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been back to Gregory Congregational Church?

~~SOL. STROUD: Objection. I withdraw the objection, your Honor.~~

~~A Yes, sir.~~

~~Q When did you go there?~~

~~A I can't actually recall what date it was.~~ *Went there.*

~~Q Who went with you?~~

~~A The Deputies.~~

~~Q What deputies?~~

~~A From the Sheriff's Department.~~ *went with me*

~~Q Did anyone else go with you?~~

~~A Yes, sir.~~

~~Q Who else went with you?~~

~~A Mr. Stroud, Mr. Johnson, and~~

~~Q Who is Mr. Johnson?~~ *the*

~~A The Solicitor that is assisting Mr. Stroud,~~

~~Q This gentleman seated over here?~~

~~A Yes, sir.~~

~~Q Was anybody else with you?~~

~~A Yes, sir.~~

~~Q Who else was with you?~~

~~A Det. Brown.~~ *went with me.*

~~Q Was anyone else with you?~~

~~A Yes, sir.~~

~~Q~~ who else was with you?

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

~~Q~~ You didn't know who else was with you? (How many people went out there altogether?)

~~A~~ I couldn't actually say.

~~Q~~ Now you don't have any idea when that was?

~~A~~ I don't know what date it was.

~~Q~~ What time of day was it (when you went there?)

~~A~~ It was in the daytime.

~~Q~~ What time of day was it?

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

~~Q~~ In the daytime?

~~A~~ Yes, sir.

~~Q~~ You went inside the church?

~~A~~ Yes, sir.

~~Q~~ (How long did you stay?)

~~A~~ I couldn't say for sure, Mr. Ferguson.

~~Q~~ You have no idea how long you stayed?

~~A~~ No, sir. I don't know right offhand.

~~Q~~ Did you go down by ^{where} Mr. Mike's Grocery is located at?

~~A~~ Yes, sir.

~~Q~~ Go up to that diagram and show the jury everywhere you went that day.

~~A~~ (Indicating on diagram) I went here at 6th and Ann,

which is where Mike's Grocery was.

Q How long did you stay there?

A I can't say for sure, Mr. Ferguson.

~~Q Where did you go when you left there?~~

~~A~~ First I went to Gregory Congregational Church.
Then the path that come back here.

Q Went down the path? Did Mr. Stroud, Mr. Brown and
Mr. Johnson go down the path with you?

A Mr. Stroud and myself and Mr. Brown.

~~Q Where else did you go?~~

~~A I went to the annex and~~

~~Q Where is the annex? Point that out.~~

~~A (Pointing) Right here.~~

~~Q Did you go inside the annex?~~

~~A Yes, sir.~~

~~Q Who went inside the annex with you.~~

~~A The Deputies and them.~~

~~Q The Deputies and who?~~

~~A And Mr. Stroud and them~~ *went with me into the annex.*

~~Q (How long did you stay in the annex?)~~

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

~~Q Where else did you go?~~

~~A~~ Then I went to - came here to 6th and Ann to where
Mike's Groceries is and then stood where those two
black peoples' homes were burned down at.

~~Q~~ ~~Stood right there?~~ (*I* ~~How long did you stay there?~~)

~~A~~ I can't say for sure. *↗*

~~Q~~ ~~Where else did you go?~~

~~A~~ Then I showed them the area back here that I was talking about and -

~~Q~~ (*I* ~~How long did you stay~~ *ed* ~~back there in that area?~~)

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

~~Q~~ ~~Where else did you go?~~

~~A~~ Then I showed them right in between here. (INDICATING.)

~~A~~ In between here where this little tin garage was and where the firemen had kicked it, tore the back of it out and were coming across whenever I saw this fireman fall on the ground whenever we were shooting at them back there.

~~Q~~ ~~I am asking you where you went the day you and Mr. Stroud and Mr. Johnson and the Deputies and Mr. Brown and whoever else was with you went out there.~~

~~A~~ Yes, sir; I just told you -

~~Q~~ ~~Where else did you go?~~

~~A~~ *That is all I went.*

~~Q~~ ~~What time did you get back - Strike that - Where did you go~~ *I* ~~when you left there?~~

~~A~~ I went back to jail. *↖*

~~Q~~ Where?

~~A~~ Sir.

~~Q~~ Where?

SOL. STROUD: Objection.

THE COURT: Overruled.

SOL. STROUD: May we approach the bench, your Honor?

THE COURT: Yes, sir.

(Conference at the bench.)

SOL. STROUD: I withdraw the objection.

~~Q~~ Where did you go back to jail?

~~A~~ ⁱⁿ Onslow County.

Q Didn't you tell us you were being kept in Lumberton?

~~A~~ No, sir; you asked me at March of 1971, where was

I being kept at when I came down to the preliminary hearing, and I told you at Lumberton Prison Camp, State Department of Correction.

Q Now ^{since} since that time you were moved to Onslow County jail?

~~A~~ Yes, sir.

Q Was that the county jail or the Prison Department?

A Well it's a little small Central Prison.

~~Q~~ Little, small Central Prison?

~~A~~ Yes, sir.

There was
Q ~~Somebody there other than you?~~

~~A Yes, sir.~~

There were
Q ~~Some other people in prison, were there?~~

~~A Yes, sir.~~

Q All right, sir. Now did you have frequent visits with Mr. Brown, Mr. Fredlaw and detectives and Mr. Stroud and Mr. Johnson while you were over there?

A I never saw Mr. Johnson while I was there.

Q Did you see Mr. Stroud?

~~A Yes, sir.~~

Q ~~How many times did you see Mr. Stroud over there?~~ *several times.*

~~A Several times.~~

Q More than once?

A Several times.

Q More than five?

A Several times.

Q More than 10?

A Several times.

SOL. STROUD: Objection.

Q More than 15?

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

Q Saw him so many times you can't count them? How many times did you see Mr. Brown over there?

A Several times.

~~Q~~ ^l You can't count those either, can you?

~~A~~ No, sir.

~~Q~~ How many times did you see Mr. Fredlaw? ^{l saw}

~~A~~ Twice, if I am not mistaken.

