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~~Q~~ Will you describe what you observed?

~~A~~ They were approximately right here when I came from the end of the church. (Indicating)

Q When you observed that did you hear the gunfire?

MR. FERGUSON: Objection.

THE COURT: Overruled. (Exception No. —)

A Yes, sir.

Q Could you tell where the gunfire was?

MR. FERGUSON: Objection.

THE COURT: Overruled. (Exception No. —)

A It was coming from this area.

MR. FERGUSON: Move to strike.

THE COURT: Denied. (Exception No. —)

~~Q~~ During the evening there at Mike's Grocery store while it was burning, did you remain in the vicinity you pointed out there?

~~A~~ Yes, sir; I did.

Q Did you have occasion at a later time to go over to the corner there where Mike's Grocery store was located?

MR. HUNEVOL: Objection.

THE COURT: Overruled. (Exception No. —)

A Yes, sir; I did.

Q What was the situation as to gunfire at that time if you recall?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

A All the gunfire had stopped.

Q And what was the situation with regard to the fire at Mike's?

MR. FERGUSON: Object.

MR. HUNEVOL: Object.

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

A It was sometime burning. Some several houses down the block were burning. People were up and down the street removing furniture.

Q At this time did you observe anything in the vicinity of Mike's Grocery store?

A Yes, sir; I did.

MR. FERGUSON: Object.

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

Q What did you observe?

MR. HUNEVOL: Object.

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

A I found a Coke bottle busted here on the sidewalk that had a partial wick in the neck of the Coke bottle.

Q It had what in the neck?

MR. HUNEVOL: Objection.

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

MR. FERGUSON: Objection.

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

A The Coke bottle had busted, but there was still a part of the wick in the neck of the Coke bottle. (State's Exhibit "51" marked for identification.)

Q Det. Hollifield, I hand you what has been marked for identification as State's Exhibit number "51" and ask if you can identify this, please, sir.

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

A Yes, sir; it is the Coke bottle that I picked up from the sidewalk at Mike's Grocery.

MR. HUNEVOL: Move to strike.

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

MR. FERGUSON: Move to strike.

Q Does it also contain a wick?

MR. FERGUSON: Objection.

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

A Yes.

Q Is this the wick that's in the other bottle here?

MR. FERGUSON: Object.

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

A Yes, sir.

Q Is there a portion of the wick still in - some of the broken pieces there?

MR. FERGUSON: Object.

THE COURT: Overruled.

A Yes, Sir; there is.

SOL. STROUD: Your Honor, the State moves that this be received into evidence as State's Exhibit number "51".

MR. FERGUSON: Objection.

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

SOL. STROUD: May I pass it among the jury, your Honor?

MR. FERGUSON: Objection.

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

(Sol. STROUD hands State's Exhibit "51" to the jury.)

SOL. STROUD: State has no further questions of this witness, your Honor. Tender him for cross examination.

MR. BALLANCE: We move to strike this witness's testimony.

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

CROSS EXAMINATION BY (MR. BALLANCE.)

Q ~~Mr. Hollifield~~, you have been on the Police Department for you 8 years, you say?

A ~~Yes, sir.~~

Q ~~You~~ have been a Detective for ^{almost} 3 years?

A ~~Almost 3 years.~~

Q ~~Do you recall where you went when you left 5th and Nun Street?~~

A ~~Repeat what. I didn't understand.~~

Q ~~Do you recall where you went when you left the corner of 5th and Nun?~~

A ~~Yes, sir.~~ We resumed our normal patrol.

Q Can you tell us what time it was when you first arrived at the corner of 5th and Nun?

A Around - I am not for sure - 9:30 or quarter to 10.

MR. BALLANCE: No further questions.

MR. HUNEVOL: Your Honor, I move to strike.

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

MR. HUNEVOL: Request for limiting instructions as to Shephard.

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

MR. FERGUSON: We move to strike.

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

SOL. STROUD: Your Honor, the State will call Officer Jack Shaw.

MR. FERGUSON: We object to any testimony by this witness.

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

JACKIE M. SHAW, called as a witness for the State, being duly sworn, testified as follows:

DIRECT EXAMINATION (BY SOL. STROUD:)

~~Q State your name to the Court, please.~~

~~A~~ Jackie M. Shaw, ^{I am} with the Wilmington Police Department, Uniformed Division.

~~Q~~ How long have you been a member of the Wilmington Police Department?

~~A~~ Approximately 7 and a half years.

~~Q~~ Now, Officer Shaw, ^{I was} on the evening of Saturday, February 6, 1971, were you on duty as a police officer?

~~A~~ I was.

~~Q~~ Were you in uniform?

~~A~~ Yes, sir.

~~Q~~ On that particular evening, ^I did you have occasion to go into the vicinity of 6th and Ann Street?

~~A~~ I did.

~~Q~~ When you arrived there where did you go?

~~A~~ I arrived in the area from Orange Street and parked

up in this area; got out of the car; worked my way down the street towards the corner.

Q Now let me ask you this. At this time what, if anything, did you hear?

MR. HUNEVOL: Objection.

THE COURT: Overruled. (Exception No. —)

A Gunfire.

MR. FERGUSON: Move to strike.

