of any events the previous witness

said and the State is seeking to avoid it for some reason.

The Court: Go ahead.

Q Now, let me repeat my question. If Fifth Street is at the lower portion of the diagram and Sixth Street is at the top, do you know where Seventh Street would be?

A I was taking it like this here - like the church, I would say this right here is Seventh and the church would be right here and the house here, and down here would be Fifth and Nun, and the pipe was rolling in the middle of the street.

Q When you left the church what intersection did you go to?

A Whenever I left the church, I was headed towards Fifth and Nun.

Q Now, how far did you get in that direction?

A I just got to Sixth.

Q On this diagram where is Sixth and Nun?

A I would say Sixth and Nun is right along here.

Q Do you see this written here?

A Sixth Street.

Q If that is Sixth Street, where is Sixth and Nun?

A I will say Sixth and Nun. If this is Fifth, Sixth and Nun would be right out in here. Because you are going where the other man put it, but you told me to explain to you where the church was, so I am showing you where it was in my own.

Q Can you show me from this diagram where it was?

A Not from this one.

Q Do you understand that north is in this direction; south is in this direction; east here; west here? Do you understand this is Sixth Street; this is

Nun Street; this is Fifth Street, do you not?

A Yes, sir.

Q Will you point out to the court the direction you were coming from going towards Fifth Street?

A I'll say coming from - - -

The Court: If he is coming from Seventh Street and it isn't even on here, I can see where it is very confusing. If you want to let him draw a diagram or something, I was trying to let you go as far as you could, but if he came from Seventh and Nun and it isn't on here, we need to let him draw a new diagram, or something, so he won't be confused. We want to get to the truth.

Mr. Ferguson: If we want to get at the truth, your Honor, the State has presented this witness as a person who has knowledge of the events that happened on that occasion; who has knowledge of the area and who has knowledge of everything that happened and I am simply questioning him about this.

The Court: All right, but if Seventh Street isn't on here, don't try to have him find Seventh Street on here. It's a little ridiculous.

Mr. Ferguson: Let me ask the court then to let the witness draw his own diagram.

The Court: All right.

(Mr. Hall draws another diagram.)

Mr. Hall: This right here is Seventh and Nun.

Q Would you indicate on the diagram by putting a "7" where Seventh Street is and the direction it runs, and indicate Nun Street and the direction it runs.

- A This right here is Seventh and Nun. This right here would be Sixth and Nun and the church would be right here which is on the right hand side because an apartment house is on the left hand side and me and Chavis stopped right here. There is a house sitting right here at the corner and then there's another house sitting there then there's a vacant lot right there. And Marvin Patrick went to right there and as the cops pulled in there he shot them and then Chavis and me started shooting and then they started firing back and then we went back to the church.
- Q When the police car came down the street were the lights shining in your direction?
- A Yes, sir.
- Q You can have a seat. Could you see how many people were down there by the car?
- A No, sir, because after Chavis shot down there and we started shooting the light went out.
- Q What light went out?
- A The street light right there at Fifth and Nun.
- Q You say the street light was on when you first went up there?
- A Right, the street light was on.
- Q Did the persons coming up in the car get out of the car?
- A I can't really say.
- Q Did you know any of the persons who were there?
- A Who was in the car?
- Q Yes.
- A No, sir.



Q What kind of car were they driving?

A It was a detective car.

Q A detective car?

A Yes.

Q Describe it.

A All I know it was a detective car. If I am not mistaken it was the one that had been patrolling that area all afternoon, but I can't say for sure.

Q What makes you think it was the one patrolling the area?

A Well, because there had been some patrolling that area the early part of the day.

Q Just one car?

A More than one.

Q What color was the car?

A Green, blue, light green, dark blue.

Q You are talking about the car you saw pull up there at Fifth and Nun Street.

A I can't say whether it was dark green or dark blue.

Q Could you tell whether the persons in the car were white or black?

A I can't say.

Q You could tell at that time- - -

The Court: Sheriff, will you tell them if any of them go out, they won't come back in.

A As soon as the car pulled to the side of the house, then Chavis, then we started shooting at them. I couldn't really say whether they was white or black.

Q Had there been cars going through the area that night? Persons doing

the shooting?

A Yes, sir.

Q How many cars went through the area shooting?

A I can't say.

Q Several?

A I can't say. I don't know how many there were.

Q You do know there were cars going in that area by the church shooting, don't you?

A Right.

Q Some of them shot directly in the church?

Mr. Stroud: OBJECTION This is irrelevant. Again, this is only a preliminary hearing, it is not a trial.

The Court: OVERRULED, but let's do move along.

Q Shortly before you saw those cars down there, some cars had been by?

A Yes, sir, earlier.

Mr. Stroud: OBJECTION OVERRULED

Q Can you identify the cars that went by?

Mr. Stroud: OBJECTION

Mr. Ferguson: Your Honor, I can explain to the court where this will lead to, but I don't want to educate the witness by saying it out loud.

(Counsel approaches bench)

The Court: OVERRULED Go ahead.

Q Could you identify any of the cars that had been by the church prior to the shots being fired at the church?

A No, sir, I can't.

Q Did you see some of those cars as they went by?

A It was mostly night and it was night whenever the cars went by.

Q You could see them going by with their lights?

A Right.

Q It was at night when you left the church and went up towards Fifth Street, is that correct?

A Yes, sir.

Q And when you say the closest point you got was there at the intersection of Sixth and Nun, is that right?

A Yes, sir.

Q Now, when you were in the church you were closer than that to the cars going by the church, weren't you?

A When I was in the church?

Q Yes.

A No, sir, because the cars have to go down Sixth Street. They come down Sixth Street.