~~Q~~ You just saw Mr. Fredlaw twice?

~~A~~ Yes, sir.

~~Q~~ How long did you stay over at Onslow? ^l

~~A~~ A little over two months. ^l

~~Q~~ A little over two months?

~~A~~ Yes, sir.

~~Q~~ And you saw a lot of Mr. Stroud during those two months, didn't you?

~~A~~ Yes, sir.

~~Q~~ As a matter of fact, the reason you were put over there was so you could see Mr. Stroud and Mr. Brown, wasn't it?

SOL. STROUD: Objection.

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

~~Q~~ Well did you ask to be transferred over there?

SOL. STROUD: Objection.

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

~~Q~~ That was at Jacksonville. Is that right? Or was it closer to Wilmington than that?

~~A~~ Jacksonville.

~~Q~~ ^{I was not} Were you over there when you first ^{was} were shown the

photographs that have been introduced into evidence?

~~A~~ No, sir.

~~Q~~ Where were you then?

~~A~~ ^{I was in} Lumberton ^{then}

~~Q~~ Saw photographs in Lumberton?

~~A~~ Would you please repeat the question?

~~Q~~ Where were you when you first saw the photographs that have been introduced by the State into evidence?

~~A~~ I saw them, some of them, in Lumberton, if I am not mistaken.

~~Q~~ (How many did you ^{I saw} see in Lumberton?)

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

~~Q~~ When ~~did~~ ^{I saw} you see them in Lumberton?

~~A~~ Whenever I went to Cherry Hospital.

~~Q~~ Do I understand you to say you weren't shown any photographs while you were in Onslow?

~~A~~ No, sir.

~~Q~~ During all these occasions when you saw Mr. Stroud you were discussing the testimony for this trial, were you not?

SOL. STROUD: Your Honor, I didn't get that question.

THE COURT: Read the question back.

Q On each of these occasions when you saw Mr. Stroud you were discussing your testimony for this trial, were you not?

A Sir?

Q ~~You didn't hear what I asked you?~~

~~THE COURT: Read the question please.~~

~~(The Court reporter read the last question.)~~

A Yes, sir; we have talked about it.

Q Now you never saw him other than to talk about the trial, did you?

SOL. STROUD: Objection.

THE COURT: Sustained.

(*Excuse No. —*)
Members of the jury, we are going to take a little earlier recess today than customary. About a quarter to 5 and let me again remind you of the instructions I have heretofore given you. I'll ask you not to discuss these cases with anyone nor allow anyone to discuss it with you or in your presence and do not discuss the matters among yourselves. There may be publicity in newspapers, on radio or on television concerning this trial. You should not read or listen to these events. If anyone should attempt to discuss these cases with you, report the incident to the Court or to the Sheriff's Department.

Members of the jury, may I again caution you that you may not investigate or attempt to obtain additional information on this case outside the courtroom. You must see to it for yourselves that your sole and only information concerning these cases comes to you while you are all together, all present at one and the same time acting as a jury in the presence of the Court, the defendants and the attorneys. If anyone should attempt to discuss these cases with you, tell them you are on the jury, that you cannot talk to anybody. If they should insist on talking to you about it or in your presence, as I have told you, report that incident to the Court. Members of the jury, may I ask you that when you go to and from the courtroom, when you go from the courtroom, please do not linger in the hallways or on the courthouse grounds, but please go immediately to your destination. And when you return in the morning, please do not linger in the corridors but come immediately to your room and there remain until we open court. MEMBERS OF THE jury, you go now and come back at 9:30 tomorrow morning.

(The jury retired from the courtroom.)

THE COURT: We will take a recess until tomorrow morning at 9:30.

(The Court recessed at 4:50 P M.)

September 29, 1972.

9:40 A M.

(The jury comes into the jurybox.)

ALLEN HALL, returned to the witness stand, already being
euly sworn, testified as follows:

CROSS EXAMINATION BY MR. FERGUSON Continues:

Q Now, Mr. Hall, as I recall, on yesterday at the
close of court you were - we were questioning you
regarding some conversations you had had with the
Solicitor regarding the testimony at this trial.
Do you recall that?

~~A Not exactly.~~

~~Q You don't recall exactly what we were talking about
yesterday?~~

~~A I don't exactly recall your question.~~

~~Q Let me just ask you this. Have you discussed your
testimony with anyone since yesterday?~~

~~A No, sir.~~

~~Q You have not talked with the Solicitor at all since
yesterday?~~

~~A I have talked with him but not about my testimony.~~

Q What did you talk with him about?

SOL. STROUD: Objection, your Honor.

THE COURT: Objection sustained. *(Solicitor's objection)*

~~Q~~ Did you talk with Mr. Brown since leaving court yesterday?

~~A~~ Yes, sir.

~~Q~~ Did you talk with Mr. Johnson?

~~A~~ Yes, sir.

~~Q~~ But you didn't talk about your ^{my} testimony at all?

~~A~~ No, sir.

Q Now let me just be clear on one thing. What were the dates that you said you were in Onslow County in prison there?

A I said for two months.

~~Q~~ When were the two months?

~~A~~ I went there July and August and I went there about the last of June; July and August and on up until the trial.

~~Q~~ Are you talking about the last of June, July and August of this year?

~~A~~ Yes, sir.

Q And you were staying there on up until the trial? You said you stayed there on up until the trial?

A I was staying on the inside. I wasn't coming to court.

~~Q~~ Now have you been to ^{my} your home in Wilmington?

~~A~~ Yes, sir.

~~Q~~ When did you go there?

~~A~~ Whenever the deputies would come and pick me up

in Onslow County jail. Me and Mr. Stroud would talk. Sometimes I would meet him at my house.

~~Q~~ Sometimes you would meet Mr. Stroud at your ^{my} house in Wilmington?

~~A~~ Yes, sir.

~~Q~~ (On how many different occasions did you talk to him at your ^{my} house in Wilmington?)

~~A~~ I can exactly recall.

~~Q~~ Did you ^{not} spend any nights at your ^{my} house in Wilmington?

~~A~~ No, sir.

