

PAGE COUNT OF 50 PAGES

A Chavis - after Grant had left, then Chavis pulled out a set of luggage from under the bed and set it on top of the bed, and so he took out some cloth at this time, and he said that this should be enough to make enough firebombs, and so then he took out a plastic cellophane bag with some stuff in it.

Q What was in it that you could see?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

A Well at that time I didn't know what it was until I asked him, and so I asked him what was it, and he told me it was dynamite.

MR. FERGUSON: Objection; move to strike.

Correct! MR. HUNEVOL: Move to strike.

~~A Members of the jury, you will not consider this testimony as evidence against the defendants Patrick, Tyndall, Vereen, Epps, Moore, Wright, Jacobs, McKoy and Shepard. You will only consider this testimony as to the defendant Shepard.~~

~~MR. HUNEVOL: I believe you said You will only consider this as to my client.~~

~~THE COURT: Strike that. You will consider this~~

testimony as evidence against the defendant Patrick, Vereen, Epps, Moore, Wright, Jacobs, McKoy, Tyndall and Shepard. You will only consider this testimony as to the defendant Chavis. (*Exemption No. 1*)

Q Could you see what was in the bag?

A Yes, sir.

Q Would you describe it please?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

THE COURT: Members of the jury, you will only consider this testimony as to the defendant Chavis. You will not consider this testimony as evidence against any of the other defendants. Go ahead. (*Exemption No. 1*)

A There was two sticks of white and two sticks of sandpaper color, redish brown color, sandpaper color.

Sir
~~Q~~ How many sticks altogether?

~~A~~ Six.

The
~~Q~~ What did the other two sticks look like?

~~A~~ They was white and was shorter.

Q Now what, if anything, was said at this time by either you or the defendant Chavis?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

THE COURT: Members of the jury, you will consider this testimony only as to the defendant Chavis. You will not consider this testimony as to any of the other defendants. (Exclusion)

A After I asked him what it was, he told me that it was dynamite. Then I asked him if it were dropped would it explode, and he told me no. And so then I asked him how come he had it in the plastic bag. He told me he kept it in the plastic bag to keep it moist, and he said that we would use it at police station and other businesses.

MR. FERGUSON: Objection.

MR. STROUD: Objection; move to strike.

THE COURT: Objection overruled; motion to strike denied. Members of the jury, you will consider this testimony only as to the defendant Chavis. You will not consider this testimony as evidence against defendants Patrick, Tyndall, Vereen, Epps, Moore, Wright, McKoy, Jacobs and Shepard. (Exclusion)

Q What, if anything, occurred then, please?

MR. HUNEVOL: Objection.

MR. FERGUSON: Object.

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

A Then he mentioned New Hanover High School.

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

THE COURT: Objection sustained.

Q What, if anything, happened after you talked with the defendant Chavis in the bedroom?

MR. FERGUSON: Object.

MR. HUNEVOL: Objection.

(Conference at the bench.)

A THE COURT: Members of the jury, this testimony is to be considered only as to the defendant Chavis. It is not to be considered as evidence against any of the other defendants. All right. Proceed. (*Exemption No. —*)

A Then we went downstairs out back of Rev. Templeton's house.

~~Q How did you get out back of Rev. Templeton's house?~~

A We went out the back door.

Q What happened then, if anything?

MR. HUNEVOL: Objection.

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

defendant Ann Shepard.

MR. FERGUSON: Your Honor, I object.

THE COURT: Members of the jury, you will not consider this testimony as evidence against the defendants Patrick, Tyndall, Jacobs, Ver-
een, McKoy, Epps, Moore and Wright. You will only consider this testimony as to the de-
fendant Chavis. *(Exemption No. —)*

A Then he took the cloth and laid it on the air con-
ditioning unit and then he told this dude back
there, he told him that was enough cloth to make -

MR. FERGUSON: Objection to what the dude said.

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

A That this is enough cloth to make the firebombs
and for him not to use it all up, not to mess it
up. Then Ben Chavis and myself and Steve Corbett
walked up to the side of the church to the window
at the side in the basement, and Chavis handed
dynamite into the window at the side of the church
in the basement, and he told the dude to take this
dynamite and to keep it down there until he got
ready for it.

~~Q And then what occurred?~~

A Then we went on the inside of the church.

Q What, if anything, occurred inside of the church?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

THE COURT: Members of the jury, you will consider this - Objection sustained.

Q At the time you entered the church which of the defendants were there, if you recall?

MR. HUNEVOL: Objection.

MR. FERGUSON: Objection.

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

Q Who was in the church?

MR. HUNEVOL: Object.

A All of the defendants.

MR. COURT: Overruled. *(Overruled)*

Q Anyone else?

A Yes, sir.

Q Tell us what occurred inside the church at that time?