Q Do what?

A Come straight down Sixth Street.

Q Weren't there cars on Seventh Street? No cars went up and down Seventh Street that day?

A No, sir.

Q Did you see any cars go up and down Seventh Street?

A No.

Q Didn't Reverend Vaughn get shot by a passing motorist at about 7:30 that night?

A I don't know.

Q You don't know. Well, didn't he?

A Yes, sir, but I didn't see him get shot.

Q You didn't see him get shot. Where were you when he got shot?

A I was on the other side of the church.

Q When you saw the cars down at Fifth and Nun Street, you didn't know who were in the cars, did you?

A The only car I saw on Fifth and Nun Street was a car that turned behind on the side of that apartment house then Chavis started shooting then Chavis and myself started shooting.

Q You couldn't tell what kind of car it was when it first turned in?

A You could tell it was a detective car.

Q How?

A Because whenever they had been sitting around that corner most of the evening, because I remember Chavis telling me, "If you go around that way, you might get picked up by the cops."

Q That's how you could tell it was a detective car?

A I could tell it like anyone can tell a State car. The way I thought it was from what happened, the way he pulled up there, and then we started shooting and they started shooting back, then a patrol car pulled down there and then the lights went off.

Q I am talking about the first car that went in there. What about that car that went in there that you knew it was a detective car?

A From what I know. It sort of looked like one of the detective cars I had saw coming, driving around that area.

Q What detective's car?

A It sort of reminded me of Mr. Monroe's car and it sort of reminded me of that green detective car.

Q Were there any identifying marks on the car?

A I can't say.

Q Didn't you see the car?

A I told you I just saw the resemblance.

Q Well, you said you saw a car and you knew it was a detective's car, didn't you?

A Right.

Q What made you know it was a detective car? Was there anything about the car itself to make you know it was a detective car?

Mr. Stroud: OBJECTION

A There was a fire bomb thrown there and as soon as the fire bomb was thrown the police- - -

Q I am asking you if there were any identifying marks about the car to let you know it was a detective car?

A As soon as the fire bomb was throwed and they pulled up one jumped out and started putting the fire bomb out and we started to shoot them.

Q How long was it between the time the fire bomb was thrown and the time the car pulled in?

A I would say right about the same time.

Q Was the car already there when you saw whatever you described as a fire bomb was thrown?

A No, sir.

Q From which direction did the fire bomb come?

A From my direction.

Q From your direction. Was it behind you or in front of you?

A In front.

Q How far in front of you?

A I would say maybe 20 feet or more.

Q Show me where you were. Go to the diagram and show me where you were and where the fire bomb came from.

A I was right here. Right along in here.

Q Did you see someone standing there?

A Yes, sir.

Q How many people?

A Two.

Q Do you know where they came from?

A Yes, sir.

Q Where?

A From the church.

Q Were they with you?

A Yes, sir.

Q Did they leave with you?

A Yes, sir.

Q Didn't you tell the court a few minutes ago you and Chavis and Patrick were the only ones who left the church at that time?

A And others.

Q Didn't you tell the court that the three of you left the church first and were in front- - -

A And I said "And others". You asked me who was in front.

Q So you're saying there was someone in front other than you and Chavis and Patrick.

A You asked me whoever was in front when we left the church and I said myself, Chavis and Marvin Patrick.

Q Is that true?

A Yes, it is and I said others.

Q And you said others left the church.

A Right.

Q Didn't you say others left the church behind you?

A Right.

Q Now, the fact of the matter is there were no marks on that car to identify that car as a police vehicle, was there?

A No, sir.

Q How many rounds did you fire at the car?

A I would say five times or more.

Q You said five times?

A Or more.

Q And you had a 38?

A On that night I had a 25.

Q On that night you had a 25?

A 25.

Q What kind of gun did Patrick have?

A A shotgun.

Q Do you know what kind of shotgun it was?

A No.

Q What kind of gun did Chavis have?

A A pistol.

Q What kind of pistol?

A I would say a 45.

Q You're sure you had a 25?

A Yes, sir.

Q How many rounds was your gun firing?

A I couldn't exactly say.

Q How many bullets did you put in it?

A Whenever I got it, it was already loaded.

Q Did you shoot all the bullets in it out?

A I couldn't really say. I don't know. After I shot mine five times, I didn't shoot it any more.

Q Now, in which direction did the person go you saw throw the fire bomb?

A That person went towards Fifth and Nun towards the apartment house.

Q He went in the direction where you saw the patrol car?

A Whenever the bomb was throwed, the person throwed the fire bomb in the direction toward the house and then as the fire bomb was throwed, a patrol car pulled up there and tried to put the bomb out, but the bomb already died down and we began shooting on him.

Q Which direction did that person go?

A That person came back to the church.

Q How many times did Patrick fire the gun?

A He fired, I would say, one time.

Q How many times did Chavis fire?

A He fired his until we were backing up -until we got, I would say, to the second house down Seventh and Nun.

Q How many times is that?

A Sir?



Q How many times is that?

A I would say around seven times.

Q Seven times. Is that what you are saying? Seven times?

A That's right.

Q Did anyone else fire any guns out there that night?

A Yes, sir.

Q How many times did each person fire a gun?

Mr. Stroud: OBJECTION

The Court: OVERRULED

A I couldn't really say, I wasn't by everyone that was there.

Q How far were you away from Patrick?

A He was just in front of us.

Q Point to some object in the courtroom and show me how far away you were from him.

A From where I am sitting to that post right there. To the end of that rail over there.

Q To that post over there?

A Yes.

Q Was there anyone closer to you than Patrick?

A Chavis.