THE COURT: Denied. (Exception No. —)

Q Could you tell where the gunfire was?

MR. FERGUSON: Objection.

THE COURT: Overruled. (Exception No. —)

A Yes, sir; it was coming from in the area south of me.

MR. FERGUSON: Move to strike.

THE COURT: Denied. (Exception No. —)

Q Could you tell what kind of gunfire it was?

MR. FERGUSON: Object.

THE COURT: Overruled.

A It sounded like gunfire and occasionally what appeared to be a shotgun now and then.

MR. FERGUSON: Move to strike.

THE COURT: Denied. (Exception No. —)

Q As you were going down the east side of the street

what did you do or what occurred?

A. Yes, sir; as I was working my way down towards the intersection of where the grocery store was burning, I was moving from tree to bush or anything that I could conceal myself behind. And as I got close to the corner a voice spoke to me.

MR. FERGUSON: Object to anything a voice said.

THE COURT: Overruled. (Exception No. —)

A. And asked.

MR. HUNEVOL: Objection.

THE COURT: Overruled. (Exception No. —)

A. Who was there.

MR. FERGUSON: Motion to strike.

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

Q. Did you recognize the voice?

A. I could.

MR. FERGUSON: Objection.

THE COURT: Overruled. (Exception No. —)

Q. Whose voice was it?

A. Officer Williams.

~~Q.~~ Is ^{he} in the courtroom today?

~~A.~~ Yes, ^{he} is sitting right behind you.

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

~~A.~~ I recognized his voice; identified myself and went

upon the porch of where he was located.

Q ~~Where was that?~~

Right on the corner, house sitting right on the corner of 6th and Ann.

Q I hand you what has been received into evidence as State's Exhibit number "2" and ask if you can point out the house that you were on the porch with Jimmy Williams, please. Sarg. Williams, Excuse me.

A This house right here. (Indicating)

Q Point that out to the defense counsel also, please.

A (Indicates)

Q ~~What, if anything, - Strike that.~~ During the time that you were on the porch with Sarg. Williams, did you hear gunfire at that time?

A Yes, sir.

MR. FERGUSON: Objection.

THE COURT: Overruled. (Exception No. —)

MR. HUNEVOL: Move to strike.

Q What, if anything, occurred?

MR. BECTON: Objection.

THE COURT: Overruled. (Exception No. —)

A We proceeded to leave the porch that we were on. You could enter it from the 6th Street side. It

had two sets of steps, one leading from the 6th Street side and also one leading from the Ann Street side. In other words, you could go up on the porch in this area or up this way. We left the porch this way, and Officer Williams asked me to cover him, that he was going across the street.

MR. BECKTON: Object.

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

A. Officer Williams went across the street to the house located immediately on this corner, stooped down next to the porch. I then went across the street. Officer Williams then went up on the porch of the first house. After Officer Williams got up on the porch of the first house I then got up on the porch, covered Officer Williams while he went to the porch on the second house.

Q. Excuse me. During this time was there any gunfire?

A. Yes, sir

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

MR. HUNEVOL: Move to strike.

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

Q. Can you tell what type gunfire it was?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

A It was still small caliber and occasionally a loud burst like a bigger caliber of gun; maybe, I would take it, a shotgun.

MR. FERGUSON: Objection; move to strike.

MR. HUNEVOL: Move to strike.

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

Q And where did Sarg. Williams go from the porch of the first house?

MR. HUNEVOL: Objection.

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

A Officer Williams checked the alley between the -
When I say "check", he went to the corner, south corner, of the porch of the first house to check to see if there was anyone between the two houses. He then went to the porch of the second house.

~~Q Would you point that house out on the diagram?~~

~~A Yes, sir.~~ Which would have been this house right here. (Points.) After he was on the porch of the second house I then went from the first house over to the second house or first porch over to the second porch and passed Officer Williams; checked the alley between the second and third house and proceeded

to the porch on the third house which would have been this house here. As I worked my way long the porch -

Q Excuse me. Let me interrupt you at this point, please. Go ahead. As you were working yourself across the porch of the third house -

A Yes, sir. I was working myself - I was more or less had my back to the wall of the house. Had my shotgun with me, looking, trying to get myself in a position to give the firemen protection.

MR. FERGUSON: Move to strike.

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

A As I got to the corner of the porch which would have been the south side of the porch, there is a double door leading into the house and also a banister around the porch of this house with spokes. I placed - I got in position, placed myself between the two doors. They were very close together leading into, I assume, different apartments of the house.

MR. FERGUSON: Objection.

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

A And I noticed that all was illuminated. Things got real bright.

Q ~~From what?~~

A And I turned to find out and this is when I looked straight out or back in front towards the street. And then I realized that I was being lit up by the light or the burning of Mike's Grocery. And at that time I turned my head back to my right to look for Officer Williams to tell him to come on. And the moment I turned my head I heard what appeared to be a click.

MR. FERGUSON: Move to strike.

