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~~Q~~ ^T And that applies to all the time that ^{I was} you were in that church?

~~A~~ That is correct.

Q How much do you weigh, Mrs. Shephard, if you know?

SOL. STROUD: Objection, your Honor. I don't see how that is relevant.

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

Q What is your blood pressure, Mrs. Shephard?

SOL. STROUD: Object.

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

Q Mrs. Shephard, I would like you to come off the stand, walk over to that doorway right there and move as fast as you can completely around this courtroom. Go straight to the back of the auditorium, across the back of the auditorium, down to the front of the auditorium.

SOL. STROUD: We object.

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

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

THE COURT: Yes, sir.

(Conference at the bench.)

Q Mrs. Shephard, back in February of 1971, did you weigh approximately the same as you do now?

SOL. STROUD: Objection.

THE COURT: Overruled.

A Yes.

Q Back in February of '71, was your blood pressure approximately what it is now?

SOL. STROUD: Object.

THE COURT: Sustained.

Q Mrs. Shephard is your blood pressure in excess of 220?

SOL. STROUD: Objection.

THE COURT: Sustained. (Exception No. —)

Q Mrs. Shephard, are you permitted by your physicians to exercise at all?

SOL. JOHNSON: Objection.

THE COURT: Sustained. (Exception No. —)

Q Mrs. Shephard, is it difficult for you to travel, whether walking or running? Strike that. Is it possible, Mrs. Shephard, for you to run?

SOL. STROUD: Objection?

THE COURT: Sustained. (Exception No. —)

MR. HUNEVOL: Your Honor, may I have that put in the record?

THE COURT: Yes, sir.

A (Whispered) No.

Q Mrs. Shephard, is there any possibility in your mind

that you could be mistaken about your presence in the church on Saturday, February 6, 1971, in light of the fact that we are now over one and a half years away from this alleged offense?

SOL. JOHNSON: Objection.

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

Q — When you left the church on Saturday morning somewhere around 7:30 or 8 o'clock in the morning, did you see Allen Hall in the church on Saturday morning before you left? Was he still there?

A — Yes, he was around.

Q — On Thursday night at the church and on Friday night at the church can you recall seeing Jerome Mitchell at the church on either of those two nights?

A — I remember seeing Jerome because he was with another young person I knew on Thursday night. But to the best of my recollection I don't recall him being there Friday.

Q — Mrs. Shephard, ^{not} do you own any weapons?

A — No.

Q — ~~While you were in the church~~ Strike that. On Saturday, at anytime on Saturday were you at the annex of the church on 7th Street? ^{I was not} at any time.

A — NO, sir; I wasn't.

~~Q~~ On Saturday, February 6, 1971, ^I did ^{not} at anytime walk from the annex to the Community Center and/or the Community Hospital?

~~A~~ No.

~~Q~~ On Saturday, February 6, 1971, ^I did ^{never} ~~you ever~~ at anytime ^{had my} have in your possession what has been described as a "pellet" gun?

~~A~~ No.

Q Mrs. Shephard, I hand you what has been marked as D-1. Will you please take a look at that, Mrs. Shephard, and tell me what that is?

SOL. JOHNSON: We object.

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

THE COURT :Yes, sir.

(Conference at the bench.)

Q Miss Shephard, I hand you what has been marked for identification "D-1", and I ask you whether or not in that statement by Allen Hall on May 30, 1971, there was any reference whatsoever -

SOL. STROUD: Objection.

Q To your doing or saying -

SOL. STROUD: Objection to the leading.

THE COURT: Objection overruled, but don't lead lead her.

A. No.

I am
~~Q~~ You are familiar with that statement and you have seen it before?

~~A~~ Yes, I have.

I am
~~Q~~ Mrs. Shephard, are you familiar with the statement, the second statement of Allen Hall given in Goldsboro on February 18, 1972, signed in Goldsboro or Lumberson on March 2, 1972? ~~Are you familiar with that statement?~~

~~A~~ Yes, I have read it.

MR. HUNEVOL: Your Honor, I have no further questions of this witness.

MR. FERGUSON: We have no questions of this witness at this time, your Honor. Like to reserve the right for later examination.

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

(Conference at the bench.)

THE COURT: Members of the jury, we are going to take a recess for lunch until 2 o'clock. May I again caution you not to discuss this case with anyone nor allow anyone to discuss it with you or in your presence. Do not discuss it among yourselves until you have the case for your deliberation. The Court instructs

you not to read, view or listen to any news report of this trial if such should appear. You go now, members of the jury, and come back at 2 o'clock.