Q About how far away were you from Chavis?

A I was right beside him.

Q Point to some object and show me how far away you were from him.

A I was standing to the pipe and he was to the pipe.

Q You were at the pipe and he was at the pipe. Was anyone else at the pipe?

A No, sir.

Q How many people were there?

A They were scattered like on both sides of the street. Some standing back behind us.

Q Were some standing between you and Patrick?

A No, sir.

Q There was nobody between the two of you - from that post there and where you are?

A No, sir.

Q Go to the diagram and show me where the vacant lot is.

A The vacant lot should be right in here.

Q Where did Patrick go?

A Right here. There's a driveway right here and then there is a vacant lot right here. But there's a driveway made for this house right here on the same side and then there's the vacant lot.

Q How far is the vacant lot from the corner of Sixth and Nun?

A I'd say half of the block.

Q Half of the block? Now, if I understand your testimony correctly, you were standing somewhere along here, is that correct?

A Right.

Q Is this the barricade you indicate?

A Right.

Q You say Patrick was somewhere along in here?

A Yes.

Q And there was another person down here?

A There was a person right here with the fire bomb.

Q Didn't you indicate earlier that this would have been about where the person was with the fire bomb?

A I indicated that Patrick was along here, but I never did get up to indicate where the person was with the fire bomb.

Q This is about half the block here, is that right?

A Right.

Q Is half the block more than 20 feet? Is it further than from here to that post over there?

Mr. Stroud: I don't see any need for Mr. Ferguson to be right there at his face asking him that question.

Mr. Ferguson: Your Honor, I'm just trying to follow what he is indicating on the diagram. I'll step back if it will make the solicitor more comfortable.

Mr. Stroud: It will help Mr. Hall.

A I'd say from here to the end of that rail up there. I would say that would do it, if you were standing right here.

Q You are saying the distance of half that block would be about from where you are to that post right there, is that right?

A Right.

Q And this house here is all the way in the corner? Is that the intersection? Is that correct?

A No, sir, it is not all the way at the intersection.

Q How far does it come to the intersection?

A I'd say maybe- - -

Q Did the other people who left the church go more than half a block toward Sixth Street?

A After this incident, all of them who left the church, I don't know- - -

Q You weren't watching anybody but Chavis and Patrick, is that right?

A Well, like, anyone who was there, you couldn't miss them.

Q You couldn't. Aren't there three houses between the corner of Sixth Street and the vacant lot?

A There is only two apartment houses.

Q There are two apartment houses and another house, isn't there?

A The other house is on the corner of Sixth Street.

Q There is a house right there at the intersection of Sixth and Nun- - -

Mr. Stroud: OBJECTION If your Honor pleases, I am going to object, this is only a preliminary hearing. At this rate we will have a preliminary hearing for three weeks. It will last longer than the trial will, if it ever gets to Superior Court.

Mr. Ferguson: We are hoping it won't get to trial.

Mr. Stroud: We are only here to determine if there is any evidence to show that these defendants are guilty of committing the crimes of which they are charged. I think that evidence has been shown as to this particular incident. I think going into the number of houses and how many feet and all that has no relevancy at this particular hearing. He can question him about that at the trial, if we get that far.

The Court: Well, let's move along.

Q Altogether, how long did you say you stayed outside of the church?

A What do you mean? At that place?

Q Yes.

A I would say around fifteen minutes.

Q Now, at the time any shots were fired from where you were in the other direction, you didn't actually know who the persons were down there, did you?

A Like I said, after the other patrol car pulled back down there, after that car pulled in another patrol car pulled down there. Then the light went out.

Q Was that after the fire?

A Yes, sir.

Q When the light went out?

A Right.

Q And the fire was completed before the second patrol car came.

A Sir.

Q The firing had been completed by the time the second patrol car got there.

A No, sir.

Q Describe the second patrol car.

A It was a city car.

Q A city car?

A That's right.

Q That's the best description you can give us?

A If you don't know what a city car is - well, a city car is a patrol car with sirens on them.

Q Did you see where that car went?

A Did I see where it went?

Q Yes.

A No, sir.

Q In other words, you saw it come around and go out of sight, is that correct?

A No, sir, I saw it come in there and stop and whenever we started going back to the church, I didn't come back there and stand out there and look down the street to see where they were going.

Q Did you see who got out of that car?

A No, sir.

Q Now, have you ever been in a mental institution?

A No, sir.

Q Never?

A No.

Q Did you ever have any psychiatric treatment?

A Yes, sir.

Q When?

Mr. Stroud: OBJECTION It has no relevancy to this case at all.

Mr. Stroud: I withdraw the objection. Go ahead, please.

A When I went to be tried they sent me to Cherry Hospital for observation to see if I was able to stand trial. I was able to stand trial, there was nothing wrong.

Q Did you request to go to Cherry?

A Yes, sir.

Q You asked to go?

A My attorney requested it.

Q You agreed with your attorney's request?

A Yes.

Q You had some doubt about your competency yourself?

Mr. Stroud: OBJECTION

The Court: SUSTAINED

The Court: It has been a long day, I know, for the attorneys and the people standing out there are tired. It is almost five o'clock, we will take a recess. Let the defendants go back upstairs. We will do that now and

we will take a recess until tomorrow morning.

\* \* \* \* \*

Mr. Hunoval: I would like to make a motion to have bond on my client reduced.

And I have people here in Court to testify that she is a woman of good character with three minor children. They don't believe she will flee the jurisdiction of the court- - -

The Court: Let me interrupt. I don't think this is the appropriate time to bring it up. It is usually brought up, if there is probable cause, at the end of the probable cause hearing.