A Marvin Patrick, when Chavis was talking about the small children in the church should stay down on the floor whenever the shooting started and that Joseph Selby should turn the lights out and so then I told Chavis that we should take the small children

out of the church. We should send them home. First Chavis said, no, let the small children stay in the church in order because policemen wouldn't come up to the church to try to take the church over and that it would make it look good on our side that the parents was letting the small children come to the church and we have small children at the church and Police Department know it and that would give us a good side of it.

MR. FERGUSON: Objection.

THE COURT: You will not consider this testimony as evidence against the defendants Moore, Wright, McKoy, Epps, Patrick, Tyndall, Jacobs, Vereen and Shepard. You will consider this testimony only as to the defendant Chavis. Motion to strike denied. *(Deplon No. ---)*

Q Then what, if anything occurred please?

A Then Chavis showed them how to make firebombs.

MR. FERGUSON: Move to strike.

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

~~Q~~ ~~Showed who how to make firebombs?~~

~~A~~ Showed all of us in the church how to make firebombs.

all of the defendants were
~~who was there at that time?~~

~~A All of the defendants.~~

Q Were there any other people there at that time?

A Yes, sir.

MR. FERGUSON: Object.

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

Q Do you recall who some of the other people were?

A Joseph Selby, Tom Houston, Molly Hicks, Annie McLean, Benjamin Wonce, Dentry Walker, Patricia Walker, Steve Corbett, Patricia Rhodes, Kenneth Holmes and his brother.

~~Q What, if anything, was done or said at this time, please?~~

~~A~~ Then Chavis said that he wanted to show the proper way to make firebombs and a proper way to throw them.

~~Q Where was the defendant Chavis at that time?~~

~~A~~ He was standing at the pulpit talking over the P A system.

Q And what, if anything, did he say during this time?

MR. FERGUSON: Object.

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

A He then gave them instructions how to make the firebombs; how to throw them.

Q What, did he say?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

A Then he picked up a bottle and a can with some gasoline in it, and he said, "Fill the bottle about 4 inches from the neck, 4 or 5 inches, from the neck of the bottle and don't have your rag in there too loosely or too tight." And then he say, "You turn it up like this so a little bit of the gasoline can drip on the rag, which is the wick." And then he said, "Don't throw it overhand because it could catch onto your hair or drip on your clothes or either the fire would flame up to the neck of the bottle and it would explode in your hand." He said, "Always throw it underhand." He said, "By throwing it underhand the fire and the gas is always going out from you instead of towards you." And he said, "Never try to -" He said, "Never try

to hold a firebomb in one hand and strike the match at the same time." He said, "Because by the way we be holding the bottle the gas could be dripping out of the neck of the bottle and all of a sudden the match would catch on and it would still flood." He said, "Always have someone light it and have them hold it out from you and throw it underhand."

MR. FERGUSON: Objection; move to strike.

MR. HUNEVOL: Objection; move to strike.

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

Q What, if anything was said or done at that time, please?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

THE COURT: Members of the jury, you will consider this testimony only as to the defendant Chavis. You will not consider the testimony as to any of the other defendants. (Exemption No. ---)

A Then Chavis called Connie Tyndall and Marvin Patrick and myself, and then he said we were going to burn this house at 5th and Nun.

MR. FERGUSON: Move to strike.

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

Q What, if anything, did he say at that time?

MR. HUNEVOL: Objection.

THE COURT: Just a minute. Members of the jury, you will consider this testimony only as to the defendant Chavis. You will not consider this testimony as to any of the other defendants.

A Then he said that this man was up there and he had a rifle and he was shooting down towards the church, and so he said in order to get him out of the house the best way to do is to throw the firebomb and whenever he come out to put it out, and when we set it on fire and he run out of the house shot him to kill him.

MR. FERGUSON: Motion to strike.

MR. HUNEVOL: Move to strike.

THE COURT: Motion denied. *(Sustained No.)*

Q When was that?

A Friday night, 5th of February.

Q When was this night in relation to Saturday night which you testified about yesterday?

MR. FERGUSON: Object. *(Sustained No.)*

A This night was before the Saturday night.

Q Then what occurred after he said this?

MR. HUNEVOL: Objection.

MR. FERGUSON: Object.

THE COURT: Members of the jury, you will not consider this testimony as to the defendant Shepard.

MR. FERGUSON: We object, your Honor.

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

A And then Ben told that he would light the fire-bomb while I throw it and then he got a pistol from Joe Wright.

MR. FERGUSON: Move to strike that response.

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

~~Q What, if anything, did he do with the pistol?~~

~~A~~ He then gave me - he said that I could use Joe Wright's pistol, but to give it back to him whenever I come back to the church.

~~Q What kind of pistol was it?~~

~~A~~ *It was a*
.22 pearl handle.