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

A I immediately - I had my shotgun resting in front of me, the barrel pointed to my left. When I heard the click I immediately turned my head. I saw a barrel of a shotgun pointed. I looked right down the barrel of a shotgun. I seen nothing but the barrel of the shotgun. And when I saw it - the reason I saw it was from the light of Mike's Grocery. This is why I could see the shotgun. It was dark in the alley or the space that separated the two houses. I could not see down between the two houses. And the moment I turned my head back and saw the shotgun I immediately pulled the trigger on my shotgun. And at the moment I pulled the trigger on the shotgun the gun withdrew and a person

or an object stood up as if the blast might have lifted him from the ground and spoke or hollered, "Don't shoot." Or, "Don't shoot again." Spun to his left and fell face first into the alley or the space dividing the two houses headed east, which would have been back this way. At this point I hollered to Officer Williams and I immediately jumped over the banister down into the alley where the subject had fell in a position. When I jumped across the banister I went right on down on my knees with my shotgun in position for anyone else that might have been there that would have put my life in danger. I called for Officer Williams a number of times, and Officer Williams came around on the street side in front of the house; and with his assistance we removed the subject from the alley between the two houses and drug him up the street to the corner of 6th and Ann.

MR. HUNEVOL: Move to strike. Request instructions.

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

MR. BALLANCE: Move to strike.

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

Q At the time you jumped over the banister and when Officer Williams came there, did you observe any object next to the body?

A Yes, sir.

MR. HUNEVOL: Objection.

THE COURT: Overruled. (Exemption No. —)

A Yes, sir; there was a shotgun. If I may use this as an illustration, as a shotgun, using myself as the body, the subject was laying straight down. The shotgun was laying to his left with the barrel facing towards his feet.

Q And what, if anything, happened to the shotgun when you and Officer Williams dragged the subject up to 6th and Ann Street?

A ~~You mean where did the shotgun go to?~~

Q ~~I mean what happened to the shotgun that was next to the body?~~

A ~~Q.~~ Officer Williams - I pointed the gun - After Officer Williams as he came around to where I was at, Officer Williams reached over and got the shotgun, and with his assistance we pulled the body from the area of where it was at up to the corner and called for assistance; and they got a car in the area to us. The car came down in this area here, and we put the subject in the car. Kept the subject and

the shotgun and everything together and from that point we proceeded to the emergency room for treatment for the subject.

MR. HUNEVOL: Move to strike.

THE COURT: Denied.

(Exception No. —)

Q During the time that you were waiting for the car to come in order to get the subject to the emergency room at the hospital what, if anything, was Officer Williams doing?

A The subject - we had him laying on his back around this corner here. As we - May I emphasize this? As we came out of the alley going up this way, there was still gunfire. We could still hear gunfire, and we drug him up the corner around the corner to get him out of the line of gunfire for our protection; also for his. And as we got around the corner we laid the subject on his back. The fire from Mike's Grocery again had everything lit up. The subject was laying on his back and from his throat there was a stream of blood, maybe - I can only estimate - about like this squirting up from his throat. Officer Williams was over next to the subject with his hand on his throat trying to stop the bleeding until assistance could get to us so

we could remove him to the hospital.

MR. HUNEVOL: Move to strike; request instructions.

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

MR. FERGUSON: Move to strike. *(Exception No. —)*

Q And who went to the hospital?

A In the car?

Q Yes.

A No one but me and Officer Williams. I drove the automobile and we put the subject in the back seat and Officer Williams was in the front seat leaning over with his hand still trying to stop the blood.

MR. FERGUSON: Move to strike.

MR. HUNEVOL: Move to strike.

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

Q Now upon arrival at the hospital what was the condition of the subject?

MR. FERGUSON: Object.

MR. HUNEVOL: Object.

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

A I would have to give you an opinion.

MR. BALLANCE: Object. *(Exception No. —)*

A Do you mean live or dead?

Q Yes, sir.

A In my opinion he was dead.

MR. HUNEVOL: Move to strike.

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

Q Would you describe the subject as you recall?

A Yes, sir. He wore glasses. Maybe his weight, I'd have to guess, his weight maybe 150 - 160 pounds, young boy, maybe late teens, real early 20's. His hair was plaited. He had his hair plaited. He was - around his neck appeared to have been a piece of copper wire with a chain from it maybe a foot long, two foot long, somewhere thereabout. Around his arm there was several other types of wire around his arm along with a leather strap around his arm. The subject had on a - I believe a - Well, in fact, he did have on a big three-quarter length furry coat, real heavy type material; and under that he had on a slip-on black shirt which had several buttons down to about the chest area.

MR. HUNEVOL: Move to strike.

THE COURT: Denied. (Exception No. -)

MR. FERGUSON: Move to strike.

THE COURT: Denied. (Exception No. -)

Q Was he white or black?

A He was a colored male.

MR. FERGUSON: Objection; move to strike it.

MR. HUNEVOL: Move to strike.

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

Q Did you later determine who he was?

A Yes, sir.

MR. BALLANCE: Object.

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

A The name that I got was Steve or Stephenson Corbett, age 17.

MR. HUNEVOL: Move to strike.

THE COURT: Overruled; motion to strike denied. *(Exemption No. —)*

(State's Exhibits 53, 54, 55, 56 and 57 marked for identification.)

Q When you arrived at the hospital did you have occasion to examine the shotgun that was found next to the deceased person?