Mr. Hunoval: That could very well be another week from today, your Honor.

The Court: Well, let me ask you this, why hasn't it been brought up before, it has been a number of days. You have been appointed how long?

Mr. Hunoval: I think approximately ten days.

The Court: This is the first time I have had any notice of a request for reduction in bond.

Mr. Hunoval: It was because the solicitor and I were talking about the case and decided it probably wouldn't be to the best interest of my client to bring it up any earlier than now.

The Court: Well, I will be glad to go into it, but I can't do it now. If you had wanted to bring it up yesterday or some other time, but not five o'clock in the afternoon today.

(Recess until 9:30 a.m. Friday.)

The Court: Mr. Balance wants to make an announcement.

Mr. Balance: Would the parents of the defendants involved, please remain a short time after the court is recessed? Thank you.

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Defendants brought in at 10:05 a.m., Friday, March 31, 1972

(Attorneys approach bench).

The Court: What we have been discussing, one of the things was we have been informed there has been some problems of some sort in the jail. I won't go into what they are, but you may rest assured the court is going to look into them and find out what has occurred, and who, if anyone is at fault and we were just discussing this as to when it should be looked into. We are going to go ahead with these hearings now. Just so it won't confuse the whole issue. Complete these and then we will go into the other.

\* \* \* \* \*

ALLEN HALL back on stand.

Q Mr. Hall, have you ever been treated in any institution as a mental patient?

A No, sir.

Q What have you been tried and convicted of or pleaded guilty to?

A I have been tried for arson, assault on emergency personnel.

Q Anything else?

A And assault on a student.

Q Assault on a student?

A Yes, sir.

Q When was that?

A That was in March.

Q March of?

A 1971.



Q What else have you been tried and convicted of?

A That's it.

Q Have you ever been a user of drugs?

A No, sir.

Q Were you convicted of assault on a teacher?

A That's what I said - assault.

Q You said assault on a student, you were convicted of assault on a teacher?

A Yes, sir.

Q When was that?

A That was in March also.

Q March of '71?

A Right.

Q Now, is there anything else you have been convicted of?

A No, sir.

Q Are there any charges presently pending against you?

Mr. Stroud: OBJECTION

The Court: SUSTAINED

Q I have no further questions.

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CROSS EXAMINATION (By Mr. Harmon)

Q Mr. Hall, you say you are 18 years of age?

A Right.

Q What time did you say it was when you, Ben Chavis and Marvin Patrick left the church on the night in question?

A I said it was between nine-thirty and ten.

Q Would it have been nearer 9:30 or 10:00 o'clock, which one?

A I'd say it would have been nearer 9:30.

Q Nearer 9:30. As you left the church with respect to the three of you, who went out first?

Mr. Stroud: OBJECTION. If I may interpose an objection. Certainly Mr. Harmon is entitled to cross examine him. I would like, if we could, some way consolidate the cross examination to avoid this repetition.

Mr. Harmon: I am trying to represent my client Marvin Patrick. I am not representing Ben Chavis.

The Court: Go ahead.

Q Who left first?

A The three of us walked out of the church first.

Q As between the three of you which one of you walked out of the church first?

A All of us, like walked out of the church together.

Q How big is the church door?

A I'd say it was the size of the courtroom door.

Q This door right here?

A Yes, sir.

Q Did all three of you walk out that door side by side in a straight line?

A All of us did not walk side by side.

Q Who walked out first? Do you know?

A I can't really say who walked out the door first.

Q Do you know whether or not you walked out first?

Mr. Stroud: OBJECTION, your Honor, he said he didn't know who walked out first.

The Court: SUSTAINED

Q Go to the board again and point out where you said Marvin Patrick went when you separated.

Mr. Stroud: OBJECTION He said "Go to the board again." I don't see any need to repeat everything.

The Court: OVERRULED Let's move along. Go ahead.

A I'd say Marvin Patrick, he was right along in here which would be half of a city block.

Q He was approximately half way between Sixth and Fifth Street on Nun?

A Right, I'd say half way of a city block.

Q And you say you were standing in the intersection of Sixth and Nun?

A Right.

Q Marvin Patrick would have been at least one half block from you?

A That's right.

Q I believe you stated there were other persons standing - two other persons- --

A Yes, sir.

Q Place them on the diagram.

A The other persons they came, like, along here, and what they were going to do which was right up in there and then they left.

Q How far were these two persons standing from Marvin Patrick?

A I would say maybe ten yards.

Q Ten yards - 30 feet - they would have been between Marvin Patrick and the car down at the corner of Fifth and Nun, is that right?

A No, sir. At the time they was up there the car had not pulled in there because they didn't have any reason whatsoever, because after these two persons had left, then the car pulled in there.

Q Marvin Patrick didn't leave here?

A No, sir.

Q At the time the car pulled up, the car would have been only 30 feet from Marvin Patrick, wouldn't it?

A I couldn't exactly say because the other two persons, in order for them to get to the house to throw the fire bombs, they were in front of Marvin Patrick.

Q Marvin Patrick didn't move, he stayed in the same place?

A Yes, sir.

Q He was 30 feet from the people was he not? Roughly 10 yards. You said 10 yards.

A I couldn't really say.

Q Are you now changing your testimony?

A To me, I'd say 10 yards.

Q 10 yards. So, when the car came up, the car was in the same position the two people were in before they left, right near the fire bomb, is that right?

A No, sir, because after the fire bomb was throwed, the two people left.

Q At the time the two people threw the fire bomb, they were at that time 10 yards from Marvin Patrick, is that right?

A Yes, sir.

Q When the car came up, the car would have been 10 yards from Marvin Patrick, is that right?

A Yes, sir.