Q What, if anything, occurred then, please?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

THE COURT: Members of the jury, you will consider this testimony only as to the defendant Chavis. You will not consider this testimony as to any of the other defendants. *(Exception None)*

A Then he got a firebomb what he had made in the church and then myself, Chavis, Marvin Patrick, Connie Tyndall went outside the church and at this time all of us had guns.

Q What kind of gun did the defendant Chavis have?

A He had an automatic.

MR. HUNEVOL: Object.

THE COURT: members of the jury, you will consider this testimony only as to the defendant Chavis. You will not consider this testimony as evidence against any of the other defendants. *(Exception None)*

~~Q Automatic what?~~

A Automatic .45 and Marvin Patrick had a shotgun, and Connie Tyndall had a shotgun, and Joe Wright had a .22 pistol.

Q And where, if anywhere, did you go at this time?

A We went -

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

THE COURT: Members of the jury, you will consider this testimony only as to the defendant Chavis. You will not consider this testimony as to any of the other defendants. *(Excerpt from...)*

A Then we went up to Nun Street.

Q ~~Would you indicate on the diagram where you went, please?~~

A We went up to right here. (Indicating)

Q What happened?

A Whenever we got up there Chavis lit the firebomb, and then I throw the firebomb on the porch, and then it fell off, and then a car pulled up, and then we ran back to the church.

MR. FERGUSON: Move to strike.

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

Q What was the condition as to the firebomb when you last observed it?

MR. FERGUSON: Objection.

THE COURT: Members of the jury -

MR. HUNEVOL: Objection.

THE COURT: You will consider this testimony only as to the defendant Chavis. You will not consider this testimony as evidence against any of the other defendants. *(Excerpt from...)*

~~A It was burning.~~

~~Q Where?~~

A It was burning whenever I threw it on the porch and whenever it fell off it was still burning there by the side of the house.

Q Where did you go then?

A Then we -

MR. HUNEVOL: Objection.

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

A Went back to the church.

~~Q How many people were in the church during the evening then?~~

~~A~~ *There were* Around a hundred *people* with the small children that was there *in the church.*

Q And when you got back to the church, what, if anything, occurred?

MR. FERGUSON: Object.

MR. HUNEVOL: Object.

THE COURT: Objection sustained.

A Then Marvin -

THE COURT: Just a minute.

Q What happened after you were at 5th and Nun?

MR. HUNEVOL: Objection.

A Then Marvin Patrick -

THE COURT: Objection sustained.

Q What occurred next, please?

MR. FERGUSON: Object.

MR. HUNEVOL: Object.

THE COURT: Objection sustained.

Q When you went back to the church who was there?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

A All of the defendants and Marvin Patrick got shot.

~~Q Where was Marvin Patrick?~~

~~A He was out on Nun Street in front of the church~~
whenever he got shot.

Q Where were you at that time?

A I was on the inside of the church?

MR. BALLANCE: Motion to strike.

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

~~Q Who else was on~~ the inside of the church?

A Chavis and the rest of the defendants *were*

Q What, if anything, occurred with regard to Marvin Patrick?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

A Then Chavis and all of us took him over to Rev.

Templeton's house where we had the bandages and pills and stuff in case anyone gets shot and over there for Mrs. Templeton to clean where he got shot at, and then we came back and I went back over to the church.

MR. HUNEVOL: Objection; move to strike.

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

Q How did you know Marvin Patrick got shot?

MR. FERGUSON: Objection.

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

A He came into the church with his shirt up, and he said, "One of those fools out there shot me." And so everybody started asking who, and so he said, "One of those fools out there with a gun where he sneaking up in the attic of the church drinking wine."

MR. FERGUSON: Object; move to strike.

THE COURT: Objection overruled; motion denied. *(Exemption No. —)*

Q Was he wounded?

A Yes, sir.

Q Where?

A Right along up in here.

Q How was he treated at Rev. Templeton's house, if

you know?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

A He was - it was rat shots that he was shot with.
It was cleaned off and put some peroxide on it,
and then it was bandaged up.

Q And then what occurred?

MR. HUNEVOL: Objection.

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

A Then I went back over to the church and then all
of us was shooting at cars.

Q Who was at the church?

MR. FERGUSON: Move to strike the previous
response.

THE COURT: Motion to strike is allowed.

MR. FERGUSON: Ask for instructions.

THE COURT: Members of the jury, you will
not consider the last response of the witness.

Q Who was at the church when you went back there?

A All of ^{the defendants} them, all except Chavis and Marvin Patrick.

~~Q All of who?~~

~~A The defendants.~~

Q And what, if anything, occurred there?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

A Then the rest of us besides Reginald Epps and Ann Shepard and Marvin Patrick went on the outside of the church shooting at cars on 6th Street.

MR. FERGUSON: Move to strike it.

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

Q Went out on 6th Street?

A On Nun Facing 6th.

THE COURT: Who did you say was there?