~~Q~~ Who was present at your ^{my} home in Wilmington when you talked with Mr. Stroud at your ^{my} home in Wilmington?

~~A~~ The deputies.

~~Q~~ You and the deputies and Mr. Stroud?

~~A~~ Yes, sir.

~~Q~~ Was Mr. Brown ^{was sometimes} present?

~~A~~ Sometimes.

~~Q~~ This is Mr. Brown seated at this table; the gentleman nearest this end of that table?

~~A~~ Yes, sir.

~~Q~~ Was Mr. Fredlaw ^{was} present sometimes?

~~A~~ Yes, sir.

~~Q~~ Was Det. Monroe ^{was not} present, sometimes?

~~A~~ No, sir.

~~Q Was any other Det. Present other than Det. Brown and Fredlaw?~~

~~A Yes, sir.~~

Q Who else was present?

A Sheriff Deputy Mike Robinson and another Detective of the Wilmington Police Department, but I don't know his name and Deputy Woodall, and that is all that I know their names.

~~Q Det. Genes ^{did not} come over there a time or two?~~

~~A No, sir.~~

Q When is the last time you talked with ^{Sarg.} Det. Genes?

~~A Sarg. Genes?~~

~~Q Sarg. Genes.~~

A I haven't talked to Sarg. Genes.

~~Q When is the last time you talked with Sarg. Bloomer?~~

A I haven't talked with Sarg. Bloomer since '71.

~~Q (When in '71 ^Q did you talk to him?)~~

~~A I can't recall.~~

~~Q What did you talk to him about?~~

A About he was also present whenever I be questioned by the detectives.

~~Q He was present?~~

A He would be present sometimes.

~~Q Was Jacky ^{Woodall} present sometimes?~~

~~A No, sir; I don't even know him.~~

~~Q~~ Was Richard Todd ^{was not} present sometimes?

~~A~~ No, sir.

Q Did you know all the persons who were present every-time you talked to the police?

A The detectives because it was the same ones.

~~Q~~ Weren't ^{was not} there some times when some other people were present who were not detectives?

~~A~~ No, sir.

~~Q~~ So ^{you} always knew everybody who was present every-time ^{you} talked to them. ~~Is that correct?~~

~~A~~ Yes, sir.

Q Now who arranged for you to meet Mr. Stroud at your parents house or at your home in Wilmington?

A Well we would just go there to talk. I wouldn't really say who arranged it because I don't know right offhand who arranged it.

~~Q~~ Did ^{not} you request it?

~~A~~ No, sir.

~~Q~~ You never requested to go home?

~~A~~ No, sir.

~~Q~~ They just happened to take ^{me} you to your house in Wilmington?

~~A~~ Yes, sir; to meet Mr. Stroud and go over some of the things.

~~Q~~ ^d You don't know how many times ^d you went there to meet with him?

~~A~~ No, sir.

~~Q~~ When was the last time you were at home? ^{I was} ^{me}

~~A~~ In August.

~~Q~~ In August?

~~A~~ Yes, sir.

~~Q~~ Mr. Stroud was there then?

~~A~~ Yes, sir.

~~Q~~ Was Mr. Stroud ^{was} at home with ^{me} you everytime you went home? ^d

~~A~~ Yes, sir.

~~Q~~ Did you go there more than 5 times?

~~A~~ I can't say how many times I was in Wilmington. I don't know for sure.

Q More than 10?

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

~~Q~~ You have no idea how many times you went home?

~~A~~ I know it ^{was} was more than once, but I can't say how many times I went home. I am not sure how many times I went home.

~~Q~~ (How long did ^d you stay ^d there when you went?) ^d

~~A~~ I couldn't really say that either.

Q What time did you go the last time you went?

A I couldn't really say that neither.

~~Q~~ ^{I left} (What time did you leave the last time you went?)

~~A~~ I couldn't really say that either.

Q What did Mr. Stroud ask you the last time you went there?

SOL. JOHNSON: Objection.

THE COURT: Sustained. (Objection No. 1)

~~Q~~ ^{I did} Did he ask you any questions at all when you were there the last time?

~~A~~ Yes, sir; we talked.

Q Detective Brown ask you some questions?

A We talked.

~~Q~~ ^{not} Do you recall what either one of them said?

~~A~~ Not exactly, no, sir.

~~Q~~ ^{not} Do you recall exactly what you said?

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

~~Q~~ ^I Did you meet Mr. Stroud anywhere in Wilmington other than at ^{my} your home during the period of time ^{you} were talking to him?

~~A~~ Yes, sir.

~~Q~~ ^{I met} Where else did you meet him?

~~A~~ At the Police Department.

~~Q~~ ^{I don't say} How many times did you meet him at the Police Department? ^{I met him}

~~A~~ I can't recall say. I couldn't really say, Mr.

~~Ferguson~~

~~Q You know I am going to ask you was it more than 5 times.~~

~~A Yes, sir, you probably will.~~

Q Was it more than 5 times?

A Like I said, I can't say, Mr. Ferguson.

Q Was it more than 10?

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

~~Q You don't recall for sure? What time did you go there the last time you went?~~

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

~~Q How long did you stay?~~

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

~~Q Who was there?~~

~~A Mr. Stroud. The last time at the Police Department?~~

~~Q At the Police Department.~~

~~A Mr. Stroud, Mr. Brown, Deputy Robinson, Deputy Woodall, Mr. Johnson were present.~~

~~Q When was that?~~

~~A That, if I am not mistaken - I am not too sure - was 4 weeks ago or longer, if I am not mistaken.~~

~~Q You might be mistaken? You are not sure about that?~~

~~A I know it's around 3 or 4 weeks.~~

~~Q Be around 3 or 4 weeks? You haven't been there since 3 or 4 weeks ago?~~

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

~~Q~~ ~~You weren't~~ ^{I was} at the police station this past Saturday?

~~A~~ ~~O, yes, sir.~~

~~Q~~ That wasn't 3 or 4 weeks ago, was it?

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

~~Q~~ ^{I don't know} How long did you stay there then?

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

~~Q~~ ~~What time did you go?~~

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

~~Q~~ ^{I don't know what time I left.} What time did you leave?