Q 30 feet, well 10 yards then?

A I wouldn't say the car was as close to the house whenever it pulled up.

Q What you are saying is - Are you saying that Marvin Patrick fired after the car pulled up, is that correct?

A Yes, sir.

Q He fired his shotgun at the car from 30 feet. Are you saying that?

A Yes, sir.

Mr. Stroud: OBJECTION, your Honor, he just said that.

The Court: SUSTAINED

Q Where was the light on this street you referred to previously?

A The light, I said was at Fifth Street.

Q Point it out.

A I'd say the light was on the corner of Fifth Street.

Q Fifth and Nun?

A Yes, sir.

Q So, the light would have been at least half a block from Marvin Patrick, right?

A Yes, sir.

Q And a whole block from you.

A Yes, sir.

Q In other words, the light would have been much closer to the car than it was to Marvin Patrick, right?

A Right.

Q Yet, you couldn't identify the car, but you could identify Marvin Patrick. How did you do that?

A The car that pulled up was an unmarked car and after I had talked to them - -

Q After you talked to whom?

A After I talked to the detectives and whenever they told me they had pulled up there at that time, that's when I presumed it was a patrol car, a detective's car.

Q After you talked to what detectives? When?

A Whenever I talked to them.

Q When was that?

A On several occasions.

Q What detectives?

A A lot of names that I forgot.

Q Can you give me one of the names?

A I'd say Detective Monroe.

Q You say, "I'd say", Did you talk to him?

A Yes. Detective Monroe.

Q Anyone else?

A Detective Brown, Detective Fredlaw.

Q In other words, after you talked to the detectives and they told you how it happened, you knew how it happened.

A No, sir. They told me that they were the ones who pulled up in there whenever the fire bomb was throwed. That's why I presume it was their car that pulled up there and they put out the fire bomb.

Q Before they told you who it was, you didn't presume anything, did you?

A Yes, sir.

Q What did you presume before they told you?

A I already presumed it was a detective's car anyway.

Q You said you already presumed it was a detective's car?

A Yes.

Q How long was it after this date they told you it was their car?

A How long after this had happened?

Q Right.

A I'd say in May.

Q In May of '71? About four months later?

A Yes.

Q I believe you stated earlier that you couldn't tell what color the car was. Didn't you state that earlier?

A Yes, sir.

Q In other words, even though the light was shining, there a few feet from the car, you couldn't tell what color it was, is that right?

A I couldn't tell whether it was a blue one or a green one. I knew it wasn't a white car or nothing like that.

Q It could have been a black one.

A Yes, it could have.

Q Brown one.

A Right.

Q Purple.

A Right.

Q It could have been any color but white.

A Except for white, it could have been any color of dark car.

Q Did this light on the corner of Fifth and Nun remain burning at all times?

A Whenever we started shooting at them, the light went out.

Q As a matter of fact, didn't you shoot the light out yourself?

A No, sir.

Q You didn't do it?

A No, sir.

Q Did the police shoot it out?

A Yes, sir.

Q At what point did the police shoot the light out?

A Well, I couldn't really say.

Q Did the police tell you they shot the light out?

A Yes, sir.

Q That's the only reason you know they shot it out, right?

A Right.

Q What else did the police tell you about this incident?

A That's all they told me about that incident and Mr. Jenes - - -

Q Didn't the police also tell you that Ben Chavis and Marvin Patrick were with you?

A No, sir.

Mr. Stroud: OBJECTION

The Court: He already answered. He said "No."

Q Let me ask you this, the light was already shot out before Marvin Patrick, you say, fired his shotgun?

A No, sir. I said the light was shot out after we fired up there at them, and after they shot, then the light was shot out.

Q Now, explain to this court how it was you were able to see Marvin Patrick over half a block from you with no light.

A Well, from where he was standing and we had concrete at Sixth and Nun, you could stand there with that street light on and you could see all the



way up the block but you couldn't see down the block because all the street lights on Sixth Street were out.

Q Are you trying to say that you couldn't see items near the light but you could see items further away from the light?

Mr. Stroud: OBJECTION

A No, sir.

Q Let me ask you this, as a matter of fact, aren't you presuming again that Marvin Patrick fired a shot?

A No, sir.

Mr. Stroud: OBJECTION

Q Let me ask you this, on this night in question, how far could you see down the block?

A With the street light on, you could see all the way down the block.

Q You could see from Fifth to Sixth?

A Right, you could see from Sixth to Fifth.

Q Do you wear glasses? Have eye problems?

A No, sir.

Q You just wear them to be "cool"? Is that right?

A I wear them because I want to wear them.

Mr. Stroud: OBJECTION, your Honor.

The Court: SUSTAINED. Let's stop the laughing.

The Court: Let me mention again, some of you may be here today who were not here yesterday, we need to keep it real quiet in the courtroom. You have a perfect right to be here and listen to the case, but you must be quiet.

Q Let me ask you this. Did you have shades on the night in question?

A No, I did not.

Q How long have you been wearing them?

Mr. Stroud: OBJECTION

The Court: SUSTAINED

Q Let me ask you this, what was Marvin Patrick wearing that night?

A He had on a dungaree jacket.

Q What else?

A I can't say whether he had on a pair of dungaree pants or a pair of slacks.

Q What were you wearing?

Mr. Stroud: OBJECTION, your Honor, again, I would like to state this is only a preliminary hearing. We are not trying the defendants. It is here to determine if there is sufficient evidence for it to go to the Grand Jury. That's all. They're trying the case now. They will have sufficient opportunity at the trial to ask any of these questions they want to and I think it is getting a little ridiculous.

Mr. Harmon: I object to his comments.