A All of us except Marvin Patrick, Reginald Epps and Ann Shepard.

THE COURT: Members of the jury, you will not consider this testimony as to Reginald Epps, Ann Shepard, Marvin Patrick. You will only consider this testimony as to the defendants, Chavis, Tyndall, Jacobs, Vereen, McKoy, Moore, and Wright. *(Exception No. —)*

Q Where did you go?

A At the corner of 6th and Nun.

Q What, if anything, did you have in your possession?

MR. FERGUSON: Objection.

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

A I had a pistol.

Q What, if anything, did the defendants you have described as being there have in their possession?

A Shotgun, rifle, and .45.

MR. FERGUSON: Move to strike.

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

Q Point out on the diagram where you went at that time, please.

A We was right here. (Pointing) because we had ^{Concrete Pipes} barricades right here.

~~Q What kind of barricades?~~

~~A Concrete pipes.~~

Q Describe what occurred there, if you will.

MR. FERGUSON: Object.

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

A Whenever the cars would come up into that area then we would shoot into the cars.

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

THE COURT: Members of the jury, you will not consider this testimony as evidence against the defendants Patrick, Shepard and Epps. (*Exception No. —*)

~~A How long did you stay out there?~~

~~A 30 minutes or more.~~

Q Did you see any cars during that 30 minute period?

MR. FERGUSON: Objection. *(Exemption No. ---)*

A Yes, sir.

~~Q How many cars do you recall?~~

~~A~~ *We* ^{saw} Several cars.

Q Do you recall any particular car or any particular incident during that half an hour?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

A Yes, sir.

~~Q Would you describe that, please?~~

A A white car came through there, and there was some womens and children in the car, and so we were shooting, and when the car was coming up there had its lights on and was coming faster than the rest of the cars. You know, most would slow down the street further and turn around, and it was coming down =

~~Q What street was it on?~~

~~A~~ 6th Street.

~~Q Indicate on there.~~

~~A~~ It was coming from the south side travelling north.
(Indicating)

~~Q What occurred?~~

A And then as the car got along up there the lights was still on and Chavis said, "Shoot." And some started shooting, and so then heard some woman and children holler in the car, and so the car went on down further.

MR. FERGUSON: Move to strike.

MR. HUNEVOL: Move to strike.

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

Q Did you see the car stop at any point?

MR. FERGUSON: Object.

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

A No, sir; because after then we left from 6th Street. I left from 6th Street and went to 7th Street.

~~Q Anyone with you at that time?~~

~~A Yes, sir.~~

~~Q Who?~~

~~A Connie Tyndall, Jerry Jacobs, James McKoy and Willie Vereen were with me at that time.~~

Q How about the other people that had been there at 6th and Nun Street? What did they do?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

A The rest of us stayed up there, all except Chavis.

He went into Rev. Templeton's house.

Q Now there at 6th and Nun Street did you fire at the white car?

A Yes, sir.

MR. FERGUSON: Objection.

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

Q How about the other defendants that you described as being there?

MR. FERGUSON: Objection.

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

A Yes, sir; everyone of us shot.

THE COURT: Members of the jury, you will not consider this testimony as evidence against the defendants Patrick, Shepard and Epps.

Q What occurred at 7th and Nun, and would you indicate where that is on the diagram?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

A 7th and Nun would be right down here.

Q What happened there, please?

A We was shooting at cars at 7th and Nun.

MR. FERGUSON: Move to strike.

THE COURT: Who are you talking about now?

A Connie Tyndall, Jerry Jacobs, James McKoy and Willie Vereen.

MR. BALLANCE: Object; move to strike.

THE COURT: Motion denied. Will you name those persons again?

A Connie Tyndall, Jerry Jacobs, James McKoy, Willie Vereen, Joe Wright and Wayne Moore.

THE COURT: Members of the jury, you will not consider this testimony as evidence against the defendants Chavis, Patrick, Epps and Shepard.

Q And what occurred there, please? *(Exhibit No. —)*

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

A They was - then we was shooting at the cars on 7th whenever they would come through.

Q Who was shooting?

A All of us.

MR. FERGUSON: Object; move to strike.

MR. HUNEVOL: Object; move to strike.

THE COURT: Members of the jury, you will consider this testimony only as to the defendants tyndall, Jacobs, Vereen, McKoy, Moore and Wright. You will not consider this testimony

as evidence against the defendants Chavis, Patrick, Epps and Shepard. *(Exemption No. —)*

Q And then what occurred, please?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

THE COURT: Objection sustained.

Q Where did you next go?

MR. HUNEVOL: Objection.

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

A Then after we had shot into the car we went into the baseball field. Then we went back to the church.

Q Describe that, if you will.

MR. FERGUSON: Objection.