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

~~Q~~ ~~Who was there?~~

~~A~~ Mr. Stroud, Mr. Brown, Mr. Fredlaw, Deputy Robinson and Deputy Banker. ^{Jerome Mitchell were there.}

~~Q~~ ~~Was Jerome Mitchell there?~~

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

~~Q~~ ^{not} Have you been back there since last Saturday?

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

~~Q~~ ^{not} Did you go there the Saturday before that?

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

~~Q~~ ^{my} Did you go by your house Saturday?

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

~~Q~~ ^{my} Who went by your house with you Saturday?

~~A~~ ^{my} Deputies.

~~Q~~ Who else?

~~A~~ And myself. That is all.

~~Q~~ ^I Did you ^{not} meet Mr. Stroud at ^{my} your house Saturday?

~~A~~ No, sir.

Q So when you told the jury that everytime you went to your house you met Mr. Stroud you were telling a lie, weren't you?

SOL. JOHNSON: Objection.

THE COURT: Sustained. (Exception No. —)

~~A~~ No, sir.

~~Q~~ ^I Have you ^{not} been to ^{my} your girlfriend's house?

~~A~~ NO, SIR.

~~Q~~ ^{I don't know} How long did you ^I stay at ^{my} your house Saturday when you went there?

~~A~~ I don't know.

~~Q~~ (What time did you ^{I went.} go?)

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

Q Where did you go after you left your house?

SOL. STROUD: Objection.

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

~~Q~~ Now ^{I am} the Saturday you are talking about is this past Saturday, September 23rd. Is that correct?

~~A~~ Yes, sir.

Q What did you go by your house for that time?

~~A~~ Sir?

~~Q~~ ~~What did you go by your house for on that oc-~~
~~casian?~~

SOL. STROUD: Objection.

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

Q Did you request to go there?

SOL. STROUD: Objection.

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

Q Did you arrange to meet someone there?

SOL. STROUD: Objection.

THE COURT: Overruled.

Q You were supposed to be in prison all this time
you were going by your house, weren't you?

SOL. STROUD: Objection.

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

I have
~~Q~~ ~~Haventt~~ you been in custody since last May of
I was
'71 when ~~you were~~ picked up?

~~A~~ Yes, sir.

Q And all the while you were in custody you have
been by your house so many times you can't count.
Is that right? Is that right?

A It's not so many times, but I just don't remember
how many times I have been by there.

Q You have been treated like a special character since

you have been up there, haven't you?

SOL. STROUD: Objection.

THE COURT: Sustained. (Exception No. —)

Q How far can you count?

SOL. STROUD: Objection.

THE COURT: Sustained. (Exception No. —)

Q Now on all of these countless occasions when you talked to Mr. Stroud and the police, did you relate to them the same thing each time you talked to them?

A Well, yes, sir, like there was different questions asked. A question was asked that had never came up before and like just different questions, like sometimes be different questions.

~~Q Sometimes be different questions?~~

~~A Yes, sir.~~

~~Q So usually on these occasions what would happen is they would ask ^{me} you questions and ^I you would give answers. Is that correct?~~

~~A Yes, sir.~~

Q Would they ask you the specific questions? For instance, did this happen and did that happen and you would answer yes and no?

SOL. JOHNSON: Objection.

THE COURT: Sustained. (Exception No. —)

Q What was the form of the question?

MR. FERGUSON: Object.

THE COURT: Sustained. (Exception No. —)

~~Q Who asked the questions?~~

~~A Mr. Stroud; Mr. Brown asked me questions.~~

~~Q And you would just give an answer to the questions they asked. Is that correct?~~

~~A Yes, sir; the ones that I could answer, if they give me the ones that I could answer.~~

~~Q How did you ever sit down at one time and tell them everything that you claimed to know about what happened there at the church Friday and Saturday, February 5 and 6?~~

~~A Yes, sir; I sat down and told them what I knew about it.~~

~~Q Was there ^{was a} anyone specific occasion when you told them everything that you felt you knew?~~

~~A Yes, sir.~~

~~Q When was that?~~

~~A I told them the whole thing before February and February.~~

Q When before February was it that you told them?

A I can't remember the exact date.

Q Was it on one occasion before February that you told

them everything?

A No, sir.

Q ~~Told them~~ ^{-them} everything on more than one occasion?

A ~~Yes, sir.~~

Q How many different occasions did you tell them everything?

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

Q ~~When was the first time~~ ^{11:30} you told them everything?

A ~~I couldn't say right offhand.~~

Q ~~You have no idea when that was?~~

A ~~No, sir, I couldn't say right offhand.~~

Q Why was it necessary for you to tell them everything so many times?

SOL. STROUD: Objection.

THE COURT: Objection sustained. (*Exception*)

Q Are you talking about February of '72? Is that correct?

A Yes, sir; whenever the statement was made.

Q ~~Did you ever tell them everything before you went to~~ ^l Cherry Hospital?

A ~~Yes, sir.~~

Q In October?

A ~~Yes, sir.~~

Q ~~You did?~~

A ~~Yes, sir.~~

~~Q Did they write that down?~~

~~A There was notes being made.~~

~~Q Did they ^{did not} ever type that up and ask ^{me} you to sign it?~~

~~A No, sir.~~

Q Did you tell them that you would be willing to sign it if they wrote it up and gave it to you?

SOL. STROUD: Objection.

THE COURT: Overruled.

A All it was they just took notes and would write down what I would be saying.

Q Did you understand what I asked you?

A Yes, sir.

Q How about answering it?

A I couldn't say right offhand.

Q You can't say anything right offhand for sure except what you say happened on February 5 and 6. Isn't that right?

SOL. STROUD: Object.

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

Q So if I understand what you were saying you and Mr. Stroud and Mr. Brown and whoever else they had just talked on a number of occasions going over and over and over and over the same thing. Is that right?

SOL. JOHNSON: Objection.

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

~~Q~~ Do I understand from you that the statement ^{that} is dated February 18 and signed by ^{me} you on March 2, 1972, is a complete statement of what ^I you knew about what happened at the church on February 5 and 6?