MR. FERGUSON: Objection.

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

A Yes, sir.

~~Q Would you describe the shotgun, please?~~

~~A~~ The shotgun was a single barrel .12 guage shotgun. Looked to appear to be an old model shotgun; not new. The gun had a brown stock on it. Also on the stock where it got small and connected onto

the metal part it had tape, black tape, wrapped around it, the gun barrel of the shotgun. There was a split where the sight went in the gun barrel. From the end of the gun barrel down to maybe a half inch or maybe more was split on the end of the gun barrel.

Q And did you see anything in the chamber of the barrel at that time?

A Yes, sir.

MR. EERGUSON: Objection.

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

A There was a shot, a shell, still in the barrel of the gun.

Q What, if anything, did you observe about that shell?

MR. HUNEVOL: Objection.

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

A The shell had been snapped on. There was what appeared like a firing pin had gone forward into the shell and it was a misfire.

MR. FERGUSON: Move to strike.

MR. HUNEVOL: Motion to strike.

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

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

THE COURT: Yes, sir.

(Conference at the bench.)

Q Officer Shaw, let me ask you one other question at this time, if I may. At the time you fired your shotgun and then jumped over into the alley, what, if anything, did you observe about the banister there at the porch?

MR. FERGUSON: Objection.

THE COURT: Overruled. (Exception No. —)

MR. HUNEVOL: Objection.

THE COURT: Overruled. (Exception No. —)

A Two spokes in the banister was blown out.

Q By what?

MR. FERGUSON: Objection.

THE COURT: Overruled. (Exception No. —)

A By the blast of my shotgun.

Q Now, Officer Shaw, I hand you what has been marked for identification as State's Exhibit number "52" and ask you if you can identify that, please.

MR. FERGUSON: Object.

MR. HUNEVOL: Object.

THE COURT: Overruled. (Exception No. —)

A Yes, sir; I can.

Q What is that?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

A This is the house I was just testifying about located across from Mike's Grocery at 6th and Ann.

MR. FERGUSON: Move to strike.

MR. HUNEVOL: Move to strike.

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

Q With the exception of the building at Mike's there, is that a fair and accurate representation of those three houses as they were on the evening of February 6, 1971?

A ~~Yes, sir.~~

Q I hand you what has been marked for identification as State's Exhibit number "53" and ask if you can identify that, please.

MR. FERGUSON: Objection.

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

A Yes, sir; this is the porch that I was on, that I gave in my statement a minute ago of the two doors that I was standing between when the shooting occurred.

Q That is the porch of what house?

A Of the third house from the corner.

MR. FERGUSON: Move to strike.

MR. HUNEVOL: Move to strike.

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

Q Is this photograph a fair and accurate representation of that house as it was on the evening of February 6, 1971?

A Yes, sir.

MR. FERGUSON: Object.

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

MR. HUNEVOL: Move to strike.

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

Q Officer Shaw, I hand you what has been marked for identification as State's Exhibit number "54" and ask if you can identify that, please.

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

THE COURT: Overruled. (*Exception No. 3*)

A Yes, sir; I can.

~~Q What is it?~~

~~A~~ This is the porch, also the banister where the shooting occurred, also of the spokes missing from the banister of the same porch in question.

MR. FERGUSON: Move to strike.

THE COURT: Motion denied. (*Exception No. 4*)

Q Is this photograph a fair and accurate representation of the porch and the banister as it was on the evening of February 6, 1971, after you fired the gun?

MR. BECKTON: Motion to strike.

THE COURT: Overruled. (Exemption No. 1)

Q I hand you what has been marked for identification as State's Exhibit "55" and ask if you can identify that, please.

MR. HUNEVOL: Object.

THE COURT: Overruled. (Exemption No. 1)

A Yes, sir.

Q What is it?

MR. FERGUSON: Object. (Exemption No. 1)

A This is the space dividing the three houses, 2nd, 3rd and 4th house. This is a picture of the third house in which I was standing, also the alley or space where the subject was lying face down.

Q Is this photograph a fair and accurate representation of this alley as it was on the evening of February 6, 1971, after you had fired the gun?

MR. FERGUSON: Objection.

THE COURT: Overruled. (Exemption No. 1)

Q I hand you what has been marked for identification as State's Exhibit number "56" and ask if you can identify that, please.

~~A Yes, sir.~~

~~Q What is it?~~

A This is the intersection of 6th and Ann facing south.

Q Now is that photograph a fair and accurate representation of that intersection as it was on the evening of February 6, 1971?

A Yes, sir.

Q And lastly I hand you what has been marked for identification as State's Exhibit number "57" and ask if you can identify that, please.

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

A Yes, sir; this is the shotgun with the shell still in it where the plunger had gone forward on it, and it had misfired.

MR. FERGUSON: Motion to strike.

MR. HUNEVOL: Move to strike.

THE COURT: Motion to strike denied. (*To plunger*)

Q Is that photograph a fair and accurate representation of the shotgun that you found with the deceased with the bullet in it as you observed it on the evening of February 6, 1971, at the hospital?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

A Yes, sir.

MR. FERGUSON: Move to strike.

MR. HUNEVOL: Move to strike.