The Court: I'll sustain your objection to that comment. I am going to sustain his objection.

Mr. Harmon: Your Honor, I think the solicitor is wasting more time jumping up and down than we are asking questions.

(Counsel approaches bench)

Q I don't have any further questions.

\* \* \* \* \*

The Court: Did you want to ask anything, Mr. Hunaval?

Mr. Hunaval: Yes.

Mr. Stroud: Your Honor, I object to Mr. Hunoval cross examining. This

witness did not testify to anything on direct examination regarding his client. He is not entitled to cross examine on something that didn't come out on direct examination.

Mr. Hunoval: Mr. Stroud is technically correct. However, I feel that some of the questions I'm going to raise at this point will deal with the issues these gentlemen have come close to and that is interest - personal interest or possible personal interest on the part of Mr. Hall. And the questions will be short and most of them will directly pertain to what he said on direct or earlier on cross, in my mind.

The Court: Won't you have the opportunity to cross examine later though?

Mr. Hunoval: Yes, sir.

The Court: Well, let's wait until then. You'll have a perfect opportunity to cross examine him then.

\* \* \* \* \*

Mr. Ferguson: One more question. As to February 6, 1971, how long have you known Reverend Chavis?

A I had met him on that Friday.

Q These events you have been talking about occurred on Saturday, is that right?

A Yes, sir.

REDIRECT EXAMINATION (By Mr. Stroud)

Q Mr. Hall, you testified on cross examination that on each occasion you talked to the police about this matter, you asked them to come see you, is that correct?

A Yes, sir.

Q They never at any time came on their own to see you?

A No, sir.

The Court: Anything further?

Q Yes, sir. Now, Mr. Hall, you testified on cross examination that you saw some cars come by the church, was that Saturday night or Friday?

A That was on a Friday night.

Q Did you see any cars coming by the church there on Saturday night just prior to what you testified about?

A No, sir.

Q Now, you testified that one car pulled up there, is that correct?

A Right.

Q And you then testified that another car pulled up, is that right?

A Right.

Mr. Balance: OBJECTION to leading.

The Court: SUSTAINED as to leading.

Q Will you describe the second car?

A It was a- - -

Mr. Hunoval: I'll object to that. He said it was a police car with flashing lights and siren.

Q Did the police car have flashing lights and siren at that time?

A Yes, sir.

Mr. Balance: OBJECTION

The Court: He already answered. Anything further?

Q Have you been made any promises in order to testify in this matter?

A No, sir.

Q Have you been made any threat at any time?

A No, sir.

Q Have you been coerced in any way?

A No, sir.

Q Why are you testifying?

Mr. Harmon: OBJECTION. We know why he is testifying.

The Court: SUSTAINED

Mr. Harmon: We withdraw the objection

A I know I couldn't deal with what I knew had been going on. And I say that he had been telling these people he was going to help - - -

Q Who was he telling?

A Reverend Chavis. He was collecting money and still there was no help there. All they did was get killed. It seems like when I realized while he was walking around hollering "Black Power", he don't even know what it means because to me he is nothing but an imperial wolf.

Q The State has no further questions.

\* \* \* \* \*

RE-CROSS EXAMINATION (By Mr. Ferguson)

Q What is an imperial wolf?

A An imperial wolf - it is a person the only things are for himself and only trying to fool other people and get their money and get what he wants and then leave them with nothing.

Q Do you feel he left you with nothing?

A He left this whole town with nothing.

Q Do you feel he left you with nothing?

A Yes, sir.

Q That's why you are up there, isn't it?

A No, sir.

Re-Cross by Mr. Ferguson

Q On what occasions did you see Reverend Chavis collecting money?

Mr. Stroud: OBJECTION

The Court: He mentioned it, go ahead.

A We went out and collected money for the civil defense funds.

Q When?

A I'll say for the whole while until I left.

Q When did you leave?

A The last of March.

Q Reverend Chavis was with you?

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

Q The fact of the matter is you never on any occasion saw him collect any money from anybody, did you?

A He went with us to one house.

Q What house?

A A house on Castle Street.

Q Whose house was that?

A I don't know.

Q Who else went?

Mr. Stroud: OBJECTION, Your Honor. He could let him finish his answer before he asks another question.

Q Who else went with you to that house?

A It was a girl staying in Jervay.

Q What was the girl's name?

A I don't know.

Q You don't know the girl's name? Do you know whose house it was?

A No, sir.

Q How much money did you collect at that house?

A They laid out altogether \$2.00.

Q That's the only time you know of that Reverend Chavis collected any money, is that right?

A Right.

Q Do you know when that was when you went there?

A I don't know what date it was.

Q Do you know what month it was?

A Right after the houses, those houses got burned. I'd say February or March.

Q When you went to jail in May, you were under the impression that Reverend Chavis collected money for legal defense funds, is that right?

A Right.

Q You were of the impression if he collected any money for legal defense funds, he ought to give you some for your legal defense, weren't you?

A No, sir.

Q Haven't you made the statement that you felt Reverend Chavis should have come to your assistance when you were arrested and he didn't?

A Yes, sir.

Q And isn't that why you are sitting up there now testifying against him?

A No, sir.

Q At that time you developed a grudge against Reverend Chavis, didn't you?

A No, sir.

Q Who did you make the statement to that you felt Reverend Chavis should have come to your assistance?

Mr. Stroud: OBJECTION That has no relevance.

Mr. Ferguson: Your Honor, the Solicitor has asked this witness why he was up on this stand testifying. The witness has given an answer to that. It was opened up by the Solicitor.

The Court: OVERRULED Let's not go too far afield.

Q Who did you make the statement to?