~~A~~ Yes, sir; but some of the things what I told them they didn't put in all of them or either they misunderstood me.

~~Q~~ Now Mr. William Walden was with ^{me} you when you made the statement, was he ~~not~~?

~~A~~ Yes, sir.

~~Q~~ Mr. Walden was also present at the time you ^I signed the statement, was he ~~not~~?

~~A~~ Yes, sir.

~~Q~~ ^I Did you ^{not} ever talk to Lt. Lewis? Bill Lewis?

~~A~~ No, sir.

~~Q~~ Wasn't he ^I present when you signed the statement?

~~A~~ Whenever I signed the statement but after I signed the statement then they left.

~~Q~~ Where were you ^I when you signed the statement?

~~A~~ I was at the State Department of Correction.

~~Q~~ Where?

~~A~~ ⁱⁿ Lumberton.

~~Q~~ And Mr. Walden and Mr. Lewis came up there?

~~A~~ Yes, sir.

~~Q~~ They brought the statement with them?

~~A~~ Yes, sir.

~~Q~~ *I not* Had you seen it before they brought it up there?

~~A~~ No, sir.

~~Q~~ *I did me* Now did they give you an opportunity to read it over?

~~A~~ Yes, sir.

~~Q~~ *I did me* Did they give you a chance to make any additions or corrections that you wanted to make?

~~A~~ Yes, sir.

~~Q~~ *I not* And did you look at it and ~~did~~ you read it over?

~~A~~ No, sir. Well at the time whenever I read the statement we was talking, you know, whenever I was reading the statement. And I just, you know, like I didn't see where I had to question them, you know, what they left out, what they had left out on it, you know. All I know I had told them the whole complete thing and the truth and I don't know why they didn't put it all in what I said. I don't know why.

~~Q~~ In other words, you were willing to sign whatever they brought up there to you whether it was what you said or not?

~~A~~ No, sir.

e Q Did ~~you~~ ^{not} make any additions?

~~A~~ No, sir.

Q Did they give you an opportunity to make any addition?

SOL. STROUD: Objection, your Honor. He has already answered the question.

THE COURT: Objection overruled. You have already asked him that.

MR. FERGUSON: Yes. I am not sure what he said. On one occasion he said he had opportunity to make additions and make changes.

MR. JOHNSON: We object to the recitation.

THE COURT: You may ask him again.

~~Q~~ ~~Let's start again with that.~~

A Whenever they brought the statement up to me, they told me to read the statement. I read the statement and at the time I was reading it we was talking and so whenever I finished reading my statement, signed it, I handed the statement back to them, and we was talking.

I was Q ~~You were~~ ^{I was} talking while you ~~were~~ reading it?

~~A~~ Yes, sir.

Q So you are saying you didn't concentrate on the statement?

e A Yes, sir; I know what I had said.

~~Q~~ And you knew whether the statement reflected what you said?

~~A~~ Yes, sir; it said what I had said, but just so much left out of what I had said.

Q Now when you talked on February 18, 1972, at Cherry mental Hospital did you tell them everything you wanted them to know about Wayne Moore?

A I told them what I knew and what had happened.

Q Did you tell them everything you wanted them to know about Wayne Moore?

SOL. STROUD: Objection to the form of the question.

THE COURT: Objection sustained. *(Exception No. 1)*

~~Q~~ Did you make any statements to them concerning Wayne Moore and any involvement he may have had in the incident of February 5 and 6?

~~A~~ Yes, sir.

Q All right, sir, now I am going to hand you what has been marked for identification as Defendant's Exhibit "3" which is the statement that you made on February 18, 1971. Would you take an opportunity and look at it and then I want you to tell the jury everything you said in that statement about Wayne Moore.

SOL. JOHNSON: Objection.

THE COURT: Sustained. (Exemption No. —)

Q Did you say anything in that statement about Wayne Moore?

SOL. JOHNSON: Objection.

THE COURT: Overruled.

(Witness reads statement to himself.)

~~Q Have you had an opportunity to look at it?~~

A His name is not in here, but I told them about him. I don't know why they didn't put it in there.

Q His name is not mentioned in that statement one single time?

SOL. JOHNSON: Objection.

THE COURT: Sustained. (Exemption No. —)

Q I refer you to the statement again. And I'll ask you if at anytime in that statement you stated that Joe Wright had a gun.

SOL. JOHNSON: Objection.

THE COURT: Sustained. (Exemption No. —)

Q Did you tell them when you talked to them in February that you saw Joe Wright on Friday night with a gun?

~~A Yes, sir.~~

Q Did you tell them when you made the statement that

Q You saw Joe Wright on Saturday night with a gun?

~~A Yes, sir.~~

Q ~~And when you signed the statement you were supposed to be signing a statement of what you told them.~~ *I was*

~~Isn't that correct?~~

~~A Yes, sir.~~

Q Now I'll ask you if at anywhere in that statement you mentioned Joe Wright had a gun.

SOL. JOHNSON: Objection.

(Conference at the bench.)

SOL. STROUD: Your Honor, The State will withdraw the objection.

~~Q Sir?~~

A Yes, sir; Joe Wright's name is mentioned in the statement.

Q I asked you if you mentioned anywhere in this that Joe Wright had a gun.

(Witness reads statement.)

~~Q Sir?~~

A No, sir.

Q I'll ask you if you said anything at all about Joe Wright in that statement by name other than the fact that he was in the church.

SOL. JOHNSON: Objection.

THE COURT: Overruled.

A Yes, sir; I told them.-

Q In that statement?

A No, sir; I don't know why it's not in the statement.

~~Q You don't know why it's not in there?~~

~~A No, sir.~~

Q You sat up here and told the jury yesterday that you saw Joe Wright out there with two guns.

A Yes, sir; it was the same thing I told Mr. Stroud and the detectives, but I can't say how come they didn't put it in the statement.

~~Q You were signing whatever Mr. Stroud and the detective told ^{me} you to sign. Is that correct?~~

~~A Yes, sir.~~

Q Look at the statement again.

SOL. JOHNSON: Your Honor may we approach the bench?

(Conference at the bench.)