THE COURT: Motion to strike denied. *(Exception No. 7)*

SOL. STROUD: May it please the Court, the State moves that these photographs be admitted into evidence as State's Exhibits number "52", "53", "54", "55", "56" and "57."

MR. BECKTON: Defendant objects to each and every one. *(Exception No. 7)*

THE COURT: Members of the jury, "52", "53", "54", "55", "56" and "57" are offered into evidence for the purpose of illustrating and explaining the testimony of the witness if you, the jury, find that they do illustrate and explain the testimony of the witness and for no other purpose. They are not substantive Evidence.

Q Officer Shaw, I hand you what has been received in as State's Exhibit number "15" and ask if you can identify that, please, sir.

A ~~Yes, sir, I can.~~

Q ~~What is it?~~

A This is the shotgun used the night in question.

MR. FERGUSON: Object. *(Exception No. 7)*

Q Used by whom?

~~A Call his name?~~

~~Q Yes, sir.~~

A Steve Corbett.

MR. FERGUSON: Move to strike.

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

Q Is this the shotgun that you found next to the body of Steve Corbett in the alleyway?

MR. HUNEVOL: Object; move to strike.

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

MR. FERGUSON: Your Honor, we request that the shotgun be removed from the corner over there. (State's Exhibit "58" marked for identification.)

MR. FERGUSON: If your Honor please, we request the record show th shotgun is on the corner of the jurybox.

THE COURT: Let the record show the shotgun was put in a holster by the Solicitor and placed in a corner near the outside door.

SOL. STROUD: Your Honor, I will be glad to take the shotgun from the courtroom.

THE COURT: And the Solicitor has now removed it from the courtroom.

Q Officer Shaw, I hand you what has been marked for

identification as State's Exhibit number "58" and ask if you can tell us what that is, please.

A This is a .12 guage shotgun - , the one that was found in the shotgun.

MR. FERGUSON: Move to strike.

MR. HUNEVOL: Move to strike.

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

Q What shotgun?

A The one that has just been put into evidence; the one that was removed along the body.

Q Of Steve Corbett?

A Of Steve Corbett; yes, sir.

MR. FERGUSON: Motion to strike.

MR. HUNEVOL: Move to strike.

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

Q Is this the shotgun shell?

A Yes, sir. I think I made a mistake a minute ago. That is the shell, not the shotgun.

MR. HUNEVOL: Move to strike.

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

MR. FERGUSON: Move to strike the shell and the shotgun.

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

SDL. STROUD: Your Honor, the State moves this be

received into evidence as State's Exhibit number "58".

MR. FERGUSON: Object.

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

Q Now, Officer Shaw, using this photograph, State's Exhibit number "52", will you point out which porch Sarg. Williams went to and then how you leap-frogged down the block as you have testified?

MR. FERGUSON: Object.

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

Q How it to the jury.

A On this corner - this is the street back up here, Ann Street. The first house on the corner is this house here. Officer Williams got up on this porch. I followed. Officer Williams stayed in this area here. Officer Williams went to this corner, observed, went over to the second porch on this second house. I then followed Officer Williams. I passed Officer Williams on the porch of the second house, went to the porch of the third house.

MR. HUNEVOL: Move to strike.

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

Q Would you point that out to the defense counsel?

MR. HUNEVOL: Defendant Shephard will waive

the presentation.

MR. FERGUSON: We will waive it. I have seen all those photographs.

Q I hand you what has been admitted into evidence as State's Exhibit number "53" and ask if you will point out in that photograph what position you were in and how you came onto the porch of the third house there, please.

A As I stated, I was working myself south. This is the third house there which is this house right here. I had my back to the wall here working my way down. This is the two doors that was in question. I worked my way to this and put my back up to this two doors here. At this point I realized that I was illuminated. Things were real bright. I looked in this direction which would have been across the street towards Mike's Grocery. Then I continued to turn on around to my immediate right, which I would have been looking back this way. At that point is when I heard the click of the gun. I immediately turned back to my left in this open space right here. There was a barrel of a shotgun in this angle pointing up. As I turned and looked back I looked you might say down the barrel of a shotgun. Immediately

I pulled the trigger on my shotgun.

SOL. STROUD: Do you want to see that?

MR. HUNEVOL: No, sir; move to strike that testimony, your Honor.

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

Q Using State's Exhibit number "54", would you show where you were and where the shotgun barrel was protruding through the rail?

MR. FERGUSON: We object.

MR. HUNEVOL: Objection.

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

A The same two doors, you could see a portion of this door, most of this one here, the center piece dividing the two doors. I had my back up. My shotgun I had it resting in front of me, the barrel pointing this way. The banisters missing here would have been just like you see over here. The shotgun was pointed up.

~~A Point it this way~~

~~A~~ (Pointed toward jury) The shotgun was up in this direction. As I looked down I looked down onto the shotgun. And as I fired my shotgun as a result of the blast is removed - this is a portion of one of the banisters out here, and I don't think the jury can see it, but the banister was completely disintegrated.

It splintered it and blew parts of it all over.

MR. FERGUSON: Move to strike.

MR. HUNEVOL: Move to strike.