A What? That he had just took the money from the people?

Q Who did you make the statement to that you felt he should come to your assistance when you got arrested?

A Well, a lot of my friends.

Q What friends? Who?

Mr. Stroud: OBJECTION

The Court SUSTAINED

Q Did any of your friends express to you that he should have done that?

Mr. Stroud: OBJECTION

Mr. Ferguson: Your Honor, I am not inquiring into this for the truth or what they may have said to him or the substance of it, but simply to show what his motivation might have been. If his friends made some suggestions to him that would have been in his mind at the time he made his decision to testify against Reverend Chavis and that is relevant on his interest.

This was opened up by the Solicitor.

The Court: OVERRULED Go ahead.

A No, sir. They didn't tell me whether to testify or not to testify or anything. I did it on my own.

Q Did you discuss that with any police officers?

A What? About the way he had treated the people?

Q The fact he didn't come to your defense when you were arrested?



A I'd say I didn't discuss it with them.

Q Didn't you say you felt that he should have come to your defense when you were arrested?

Mr. Stroud: He just said he didn't discuss it with them.

Q Did you make any statement to any police officer in that regard?

A No, sir.

Mr. Stroud: OBJECTION He already stated he didn't discuss it with them.

The Court: SUSTAINED

Q So, it is your feeling and was your feeling in May that Reverend Chavis did something wrong to the people in Wilmington, is that correct?

Mr. Stroud: OBJECTION

The Court: SUSTAINED

Q Now, when did you reach that conclusion.

Mr. Stroud: OBJECTION. I'll withdraw it.

Q When did you reach that conclusion?

A I reached that conclusion whenever I came back home.

Q Where did you go?

A New York.

Q When did you go to New York?

A I left the last of March.

Q How long did you stay?

A I stayed on up until May.

Q Did you go alone?

Mr. Stroud: OBJECTION

The Court: SUSTAINED

Q Did you join some other movement when you came back or before you

left?

Mr. Stroud: OBJECTION

The Court: SUSTAINED

(Counsel approaches bench)

Q Did you join some other organization or movement either in the City of  
Wilmington or before you left or after you came back from New York?

A No, sir.

Q You never actively worked in any other organization, is that right?

A No, sir.

Q That's all.

\*\*\*\*\*

Mr. Harmon: I have one question. Mr. Hall, state whether or not you had  
made any plans to turn yourself into the police before you were arrested?

Mr. Stroud: OBJECTION

The Court: SUSTAINED

Q I have nothing further.

Mr. Stroud: If it please the Court, that's all the evidence to the charges  
against Ben Chavis, Marvin Patrick for assault against emergency  
personnel.

The Court: Do you gentlemen want to put on any evidence?

Mr. Stroud: I think we agreed if they want to put on any evidence, it will be at  
the end of all this.

The Court: I see.

Mr. Stroud: We will now hear evidence as to the six defendants charged with conspiring to burn property with an incendiary device. Those defendants are Ben Chavis, Marvin Patrick, Jerry Jacobs, James McKoy, Connie Tindall and Willie Earl Vereen. If it please the Court, there are three groups of charges arising out of one transaction. I would like at this time to put on the evidence as to the three incidents arising out of that one transaction; that is, conspiring to burn property with an incendiary device. Those same defendants, the ones I just listed, are also charged arising out of this with conspiring to assault emergency personnel. Again Benjamin Chavis, Jerry Jacobs, James McKoy, Marvin Patrick, Connie Tindall and Willie Earl Vereen. The same six defendants are also charged with conspiring to assault emergency personnel in this one transaction. Also, if it please the court, four of these six are charged with burning property with an incendiary device, also arising out of this one transaction and they are Benjamin Chavis, Marvin Patrick, Connie Tindall and Jerry Jacobs.

The Court: Do I understand that you want to put on evidence as to all of those cases?

Mr. Stroud: Yes, sir.

The Court: All right.

Q Mr. Hall, after returning to the church as you have previously testified, after shooting the police officer, you did go back to the church, is that correct, on Saturday night?

A Right.

Q And during the time after you returned to the church that particular evening, did you see Ben Chavis at the church?

A Yes, sir.

Q Did you see Marvin Patrick at the church?

A Yes, sir.

Q Did you see Jerry Jacobs at the church?

A Yes, sir.

Q Did you see James McKoy at the church?

A Yes, sir.

Q Did you see Connie Tindall at the church?

A Yes, sir.

Q Did you see Willie Earl Vereen at the church?

A Yes, sir.

Q Now were the six of these together in the church?

Mr. Balance: OBJECTION to his leading, your Honor.

The Court: SUSTAINED

Q State what statement, if any, did Ben Chavis make after you returned to the church?

A He told us that we had to show them crackers that we mean business.

Q Did he make any other statements at this time?

A He told us about Mike's Grocery.

Q What did he say about Mike's Grocery?

A He told us Mike's was run by a white man and he told us how to go about it - set up an ambush.

Mr. Balance: OBJECTION

The Court: OVERRULED

Q What kind of ambush?

A He called it the "Chicago Strategy".

Q Did he explain what he meant by "Chicago Strategy"?

A Yes, sir.

Q What did he say.

A He told us how many inches to shoot. To shoot whenever a policeman come up there.

Q When a policeman came up where?

A Up at Mike's.

Q Did he say anything- - -

Mr. Balance: OBJECTION

Q What, if any, statement did he make about Mike's?

A He told us that for us to burn it because it was owned by a white man.

Q Did he make any statement about what to do after it was burned?

Mr. Ferguson: OBJECTION. He is leading.

The Court: SUSTAINED

Mr. Stroud: Your Honor, that's not a leading question.