THE COURT: Read the last question.

(Court Reporter read the last question.)

~~Q Have you looked at it?~~

~~A Yes, sir.~~

Q Referring now to Reginald Epps, you never mentioned that Reginald Epps had any gun, did you?

A Yes, sir; Reginald Epps' name is mentioned.

~~Q~~ I asked you if you said Reginald Epps had any gun.

~~A~~ Yes, sir; I told them that Reginald Epps had a gun. I don't know why they didn't put it in there.

Q The only thing that appears in there that Reginald Epps did was came to the church and set a lady's house on fire. Isn't that correct?

SOL. JOHNSON: Objection.

THE COURT: Sustained. (Exemption No. —)

~~Q~~ ^{not} Did you ask Mr. Walden and Mr. Lewis why they didn't put it in there when you were in Lumberton to sign that statement?

~~A~~ No, sir; I didn't see where it was any concern of mine.

Q Look at the statement again.

SOL. JOHNSON: Objection.

THE COURT: Sustained. (Exemption No. —)

Q Referring you back to the statement -

SOL. JOHNSON: I object to that.

Q Did you see in there anywhere that James McKoy threw any firebombs?

SOL. JOHNSON: We object to that.

THE COURT: Sustained. (Exemption No. —)

MR. FERGUSON: Your Honor, I'd like to have his answer in the record.

THE COURT: Let the record show the Court re-

verses its ruling. Objection is overruled. Answer the question.

A I told them that he threw firebombs, but his name was not on it.

~~Q Not on it?~~

~~A No, sir.~~

Q "You signed it without a name being on it? I'll ask you the following. If you will refer to the last page of that statement on page 9 of this statement, and I'll ask you if the following doesn't appear. I have been advised of my Constitutional rights by Mr. Walden, and he has given me a chance to read this statement and make any corrections or additions that I feel necessary."

SOL. STROUD: Objection.

THE COURT: Overruled.

Q Does that appear there?

A Yes, sir.

SOL. STROUD: Objection, your Honor.

THE COURT: Overruled.

Q But you didn't feel it necessary to make any additions or corrections before you went on the witness stand. Is that correct?

A (To Court) Do you mind telling Mr. Ferguson he

don't have to be hollering at me like a dog. I can understand it.

THE COURT: Just a minute. Members of the jury, will you retire to your room, please?

(The jury retired to the juryroom.)

THE COURT: I think if we can lower this microphone. You are talking too close to it, it may sound pretty loud, and the speaker is right above his head.

MR. FERGUSON: Your Honor, I move this witness be held in contempt for the language he used on the stand with reference to me. *(Expletive)*

THE COURT: You will not make any statements of that kind again. And we'll all take a few minutes recess now.

MR. FERGUSON: I move for mistrial.

THE COURT: Motion denied. *(Expletive)*

(The Court recessed from 10:40 until 10:50 A.M.)

(The Jury returned to the jurybox.)

THE COURT: Members of the jury, just before recess the witness made a statement to the Court concerning Mr. Ferguson. You will disabuse your minds of that. Erase it from your minds as if you had never heard it. Just

disabuse your mind of anything you heard the witness say in speaking to the Court a few minutes ago.

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

CROSS EXAMINATION BY MR. FERGUSON Continues:

~~Q~~ ~~Now, Allen Hall,~~ ^{not} did you make any written statements after February 18, 1972?

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

~~Q~~ Did you ever make any attempt to correct anything or add anything to the statement of February 13, 1970?

~~A~~ On the statement that Mr. Stroud have.

~~Q~~ Mr. Stroud ^{does not have} has another statement?

~~A~~ ~~No, sir;~~ the one that is February 18 where I told him the names that was left out on the statement I told it to him.

~~Q~~ ^{I had} When did you tell him that?

~~A~~ A little after I had signed ^{the} the statement. A week after I signed the statement.

~~Q~~ A little bit before a week after you signed it?

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

~~Q~~ Where were you ^{at} when you told him that?

↓

~~A~~ ^{I was in}
Lumberton.

~~Q~~ He came up to Lumberton?

~~A~~ Yes, sir.

~~Q~~ ^Q Brought the statement with him?

~~A~~ Yes, sir.

~~Q~~ ^I Now did you ^{not} just talk to Mr. Stroud during this recess?

~~A~~ No, sir.

~~Q~~ ^I Did you see Mr. Stroud's copy of the statement?

~~A~~ During the recess?

~~Q~~ Yes, sir.

~~A~~ No, sir.

~~Q~~ When did you last see ^{it} ^{Sue} it?

~~A~~ I can't say right offhand, Mr. Ferguson.

Q Been since you have been in court here?

A What day? No, sir.

Q This week or last week or the week before that.

A I can't say right offhand.

Q You can't say offhand whether or not it's been since you have been in court?

A The first week before it started, Court started.

Q You just don't want us to know you have been talking to Mr. Stroud. Isn't that correct?

SOL. STROUD: Objection, your Honor.

THE COURT: Objection sustained.

(Exception)
No. —

have *Mr. Stroud*
Q ~~I asked you had you talked to him or had you seen~~
that statement since you have been up here in court
these past three weeks. ~~Now have you or have you not?~~

A ~~Yes, sir:~~ I seen Mr. Stroud, and I have talked to
him.

Q ~~Did you see the statement?~~

A ~~Yes, sir:~~ I have seen the statement.

Q ~~Since you have been here in court?~~

A ~~Yes, sir.~~

did not
Q ~~Now did Mr. Stroud,~~ *did* seen dissatisfied with your
statement when he came up to Lumberton to see *you?*

A ~~No, sir.~~

Q Well Mr. Walden was up there and he told you you
could make any corrections or additions you wanted
to make, and you didn't make any. Isn't that cor-
rect?

SOL. JOHNSON: Object.

THE COURT: Sustained. *(Sustained)*

Q In other words, you made them for Mr. Stroud, but
you wouldn't make them for Mr. Walden. Is that
correct?

SOL. JOHNSON: Object.

THE COURT: Sustained. *(Sustained)*

Q Did you make any corrections or additions to it

other than the names you say you added to it?