THE COURT: Motion to strike denied. *(Sustained)*

Q Using State's Exhibit number "55", would you point out for the jury how you got into the alleyway and what, if anything was there when you arrived in the alleyway?

MR. HUNEVOL: Objection.

THE COURT: Overruled. *(Sustained)*

A Yes, sir. The shotgun - I am standing here as I fired the shotgun. The gun withdrew from the spokes in the banister. I just seen an object which appeared to be a human being spin to the left and in a screaming voice, hollering voice, "Don't shoot." Or, "Don't shoot again.", one of the two statements, turned to the left, fell face first in this alley here. I immediately put my lefthand on the banister, jumped over the banister. The subject was laying headed this way with his head facing this way, his feet back this way. I landed at his feet in a protective position.

MR. FERGUSON: Move to strike.

MR. HUNEVOL: Move to strike.

THE COURT: Motion to strike denied. *(Sustained)*

Q Where would the shotgun have gone as you observed it beside the body?

MR. FERGUSON: Objection.

MR. HUNEVOL: Object.

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

A As he was laying face down in the alley this would have been his left side next to the house. The shotgun was laying to his lefthand side or shoulder, more or less to the front of the body with the barrel pointing back in this direction which would have been a westwardly direction. This is an eastwardly direction.

MR. FERGUSON: Move to strike.

MR. HUNEVOL: Move to strike.

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

Q Officer Shaw, at the time that you pulled the trigger on your shotgun, was your back still to the wall there?

A Yes, sir; it was.

MR. FERGUSON: Objection; move to strike.

MR. HUNEVOL: Objection; move to strike. *(Exception No. —)*

Q When you say you turned around what do you mean?

MR. FERGUSON: Move to strike.

MR. HUNEVOL: Move to strike.

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

Q You said you turned around?

A No, just moved my head. My back never once left this. When I say I turned and looked back at Mike's Grocery to see why things were so bright, I am speaking of only turning my head. I was looking like this. (Indicating) I looked like this, and like this, and I heard the snap of the gun, and I turned my head back.

MR. FERGUSON: Move to strike.

MR. HUNEVOL: Move to strike.

THE COURT: Motion to strike denied. (Adopted)

Q Using State's Exhibit number "56" would you point out on there where you took the body along with Officer Williams.

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

THE COURT: Overruled. (Adopted)

A Yes, sir. We came from this area. This is the third house.

~~Q Turn a little bit more.~~

~~A This is the third house.~~ We brought the body out of the space dividing the third and the fourth house; drug it up the sidewalk to this area right here to get out of line of fire for protection around the corner of this house here. Laid the subject on his back

face up.

MR. FERGUSON: Move to strike.

MR. HUNEVOL: Move to strike.

THE COURT: Motion to strike denied. *(Exception)*

Q And using the State's Exhibit number "57", would you point out on that photograph the indentation that you were talking about that you observed with regard to the shotgun shell?

MR. FERGUSON: Objection.

THE COURT: Overruled. *(Exception)*

A This is the shotgun broken down. This is the shell in the shotgun. This indentation that is seen right here as the result of the firing pin of this gun as you pull the trigger as the firing pin goes forward to cause the shell to discharge.

MR. FERGUSON: Move to strike.

MR. HUNEVOL: Move to strike.

THE COURT: Motion to strike denied. *(Exception)*

Q And the shell did not discharge?

MR. HUNEVOL: Objection. *(Exception)*

A The shell did not go off.

MR. HUNEVOL: Move to strike.

THE COURT: Motion denied. *(Exception)*

SOL. STROUD: Your Honor, may I pass the photographs and exhibits among the jury?

MR. HUNEVOL: Objection.

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

SOL. STROUD: State has no further questions of this witness, your Honor.

MR. FERGUSON: Move to strike the testimony of the witness, your Honor.

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

MR. BECKTON: No questions.

MR. HUNEVOL: Move to strike the entire testimony of the witness, your Honor.

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

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

THE COURT: Yes, sir.

(Conference at the bench.)

THE COURT. Members of the jury, we are going to take a recess now until tomorrow morning at 9:30. May I again caution you to remember the instructions I have heretofore given you. Do not discuss this case with anyone. Do not allow anyone to discuss it with you or in your presence. Do not discuss it among yourselves. Do not read any newspaper account of this trial if such should appear. Do not view television account of this trial if such should appear.

Do not listen to radio account of the trial if such should appear. When you leave remember the instructions I have given you to go to your destination. Do not linger in the hallway, in the courthouse or on the courthouse square. When you return, please come immediately to your room in the morning and do not linger on the courthouse square, the courthouse or corridors, but come immediately to your room; and there remain until the opening of court. Everyone else please remain here. You go now and come back tomorrow morning at 9:30.

(The jury was dismissed.)

(The Court recessed at 5 P M.)

October 6, 1972

9:50 P M.

SOL. STROUD: State will call Sarg. Williams, your Honor.

J. S. WILLIAMS, called as a witness in behalf of the

State, being duly sworn, testified as follows:

DIRECT EXAMINATION (BY SOL. STROUD:)

~~Q~~ State your name to the Court.

~~A~~ J. S. Williams.

I am
~~Q~~ You are a Sargeant with the Wilmington Police Department?