The Court: Rephrase it.

Q What statement, if any, did he make as to what you were going to do or what would be done after Mike's was burned?

Mr. Balance: OBJECTION It's the same statement. He is leading the witness.

Mr. Stroud: Your Honor, it does not require a yes or no answer.

Mr. Ferguson: Your Honor, every leading question does not have to have a yes or no answer. If he leads the witness by telling the witness what statement he wants given then he is leading this witness. And there hasn't been any evidence any statement was made. He is leading him down the path like a child.

The Court: LET'S REPHRASE THE QUESTION.

Q Did Chavis say anything else?

A Yes, sir. He told us whenever that whenever the store started burning what we were supposed to do whenever the patrolmen came up.

Q What did he tell you that you were supposed to do?

A He told us we were supposed to shoot.

Q Now, you said, "He told us." Who was present at this time when he made this statement?

A Everyone that was in the church. Some of them were in the church that I did not even know.

Q Which of these defendants, if any, were present? That day. The five that were charged besides Chavis.

Mr. Ferguson: OBJECTION The way the Solicitor is asking the questions, he is indicating to the witness what he wants him to say. I strenuously request the court to stop the Solicitor from leading the witness.

The Court: Let's don't lead.

Q Was- - -

Mr. Ferguson: OBJECTION A question is already before the witness.

Mr. Stroud: I'll withdraw that question.

Mr. Ferguson: OBJECTION

The Court: You have an objection to him withdrawing the question?

Mr. Ferguson: Yes, sir.

The Court: On what grounds?

Mr. Ferguson: On the grounds that apparently the witness hasn't given him the answer he wants him to give.

Mr. Stroud OBJECTION

The Court: I 'm going to overrule the objection. Let's go ahead.

Q At the time you say Chavis made this statement was Marvin Patrick present?

Mr. Ferguson: OBJECTION

The Court: SUSTAINED

Q Who was present at that time?

A Marvin Patrick.

Mr. Ferguson: OBJECTION MOVE TO STRIKE

The Court: OVERRULED Go ahead.

A Marvin Patrick, Vereen

Mr. Stroud: James McKoy.

Mr. Ferguson: OBJECTION

The Court: Go-ahead.

A Vereen, Scarface or Jerry Jacobs and Connie —

Mr. Balance: OBJECTION

The Court: What is the basis of the objection?

Mr. Balance: We agreed yesterday to strike the alias.

The Court: If he is known by this name, that is one thing. We struck the alias. OVERRULED. Go ahead.

A And Willie Earl.

Q Anybody else?

Mr. Ferguson: OBJECTION

The Court: OVERRULED

A Myself, and Reverend Chavis and some others were in the church, but I don't know them.

Q Who else was there, if anybody?

Mr. Ferguson: OBJECTION

The Court: OVERRULED

A Ann Shepherd, Benjamin was and Anna McClain and some others.

Q Would you point out which of these defendants were there at the church at that time?

Mr. Ferguson: OBJECTION He has called the names of the persons he said were present. Your Honor, the Solicitor is trying to get this witness to say something he hasn't said.

Mr. Stroud: May we approach the bench?

(Counsel approaches bench).

Q Would you, at this time, point out which of the six defendants were there. If they were there.

Mr. Ferguson: OBJECTION

The Court: OVERRULED

A Willie Earl, Marvin Patrick,

Mr. Balance: OBJECTION, your Honor.

A Willie Earl, Connie Tindall, Scarface,

Mr. Ferguson: I would like the witness to refer to the defendant by his proper name, your Honor.

Mr. Stroud: Your Honor, I am sure there is no intention on the part of the witness to reflect on anybody. He is known by that name.

Mr. Balance: If the Court please, the name Scarface is not an alias and it is not a nickname. This man apparently is the only person to refer to this defendant by that name.

Q Who else?

The Court: Do you know his name?



A Jerry Jacobs. We know him in the street as Scarface. James McKoy, Vereen and a fellow by the name of Chili---

Q Who is Chili?

A Marvin Patrick, and Reverend Chavis.

Q After the time Chavis made the statement you say he did, what, if anything occurred then?

A Well, then we went out in the back and I started passing out the fire bombs.

Q In the back of where?

A In the back of the church.

Q Who passed out the fire bombs?

A Myself and Chavis.

Q Who did you pass them out to?

A Willie Earl, Connie Tindall and Scarface.

Mr. Balance: OBJECTION

The Court: OVERRULED

A Jerry Jacobs.

Q Who else?

A James McKoy and Marvin Patrick.

Q What, if anything, did you do at that point?

A Then we went to the path.

Q Which path?

A That path that leads to Ann Street behind the church where Mike's is.

Q Where was Mike's Grocery located?

A At the corner of Fifth and Ann.

Q When you went out the path what did you do?

A Whenever we went out the path, . myself and Chavis and a friend- - -

Q Who was the friend?

A Steve went up to- - -

Q Steve who?

A Corbett.

Q Where did the three of you go?

A We went up there to the corner of Mike's and Chavis went to see whether there were police in the area.

Q Were there any there?

A No, sir.

Q Then what did you do?

A Then we came back to the church and then started throwing fire bombs into the store.

Q Into what store?

A Mike's Grocery.

Q Did you throw fire bombs?

A Yes, sir.

Q Who threw the first fire bomb?

A I did.

Q How many did you throw into the store?

A I throwed three.

Q Who else threw fire bombs, if you know?

A Connie Tindall, Bun, ---

Q Who is Bun?

A James McKoy, Jerry Jacobs and Marvin Patrick.

Q Where was Defendant Chavis during this time?

A He was across the street, right across from Mike's.