A Yes, sir.

Q Did you make all of those the week after Mr. Stroud came up there?

A It was a little before a week.

~~Q A little before a week?~~

~~A Yes, sir, before a week.~~

~~Q Was that typed up for you to sign?~~

~~A Yes, sir.~~

~~Q It was typed up when you signed it?~~

~~A Whenever I told him what they had left out in the statement, put it down on the statement, I signed the statement.~~

~~Q Did you sign the corrections or additions that were made?~~

~~A Rephrase your question, please.~~

Q Did you sign the corrections or additions that you made?

A They was made on the statement what I had already signed.

~~Q You didn't sign it again to show you made those corrections or additions?~~

~~A No, sir.~~

~~Q You didn't initial it?~~

~~A No, sir.~~

Q Now you just told this jury a few minutes ago that it was no concern of yours to add anything else to that statement, didn't you, when Mr. Walden was there?

A I said it wasn't none of my concern to at that time to ask Mr. Walden how come he didn't put this in, what I said, and how come it was left out.

Q Did Mr. Stroud tell you to add something to the statement when he came up there?

SOL. STROUD: Objection.

THE COURT: Sustained. (*Objection Mr. —*)

Q It became a concern after Mr. Stroud came up there. Is that correct?

SOL. JOHNSON: Objection.

THE COURT: Sustained. (*Objection Mr. —*)

Q Did you put the date on there that you made the corrections?

A I am not too sure. I don't know whether I did or not.

~~Q~~ ^{not} Did you make the corrections in ^{my} your handwriting?

~~A~~ No, sir.

~~Q~~ Whose handwriting were they made in? *They*

~~A~~ Mr. Stroud's *handwriting.*

~~Q~~ Who was with Mr. Stroud when he came up there?

~~A~~ Mr. Brown *↑*

~~Q Who else?~~

A That is all.

Q Mr. Brown tell you he was dissatisfied with the statement you made?

SOL. JOHNSON: Objection.

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

~~Q (How long did they stay up there when they came?)~~

~~A I can't really say, Mr. Ferguson.~~

~~Q Was it an hour?~~

~~A It was longer than an hour, but I can't really say how long because I don't know.~~

Q You just lost all concept of time when they came up there. Is that right?

SOL. STROUD: Objection.

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

~~Q Did you send for Mr. Stroud so you could make these corrections?~~

~~A Yes, sir.~~

~~Q When did you send for him?~~

~~A I don't know the exact date that I called for him. I don't know for sure.~~

~~Q How did you send for him?~~

~~A The Supervisor of the Camp. *sent for him.*~~

~~Q You told the Supervisor of the Camp to have Mr.~~

~~Stroud come up?~~

~~A Yes, sir.~~

~~Q~~ Whenever you'd ^{I would} send for Mr. Stroud he'd come?

~~A~~ Sir?

~~Q~~ Whenever you sent for him he'd come?

~~A~~ That was the first time I ever asked him to come.

~~Q~~ ^I Did you ^{not} ask for Mr. Brown to come, too?

~~A~~ No, sir, I just had the Supervisor tell Mr. Stroud to come up, I wanted to talk to him about my statement.

~~Q~~ So then you ^{I am} are saying now it was your ^{my} concern that something was left out of the statement. Is that right?

~~A~~ Yes, sir, I just - well, at that time, you know, like I wasn't curious why they left it out, how come. Then it dawned on me how come that wasn't in the statement. Wonder where they did forget to put it in the statement or what. I said, "Well, why since Mr. Stroud was there, I asked him, since he was taking the notes."

~~Q~~ Mr. Stroud was the one taking the notes?

~~A~~ Yes, sir.

~~Q~~ Was anyone else taking notes?

~~A~~ Mr. Stroud was taking notes.

~~Q~~ Was ^{No} anybody else taking notes?

~~A~~ Not that I saw.

Q Who was the Supervisor you sent for Mr. Stroud?

SOL. STROUD: Object.

THE COURT: Overruled.

A I am not for sure. It was either Mr. Brooks or Mr. John.

~~Q Mr. Who?~~

~~A Mr. John.~~

~~Q Mr. John? J O H N?~~

~~A Yes, sir.~~

~~Q Did you tell them why you wanted to see Mr. Stroud?~~

~~A I just told them I'd like to see him. It concerns my statement.~~

~~Q Now is John, his first name or his last name?~~

~~A I don't know right offhand.~~

~~Q Now you said on yesterday you hadn't discussed the testimony concerning this case with any prison authorities. Isn't that correct?~~

~~A Yes, sir.~~

~~Q And you still say that?~~

~~A Yes, sir.~~

~~Q Now do I understand this was the first time you had sent for Mr. Stroud?~~

~~A Yes, sir.~~

~~Q First-time you had sent for Mr. Brown?~~

~~A I didn't say I sent for Mr. Brown.~~

~~Q~~ ^{not} Had you sent for Mr. Brown before that?

~~A~~ No, sir.

~~Q~~ ^{not} Had you sent for Mr. Monroe before that?

~~A~~ No, sir.

~~Q~~ Prior to that time you had never sent for Mr. Stroud, Mr. Brown or Mr. Monroe?

~~A~~ Not while I was in prison I hadn't.

~~Q~~ Had you sent for them on other occasions?

~~A~~ ^{had sent} Not for Mr. Stroud, I hadn't.

~~Q~~ Had you sent for Mr. Brown?

~~A~~ Yes, sir; I had asked him to come by the jail, you know.

~~Q~~ Sent for Mr. Monroe?

~~A~~ Yes, sir; I have sent for Monroe.

~~Q~~ ^{Did you} Sent for Mr. Fredlaw?

~~A~~ Yes, sir.

Q They have come whenever you sent for them?

A Well they will be right there, you know.

Q Who was you cell mate when you were at Cherry Hospital?

EOL. JOHNSON: Objection.

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

MR. FERGUSON: I'd like to have the answer for the record.

A (Whispered) I don't know.

Q Who was your cellmate while you were at Lumberton?

SOL. JOHNSON: Object.

THE COURT: Objection sustained. *(Copley No. 1)*

MR. FERGUSON: Like to have the answer.