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

A Well the car was coming from South Fyte Street going north. So we hollered, "Halt" and the car didn't stop. So all of us shot into the car, and then the car turned down at 7th Street going to the baseball field. It went into the baseball field, and then we came back to the church.

THE COURT: Who are you talking about now?

A Myself, Willie Vereen and Joe Wright.

MR. FERGUSON: Move to strike.

THE COURT: You said that someone shot into

the car. Who are you talking about?

A All of us that was down there besides Patrick, Shepard and Epps and Chavis.

THE COURT: Members of the jury, you will not consider this testimony as evidence against the defendants Chavis, Patrick, Epps, and Shepard. You will consider this testimony only as to the defendants Tyndall, Jacobs, Vereen, McKoy, Moore and Wright. Let me see you gentlemen. (*Exception No. —*)
(Conference at the bench.)

~~Q Would you indicate on the diagram which way the car was coming, please?~~

~~A~~ (Indicating) The car was coming from south of 7th Street going north.

~~Q Where were you and the defendants that you have described?~~ *I were*

~~A~~ (Indicating) Right here at the barricade on 7th Street.

~~Q What kind of barricade?~~

~~A~~ *The barricade was a* Concrete pipe and had some standing out there what had in frames with a net over it.

~~Q Where did the car go?~~

~~A~~ The car got right along up in here and then we

started shooting into the car. Then the car turned and went out there in the baseball field.

Q Who was shooting into the car?

MR. FERGUSON: Object.

THE COURT: Overruled. (Exception No. —)

A Myself, Willie Earl, Connie Tyndall, Jerry Jacobs, James McKoy, Wayne Moore and Joe Wright.

~~Q Where did the car go?~~ *went*

~~A Between it into the baseball field.~~

~~Q Where is that located?~~

~~A The baseball field,~~
It is located between Ann and the church.

Q Where is it in relation to 7th and Nun Street?

A It is a block.

Q In which direction?

A East.

MR. BALLANCE: Object to leading.

THE COURT: Overruled. (Exception No. —)

Q Would you point in which direction it was on the diagram?

A (Points)

Q A block from there?

A Yes, sir.

~~Q And where did you go then, if anywhere, please?~~

~~A Then we went back into the church,~~

↓

~~Q Who is we?~~

~~A~~ Myself, Joe Wright and Willie Vereen.

Q Now the other defendants that you have described as being there, where did they go?

MR. FERGUSON: Object.

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

A They stayed on the outside.

Q And what occurred when you got back to the church?

MR. HUNEVOL: Objection.

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

A Joe Wright and Willie Vereen came into the church, and Chavis was in there at that time, and they told Chavis that did he want them to go and fire into that car that had just went into the park.

MR. FERGUSON: Object; move to strike that.

~~THE COURT: I did not understand what he said.~~

~~Q Repeat that.~~

~~A Chavis was in the church at that time, and Willie Vereen and Joe Wright came up to Chavis and asked Chavis did they want them to go fire into the car that had went into the park.~~

~~Q And what, if anything--~~

~~THE COURT: Just a minute. Who did you say came in the church?~~

~~A Willie Vereen and Joe Wright.~~

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

Q And what, if anything, was said at this time?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

A Then Chavis told them to go ahead and get the firebomb and bomb the car and to make sure they destroyed it and if there was anybody in it destroy them also. Don't leave no evidence whatsoever.

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

THE COURT: Members of the jury, you will consider this testimony only as to the defendant Chavis, Vereen and Wright. Do not consider this testimony as evidence against any of the other defendants. *(Exemption No. —)*

Q ~~What happened then, if anything?~~

A. Then Joe Wright and Willie Vereen got the firebomb and went down to the car and the baseball park with rifles and a pistol.

Q. Where were you at this time?

A. I was on the inside of the church.

MR. FERGUSON: Objection; move to strike the response.

MR. HUNEVOL: Objection; move to strike.

THE COURT: Members of the jury, you will consider this testimony only as to the defendants Vereen and Wright. Do not consider this testimony as to any of the other defendants.

Q. Did you see where they went to? *(Exemption No. —)*

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

A. No, sir.

Q. Where did they go after they were inside the church?

A. They went out.

MR. FERGUSON: Objection.

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

A. They went out to firebomb the car.

MR. FERGUSON: Objection; motion to strike,

MR. HUNEVOL: Objection; motion to strike,

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

Q Did you see them at anytime later?

A Yes, sir.

MR. FERGUSON: Object to the leading, your Honor.

THE COURT: Don't lead him, Mr. Solicitor.
Objection sustained.

Q What, if anything occurred then, please?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

A Then after Chavis gave them the firebomb at the church then they went out with guns and then they came back to the church around 10 minutes later, and Joe Wright told Chavis that that he did a good job, that it was burning beautifully and Chavis said, "Yes, that is good."

MR. FERGUSON: Move to strike that.

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

Q Then what occurred, if anything, please?