~~A~~ Yes, I am.

~~Q~~ How long have you been with the Wilmington Police Department?

I
~~A~~ 12 years and about 10 months.

~~Q~~ How long have you been a sargeant?

~~A~~ Sargeant for 2 years.

~~Q~~ Sargeant Williams, in February of 1971, you were with the Wilmington Police Department. Is that correct?

~~A~~ Yes, sir.

I am
~~Q~~ And at that time you were serving in a capacity as a detective with the Wilmington Police Department. Is that correct?

~~A~~ Yes, sir.

~~Q~~ Now, Sarg. Williams, on the evening of February 6, which was a Saturday, 1971, did you have occasion to be in the vicinity of 6th and Ann Street in Wilmington?

MR. BALLANCE: Objection.

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

~~A~~ Yes, sir; I did.

~~Q~~ Where did you arrive in that area?

MR. BALLANCE: Object.

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

A We came in from 6th and Orange Street back down this way; came in and parked the car back in this block and got out and came on down on the west side of the street and then crossed over to the east side of the street.

Q At the time you arrived there what, if anything, was occurring?

MR. BALLANCE: Objection.

MR. HUNEVOL: Objection.

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

A Mike's, the grocery store was on fire.

MR. BALLANCE: Move to strike.

MR. HUNEVOL: Move to strike.

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

Q What, if anything, did you hear during the time that you were arriving there?

MR. BALLANCE: Objection.

MR. HUNEVOL: Objection.

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

A There was some gunfire, sounded like gunfire.

MR. BALLANCE: Move to strike.

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

Q Could you tell in what area it was coming from?

MR. BALLANCE: Objection.

MR. HUNEVOL: Objection.

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

A Seemed to be coming from down this way on 6th Street down in this area.

MR. BALLANCE: Object to what it seemed to be.

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

Q Who did you arrive there with?

MR. BALLANCE: Objection.

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

A Det. Fredlaw.

Q And when you arrived in the area of 6th and Ann Street there, where did you go?

MR. BALLANCE: Objection.

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

A I came from down the street towards 6th and Ann and then I crossed to the east side of the street over here in this area.

Q And where did you go when you were in that area?

MR. BALLANCE: Objection.

MR. HUNEVOL: Objection.

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

A A house sitting right here on the corner had a set of stairs going up onto the front porch here sort

of "U" shaped and another set coming down here. I went up on the porch and around the side and checked. Did not see anyone over here on this side of the street. I came back to the edge of the porch there, and I saw an officer crouched down beside a tree there, and I called out for him to identify himself, which he did. It was Officer Shaw. I asked him to come on up on the porch with me, which he did. I asked him to cover me as I crossed the street to this first house, which he did. After I got across the street I checked and he came on across with me.

MR. BALLANCE: Move to strike.

MR. HUNEVOL: Move to strike.

THE COURT: Motion denied. *(Simpler than...)*

~~Q. Then what, if anything, occurred:~~

A. We started on. I went up on the porch of the first house over to the alley; checked the alley; didn't see anyone and he came on up on the porch. Then I went across to the second house; checked the alley and then came back; and he came on up onto the second porch with me also. Then he came by me here on the second porch and went over to the third house there on the porch of the third house; and he worked his way down towards this area here. There is an apartment house, and it has two sets of doors here on the

corner, and he stopped at these doors.

MR. BALLANCE: Move to strike.

MR. HUNEVOL: Move to strike.

THE COURT: Motion to strike denied. *(Exception)*

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

MR. BALLANCE: Objection.

THE COURT: Overruled. *(Exception)*

A I had a .23 guage shotgun, pump, issued by the Department; also a snub-nosed .38.

MR. HUNEVOL: Move to strike.

THE COURT: Denied. *(Exception)*

Q What, if anything, did Jackie Shaw have in his possession?

MR. BALLANCE: Object.

THE COURT: Overruled. *(Exception)*

A He had a .12 guage shotgun, pump, and .38 issue pistol.

MR. BALLANCE: Move to strike.

THE COURT: Motion denied. *(Exception)*

Q What was your occasion for going down the east side of 6th Street at this time?

MR. BALLANCE: Objection.

MR. HUNEVOL: Objection.

THE COURT: Overruled. *(Exception)*

A To give the firemen when they come in to fight the fire protection because they have been fired at previous to going up to put out the fires; trying to give them protection so they could come up in here and fight the fire without being shot at or injured or killed.

MR. BALLANCE: Motion to strike.

MR. HUNEVOL: Motion to strike.

THE COURT: Motion to strike denied. *(Skeptical)*

Q When he got to the porch of the third house you were still where?

MR. BALLANCE: Objection.

MR. HUNEVOL: Objection.

THE COURT: Overruled. *(Skeptical)*

A I was still on the porch of the second house at the corner here.

Q Were you observing Officer Shaw at this time?

MR. BALLANCE: Objection.

THE COURT: Overruled. *(Skeptical)*

A Yes, sir; I was looking down the street, across the street and watching him also.

Q What was the condition as to the fire at Mike's at this time?

MR. BALLANCE: Objection.

MR. HUNEVOL: Objection.