THE COURT: Whisper to the Reporter.

A *(Whispered)* I don't know.

Q You only had one cell mate at Lumberton and one at Cherry. Is that correct? I say you only had one cell mate at Cherry Mental Hospital. Is that correct?

A No, sir; not no cell mates. Don't have no cell mates.

~~Q~~ *I had* Did you ever have anybody sharing the place where you were confined?

~~A~~ No, sir.

~~Q~~ You had separate quarters?

~~A~~ Well at Cherry everybody there has separate bedrooms so they won't have nobody going into other people's stuff to start confusion.

~~Q~~ What about *at* Lumberton?

~~A~~ Well you be in a dormitory.

~~Q~~ Everybody lives in a dormitory?

~~A~~ Yes, sir; but everybody don't live in the same dormitory.

Q I see. Did you meet John McLean, Jr., while you

were at Cherry Mental Hospital?

SOL. STROUD: Objection.

Q John David McLean, Jr.

THE COURT: Overruled.

A I know a John McLean, but I don't know whether it is David McLean or not.

~~Q Did you meet a John McLean at Cherry Hospital? Is he the one there?~~

~~A The one I saw he had cut himself all up with razor blades.~~

~~Q You did see John McLean?~~

~~A Yes, sir; he had cut himself all up with razor blades.~~

~~Q Did you talk to him?~~

~~A No, sir.~~

~~Q You never had conversation with him?~~

~~A No, sir.~~

~~Q How did you know he was John McLean?~~

~~A By some of the dudes that was there said, "Do you know John McLean?" Then they said they called him Pop McLean, from Wilmington, charged for crime against nature. I told them I didn't know him.~~

~~Q Now when you testified previously under oath regarding this matter, were you told what answers you~~

~~we~~
~~were~~ supposed to give in response to the questions
~~you~~ were being asked by Mr. Stroud?

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

~~Q~~ ^{I was} Have you ever been told what answers you are to give
to any specific questions?

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

Q I am going to show you a copy of the transcript
of the preliminary hearing and direct your attention
to page 16. Now at that point you were asked by
Mr. Stroud, were you not, the following questions?
"Was anyone with you when you went to 5th and Nun
Street?" This is in reference to Saturday night,
February 6, 1971.

A Yes, sir.

Q What was your answer?

A "Ben Chavis and Marvin Patrick." But -

Q I just asked you what your answer was.

SOL. JOHNSON: Your Honor, may he be allowed
to answer it?

THE COURT: Yes, sir.

A They was the only ones that were charged at this
time at the preliminary, charged with going to the
house at 5th and Nun.

~~Q~~ ^{I was} ^{I was} ~~were~~ you told you were only supposed to talk about
the persons charged at that time?

~~A Yes, sir.~~

~~Q Who told you that?~~

~~A Mr. Stroud *told me that.*~~

Q So he told you what answer to give, didn't he?

A No, sir.

Q He told you not to say anything about anybody that wasn't charged. Is that correct?

SOL. JOHNSON: Object.

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

Q Did he tell you not to say anything about anybody who wasn't charged at that time?

SOL. JOHNSON: Object.

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

Q You were also asked how far down towards 5th and Nun you got on page 17, were you not? Top of the page.

~~A That is not the answer.~~

~~Q What is the question at the top of the page?~~

A "When you left the church going toward 5th and Nun, where did you go?"

Q What is your answer?

A "We got as far as the intersection where they had the street barricaded off at. - "

Q What was the next question?

A " - The intersection of 6th and Nun?" "Right."

Q All right, sir. Now I refer you to page 51 of the transcript. And the second question on that page is "How close did you get to the apartment?" What was your answer?

A "I got right there at 6th and Nun." But at the intersection of 6th and Nun, it goes across.

Q I asked you what your answer was.

SOL. JOHNSON: Your Honor, may the witness be allowed to explain if he desires to?

THE COURT: Yes, sir.

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

(Conference at the bench.)

~~Q Now when you testified at the preliminary hearing, you were testifying under oath, were you not?~~
I was

~~A Yes, sir.~~

~~Q And you were warned to tell the truth?~~
I was

~~A Yes, sir.~~

Q Direct you to page 60 of the transcript. I refer you to the 5th question on that page where I was examining you. The question was "And when you say the closest point you got was there at the intersection of 6th and Nun, is that right?" What was your answer? Do you see the point I am talking

about?

A You said the 5th question, Mr. Ferguson.

Q Yes, sir, 5th. I'm sorry. The 4th.

~~A That would be the 4th question.~~

Q Right. "And when you say the closest point you got was there at 6th and Nun, is that right?" What was your answer?

A "Yes, sir."

Q If you will go there to the board, the diagram, where is the apartment you say you are going towards?

A Our apartment is right here.

Q Where is the intersection of 6th and Nun?

A To my opinion 6th and Nun would come right along up in here since it starts right up in here.

~~Q What?~~

~~A The intersection is right here which is 6th Street.~~

~~Q I asked you where the intersection was, didn't I?~~

~~A Yes, sir.~~

Q Didn't you say the closest point you got to the intersection?

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

THE COURT: Yes, sir.

MR. FERGUSON: Your Honor, I object to this constantly approaching the bench while I am

questioning this witness. (Exemption No. —)

(Conference at the bench.)

Q Did you have an opportunity to get yourself together while we were at the bench?

SOL. JOHNSON: Objection.

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

Q I ask you if you didn't say at the preliminary hearing the closest point you got was at the intersection of 6th and Nun.

A Yes, sir.

~~Q And I'll ask you further if you didn't tell this jury you were right midway of the block there at one point.~~ *I did*

~~A Yes, sir. But at that time I would consider 5th Street run down this way and apartment house is facing 5th Street. To my own knowledge, I said 6th and Nun run all the way across and that this right here was 5th Street and at the corner where the apartment house would be since it is facing 5th Street which would be 5th and Nun.~~

~~Q Are you saying that at the preliminary hearing you didn't know where the intersection of 6th and Nun was?~~ *I am*

~~A Yes, sir; the intersection right here which is 6th~~