A Then there was some instructions about firebombs.

MR. FERGUSON: Objection: move to strike.

MR. HUNEVOL: Objection. As for instructions.
Move to strike.

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

~~Q Who was there?~~

~~A All of the defendants~~ *were there.*

~~Q Who was giving the instructions?~~

~~A Chavis.~~

MR. FERGUSON: Move to strike.

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

~~Q And what were the instructions concerning?~~

MR. FERGUSON: Objection.

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

~~A How to throw firebombs.~~

~~Q And then what occurred?~~

~~A Then I walked Molly Hicks to Orange Street.~~

~~Q Anybody with you?~~

~~A No,~~ *one was with me.*

~~Q Then what did you do?~~

MR. FERGUSON: Objection.

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

~~A Then I came back to the church.~~

~~Q Approximately what time would this be?~~

MR. BALLANCE: Object.

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

~~A Around 12 or 1 o'clock or 1:30.~~

MR. BALLANCE: Move to strike.

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

Q Did you spend the night at the church?

MR. FERGUSON: Object to leading.

THE COURT: Objection sustained.

A Yes, sir.

THE COURT: Motion to strike is allowed.

Q What, if anything, did you do then?

MR. FERGUSON: Objection.

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

A Then I spent the night at the church and Chavis was showing some of the young children how to load guns.

Q What kind of guns?

MR. FERGUSON: Object; move to strike.

MR. HUNEVOL: Objection; move to strike.

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

Chavis. Do not consider this testimony as to any of the other defendants. (*Exception No. --*)

A The rifles and the shotguns.

Q What age were they approximately?

MR. FERGUSON: Objection.

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

A Approximately 8 and 11.

MR. HUNEVOL: Object; move to strike.

MR. FERGUSON: Objection; move to strike.

THE COURT: Objection overruled; motion to strike

denied. (Exemption No. —)

Q Where were you at that time?

A I was standing up there watching. We were standing up there watching them, you know, and he was telling them how to load it, how to hold the guns, what type gun it was.

~~Q Where was he with the children?~~

~~A~~ ^{Chairs} he was standing up there at the pulpit. They was gathered around him. He had the gun laying on the pulpit. He was standing in front of it. I was showing them. Then he let them hold it and load it and close it. He was showing them safety and how to pull the trigger back and things like that.

MR. FERGUSON: Move to strike.

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

Q Who else was at the church at this time?

MR. FERGUSON: Object.

THE COURT: Overruled. (Exemption No. —)

A All of the defendants and others.

~~Q~~ ^{close to a 100} About how many people were in the church at this time?

~~A~~ Close to a hundred.

Q What, if anything, occurred?

MR. FERGUSON: Objection.

THE COURT: Overruled. (Exemption No. —)

A Then there was shooting on the inside of the church. Some of them would be trying to load guns and be shooting on the inside of the church trying to load the guns and be trying to see if a gun was loaded, and they'd be just pulling the trigger, and it would go off and playing with guns on the inside of the church.

MR. FERGUSON: Objection; move to strike.

THE COURT: Motion overruled; motion to strike denied. Members of the jury, you will consider this testimony only as to the defendant Chavis. You will not consider this testimony as evidence against any of the other defendants.

(Exemption No. —)

A Small children.

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

~~A~~ Then I went over to the car, and Dentry Walker was in my car, and that was all.

Q What did you do Saturday morning?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

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

~~Q About what time was that?~~

at about
A 7 o'clock or 7:30.

~~Q Where did you go at Rev. Templeton's house?~~

~~A I went in the livingroom.~~

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

~~A Ben Chavis, Marvin Patrick, Connie Tyndall, James McKoy, Ann Shepard, Joe Wright, Reginald Epps, Wayne Moore *were there at the time.*~~

Q What, if anything, occurred at that time?

MR. FERGUSON: Objection.

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

A Chavis was talking about - I went in there and I told him that Mike's had screens up to the windows.

Q Had what?

A Screens up at the bottom windows. At least, I thought they had screens.

MR. BALLANCE: Objection.

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

A So he said that he had sent someone after we had came back, and he said that they come back and said the same thing, and then I said that we'd be sure to burn Mike's tonight.

MR. FERGUSON: Move to strike. Object to everything he said.

THE COURT: Overruled. Motion to strike denied.

(*Exception No. 1*)

Q When was he referring to when the others went out?

MR. FERGUSON: Objection.

THE COURT: Objection sustained.

Q What, if anything, was said then, please?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

A Then he said after he said others had been out there that Friday night after we had went out, then he said, we were going to get Mike's tonight. And so then we started talking about money, getting something to eat.

Q Who was talking about money?

A Chavis.

MR. FERGUSON: Objection.

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

Q Any others?

MR. FERGUSON: Objection.

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

A Patricia Rhodes.

MR. FERGUSON: Objection.