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

A It was beginning to blaze up real good and was giving a little bit of light.

Q What, if anything, occurred when he got on the porch of the third house?

MR. BALLANCE: Objection.

MR. HUNEVOL: Objection.

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

A As he was over there I heard a shot ring out and he said, "I have shot someone." When he did this, I jumped down from the porch, looked up under the house to see if anyone else was there. I ran to the back to see if there was anyone back here, either coming or going in this area. It was not. I came back around over here. I called out to him, told him I was coming over. I came over to where he was and this is when I saw the young man laying on the ground, and I asked him if he was armed. He said, yes, that he had a shotgun, and he pointed it out to me. I reached over, and I picked up the shotgun. We picked him up and started down the sidewalk with him. But we were losing our grip so we had to lay him down and pick him up again

under the arm pits. We pulled him around here. As we were coming around Officer Wollak came and helped us. We pulled him right here. He was bleeding. I pressed the wound to keep him from bleeding so badly. We called for an ambulance; waited on the ambulance; and it seemed to take quite a while. Then we had a car come down here. Meanwhile the ambulance came up. He would not cross 6th Street because of the gunfire.

MR. BALLANCE: Objection.

THE COURT: Overruled. *(Exception Denied)*

A That we were receiving from this area. So we put him in back of the car, City car, that we were using as a police car, and we carried him to the hospital.

MR. BALLANCE: Move to strike.

MR. HUNEVOL: Move to strike.

THE COURT: Motion to strike denied. *(Exception Denied)*

Q Now when you were coming back with the body of this young man you had his shotgun. Is that right?

MR. HUNEVOL: Objection.

THE COURT: Overruled. *(Exception Denied)*

A I had his shotgun and my shotgun and holding on to him.

MR. HUNEVOL: Motion to strike.

THE COURT: Motion to strike denied. *(Exception Denied)*

Q Did Jackie Shaw have his shotgun?

A Jackie Shaw had his shotgun. I was on the inside towards the houses and Jackie was on the outside holding onto him.

MR. HUNEVOL: Move to strike.

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

A We pulled him around and laid him up here on the grassy area of the plaza there.

MR. BALLANCE: Move to strike?

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

Q During the time that you were carrying this young man up 6th Street toward Ann, what, if anything, did you hear at this time?

MR. HUNEVOL: Objection.

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

A There was still gunfire.

MR. HUNEVOL: Move to strike.

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

Q Where was the young man wounded?

MR. HUNEVOL: Objection.

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

A He was wounded about around the throat area and the top of his shoulder right up in here. (Indicating)

MR. HUNEVOL: Motion to strike.

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

Q When the car arrived there to take you to the hospital what, if anything occurred when the car arrived? What did you do?

MR. HUNEVOL: Objection.

THE COURT: Overruled. (Exception No. —)

A We waited a few moments because the ambulance had already been called. The ambulance came down 5th and came up this way, and the ambulance would not cross 6th and Ann because of the gunfire.

MR. BALLANCE: Object. (Exception No. —)

A We were receiving from this area. Ambulance driver would not cross. The car was there so we put the young man in the back of the police car in the seat and laid the shotgun in there, and I gave my shotgun to Officer Wollak, the police issued gun, and we went on to the hospital, and I leaned over the seat to hold him onto the seat and to press the wound and try to keep him from bleeding so bad.

MR. BALLANCE: Move to strike.

MR. HUNEVOL: Move to strike.

THE COURT: Denied. (Exception No. —)

Q ~~Who was driving the vehicle?~~

A Officer Shaw was driving the vehicle.

Q Upon arrival at New Hanove Memorial Hospital emergency room what was the condition of the young man?

MR. BALLANCE: Objection.

MR. HUNEVOL: Objection.

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

A Doctors announced him D O A.

MR. BALLANCE: Move to strike.

MR. HUNEVOL: Move to strike.

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

Q Would you describe the young man, please?

MR. HUNEVOL: Object.

MR. BALLANCE: Objection.

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

A He was sort of medium built young man. His hair was in sort of pig tails or curls all around his head. I don't know what you'd call it. He did have on a metal band of some type around his neck with a long chain on it. He was dressed in dark clothing and sort of dark color pullover shirt or something. He had on a black furry type three-quarter length coat.

MR. BALLANCE: Move to strike.

MR. HUNEVOL: Move to strike.

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

Q And was he black or white?

A He was black male.

MR. HUNEVOL: Move to strike, your Honor.

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

Q Did you later determine who he was?

MR. BALLANCE: Objection.

MR. HUNEVOL: Objection.

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

A Yes, sir.

Q Who?

A Steven Gills Mitchell.

MR. BALLANCE: Move to strike.

MR. HUNEVOL: Move to strike.

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

A He went by one time Steven Mitchell.

Q Did you hear the name Corbett mentioned?

A Yes, I am sorry. It was Corbett.

MR. HUNEVOL: Motion to strike.

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

Q Now at the house did you see Det. Russell?

MR. BALLANCE: Objection.

MR. HUNEVOL: Objection. *(Exemption No. 1)*

Q With the Wilmington Police Department?

A Yes, sir: I did.

Q Now did you have occasion to observe the shotgun
that you picked up and carried with you to the