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

A And so then at that time I came on the outside of Rev. Templeton's house and myself and Jerry Jacobs

went up on Castle Street and Jerry Jacobs asked if I would loan him enough money so he could buy him a wine, and so I gave him some money so he could buy him a wine. I went lullabying.

MR. FERGUSON: Object; move to strike.

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

Q Was anybody else with you and the defendant Jacobs when you went up on Castle Street?

MR. FERGUSON: Objection.

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

A No, sir.

Q After you went on Castle Street where did you go?

MR. FERGUSON: Objection.

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

A Then I came back to the church. I mean, to Rev. Templeton's house.

SOL. STROUD: May we approach the bench?

THE COURT: Yes, sir.

(Conference at the bench.)

THE COURT: Members of the jury, we will take about a 10 minute recess at this time.

(The Court recessed from 10:50 until 11:20 A M.)

THE COURT: Bring the jury in.

(The jury returned to the jurybox.)

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

DIRECT EXAMINATION BY SOL. STROUD Continues:

Q On that Saturday morning, February 6, when you returned from Castle Street, ~~where did you go?~~
ad went over
To Rev. Templeton's house.

Q ~~And who was there at that time?~~
(were)

A All the defendants. ↗

Q And what occurred at that time?

A That is whenever Chavis told Connie Tyndall to go up in the attic, to take the guns and put them in the attic of the church.

MR. FERGUSON: Move to strike.

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

Q Was anything else said at this time?

MR. FERGUSON: Objection to the leading.

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

Q What, if anything, else was said at this time?

MR. FERGUSON: Object.

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

A Then Chavis mentioned about going and getting some food to feed the people at the church.

Q Had you ever been in the attic of the church?

A Yes, sir.

Q When?

A I went in there on a Friday night to carry Reginald Epps some water.

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

Q Was there anyone else up in the attic on Friday night when you went to carry Reginald Epps some water?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

THE COURT: Overruled. (Exception No. —)

A Yes, sir.

Q Who?

A Kenneth Holmes.

~~MR. FERGUSON: I am sorry. I didn't get the name.~~

A Kenneth Holmes and Joseph Sweat.

Q What, if anything, did they have in their possession?

MR. FERGUSON: Objection.

THE COURT: Overruled. (Exception No. —)

A Guns.

MR. HUNEVOL: Move to strike.

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

Q What did you observe about the attic area at that time?

A There are two windows facing Nune Street was hoisted. The guns was out the window and chairs sitting up in the annex - in the attic, rather.

MR. FERGUSON: Motion to strike.

MR. HUNEVOL: Motion to strike.

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

Q Now back to the Saturday morning, what, if anyone, was talking about getting food?

MR. FERGUSON: Object.

MR. HUNEVOL: Object.

A Ben Chavis.

THE COURT: Overruled. Members of the jury, you will consider this testimony only as to the defendant Ben Chavis. (*Exception No. 1*)

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

~~A~~ Myself and Ben Chavis then left and went to my aunt's house.

~~Q~~ Was ^{Mr} anyone else ^{was us} with you at the time?

~~A~~ No, sir.

Q What, if anything, occurred?

A Marvin Patrick was talking about explosions. He said since he had been in -

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

THE COURT: Just a minute.

Q Who were you with at this time?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

A Ben Chavis and Marvin Patrick.

Q And where did you go?

A To my aunt's house.

THE COURT: Members of the jury, you will consider this testimony only as to the defendant Chavis and Patrick. *(Exception No. -)*

Q And how did you get to your aunt's house?

A He said that.

MR. FERGUSON: Object. *(Exception No. -)*

Q ~~How did you get to your aunt's house?~~ *We got my*

A In Ben Chavis's car.

Q What kind of car?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

A It was a sky blue Eldorado Cadillac.

Q What, if anything, occurred after you got in the car?

MR. HUNEVOL: Objection.

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

A Marvin Patrick started talking about explosives, about he know about explosives by being in the service.

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

THE COURT: Members of the jury, you will consider this testimony only as to the defendant Chavis and Marvin Patrick. *(Exemption No. ---)*

A Then he said that he know this kind of explosive; that you just take it and sit it to the side of a building and you don't have to use a fuse whatsoever. You can shoot it and explode or else you can throw something up against it and explode it. Chavis was then telling how you can make explosives. He said that you can take some wax and melt it down and take gunpowders and put it in the wax and take some twine for a fuse if necessary and take it and put some on the twine also and let it harden in with the other wax. And then he said you can

just take that there and sit it to a building, and he said if you add more gunpowders like to maybe a half a cup of wax and you had a can of gunpowders he said you can blow up a whole building with it.

MR. FERGUSON: Move to strike.

MR. HUNEVOL: Move to strike.

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

Q And what, if anything, was said or done at that time?

MR. HUNEVOL: Objection.

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

A Then Chavis said, " Some dude suppose to come down from Camp LeJeune to bring us some guns and some hand grenades and some ammunition."

MR. FERGUSON: Object; move to strike.

MR. HUNEVOL: Move to strike.

THE COURT: Members of the jury, you will consider this testimony only as to the defendants Chavis and Patrick.

~~Q~~ Then -

~~THE COURT:~~ Motion to strike is denied. *(Exemption No. -)*

Q Then what occurred, please?

A After we got the chickens and brought them back to Rev. Templeton's house, Ann Shepard was cooking them. Molly Hicks asked Chavis to carry her home.

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

~~THE COURT: Who did you say?~~

~~A. Molly Hicks asked Ben Chavis to carry her home.~~

THE COURT: Objection overruled. Objection sustained as to what Molly Hicks said. Motion to strike is allowed. Members of the jury, you will dismiss that from your mind. You will not consider that answer of the witness.

Q. As the result of what Molly Hicks said, what was done, if anything?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

A. Then we got in Chavis's car, Miss Molly Hicks and her daughter, Peanut, and then Ben Chavis asked me if I could get any money out there in the community where I was staying at. And so I told him yes; and he was talking about the guns that supposed to come down and about who going to drive, you know, see if he could find the right person to drive the truck to bring them down,

Q. ~~Down from where?~~

A. From Washington.

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

A Then after we had got to Molly's house her phone rang and so she put Chavis on the phone and so after he had got through talking on the phone then he asked Molly could she show him where East Arcadia was.

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

A Then we left to go to East Arcadia, and Ben said that this dude there wanted to drive the truck down from Washington to bring the guns and he was going to go out and talk to him.

Q And what occurred then, if anything?

MR. HUNEVOL: Objection.

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

A Well he want to talk about what we were going to blow up and burn.

Q What did he say?

MR. FERGUSON: Move to strike that response.

THE COURT: Motion denied. Members of the jury, you will consider this testimony only as to the defendant Chavis. Go ahead. (*Exception No. —*)

A New Hanover High School, Hemingway Hall, and some stores downtown.

MR. FERGUSON: Move to strike.

MR. HUNEVOL: Move to strike.

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

Q Then what, if anything, occurred, please?

MR. HUNEVOL: Objection.

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

A Then after we got into East Arcadia, then we went to this dude's house which was next to a small joint.

Q What?

A Next to a joint, club or whatever it was.

MR. BALLANCE: Objection; motion to strike.

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

A And so the dude said that he had brought guns down from places.

MR. FERGUSON: Objection; move to strike what some dude said.

THE COURT: Motion to strike allowed. Members of the jury, you will not consider this answer of the witness.

Q As a result of what the dude said, what, if anything, was said by anyone else?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

THE COURT: Objection sustained.

Q Who was present at this time?

A Myself, Ben Chavis, Molly Hicks, Peanut and the dude, who was saying that -

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

THE COURT: Objection sustained.

Q Now after the dude said what he said, what, if anything occurred?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

THE COURT: Members of the jury, you will consider this testimony only as to the defendant Chavis. *(Exemption No. —)*

A Then Chavis told him that he knew that he was a good truck driver in bringing guns and stuff and that he had heard of him before from other times he had brought guns to other movements and to other places in time of need.

MR. FERGUSON: Object; move to strike.

MR. HUNEVOL: Object; move to strike.

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

A So Chavis told him that he would let him know when to go and get the guns and bring them down. So Chavis told him to be sure to bring some people from East Arcadia and tell them to get what guns they could from their families wherever they could get them at and bring them over to the church.

MR. HUNEVOL: Move to strike.

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

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

~~A Then we left.~~

~~Q Where did you go?~~

We went
A Back to the church.

Q At the time you arrived back in the area of the church, where did you go at that time?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

A In the church.

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

were there at the time.
A The trustees of the church

~~Q Did you see anyone else (at the church at this time?)~~

A All the defendants and Roderick Kirby *were*

Q What, if anything, occurred at that time?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

A Roderick Kirby had a gun in his lap and the trustees of the church said that -

Q Wait.

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

THE COURT: Objection sustained.

Q As a result of what the trustees said, what, if anything, was done?

A Well we moved out of the church and -

~~Q Where did you move?~~

~~A~~ Over to the annex.

~~Q Who moved?~~

~~A~~ Chavis. ✓

~~Q Anyone else?~~

~~A~~ The rest of the defendants *moved.*

~~Q What, if anything, occurred with regard to moving to the annex?~~

~~A~~ Chavis told us that he'd have us back in the church before night.

Q What was moved to the annex, if anything?

A The guns.

MR. FERGUSON: Object.

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

A The guns, firebombs, gasoline and rags.

MR. FERGUSON: Move to strike.

MR. HUNEVOL: Move to strike.

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

~~Q Describe the annex, please.~~