(The jury retired from the courtroom.)

THE COURT: Take a recess until 2 o'clock.

(The Court recessed from 12:47 until 2 P M.)

(The jury came into the jurybox.)

ANN SHEPHARD, returned to the witness stand, already being duly sworn, testified as follows:

CROSS EXAMINATION, BY SOL. STROUD:

~~Q~~ Mrs. ^{Shephard} ~~Shephard~~, have you ^{never} ever been a member of the Gregory Congregational Church?

~~A~~ NO.

Q Why were you using Gregory Congregational Church for the meetings that you said you were organizing?

A I am sorry. I didn't say I was organizing them. That was done by some other people that Rev. Templeton had let some people use the church and specifically I understand that it was for Dr. Bellamy to meet with them to discuss their grievances.

Q Dr. Ballamy met with them on Monday before?

A I wasn't there.

~~Q~~ ^{I wasn't} You weren't there when Dr. Bellamy met with the students?

~~A~~ No.

~~Q~~ ^{I wasn't} Were you there when a Press conference was held with Chavis and demands were made upon the School Board and what action would be taken if demands weren't met?

~~A~~ No, I wasn't there.

Q Did you hear about that Press conference?

A I understood that the list - you know, they were asked to list the grievances and it was given to the Board of Education.

Q Were you aware that there was a Press conference and that Benjamin - Joe Wright and Benjamin Chavis and Steve Corbett and several other students were there during that Press conference at Gregory Congregational Church?

~~A~~ It was in the newspaper.

~~Q~~ Pardon?

A I read about it in the newspaper.

Q You didn't hear any of them talking about it at the church?

A Afterwards I was told that there was a church - after they had had the meeting.

Q The Press conference?

A All I was told was they had given their list of problems to the Board of Education.

Q They were really stated as demands rather than problems, weren't they?

MR. HUNEVOL: Objection.

THE COURT: Overruled. (Exception No. 1)

A I don't know.

Q You heard about the grievances?

A I understood there were grievances.

Q Do you recall the Press conference that the defendant Chavis was introduced for the first time a statement was made by one of the students there as part of the Press conference that these were not pleas but were demands upon the Board of Education?

MR. HUNEVOL: Object. She said she was not there.

MR. FERGUSON: We object.

SOL. STROUD: May I finish my question?

THE COURT: All right. Finish your question.

Q And that the statement was made at that time that these were not pleas but demands and for the Board of Education not to call the bluff of the group?

MR. HUNEVOL: Objection.

MR. FERGUSON: Objection.

THE COURT: Objection sustained. (Exception No. 2)

~~Q~~ When did you first ^{of} go to the Gregory Congregational Church, Mrs. Shepard?

~~A~~ On Thursday afternoon.

~~Q~~ You don't recall going there the Sunday evening before that Thursday, of leaving from your ^{MI} apartment with Jerome Mitchell and other people and going to the church?

~~A~~ No.

~~Q~~ And what was your ^{MI} occasion for going to the church on Thursday? ^{was}

~~A~~ That I had been asked to help see that the parents were seated in the church that there were so many young people that were responding to them, you know, asking them to come to the church.

~~Q~~ Who asked you?

~~A~~ Tom Houston, ^{asked me.} he was one of the men that I worked with in Community Development.

~~Q~~ He is one of the men you worked with?

~~A~~ Yes, one of the group, Community Developers.

~~Q~~ How long had you known Mr. Tom Houston? ^{I met}

~~A~~ Let's see. At that time I believe I met him late the summer of '70 when I first went to work for Opportunities Incorporated.

~~Q~~ Where did he live?

~~A~~ Where he live at that time when I went to work

for Opportunities?

~~Q~~ Well in February. *Tom Houston*

~~A~~ He was living down on 5th Street.

Q Did you ever go to his house?

A After that, yes.

Q You didn't go to his house before February?

A Well I am sorry. I am mistaken. Yes, it was before February that I had been there.

Q And you had attended a meeting there, had you not, at which defendant Chavis and some of the other defendants were present; Allen Hall and Jerome Mitchell, too?

A I am sorry. I hadn't. It was when the young people had had a problem at ~~the~~ school, and they were trying to get the problem straightened out so the young people could go back to school.

~~Q~~ Did you know Mrs. Molly Hicks in February ~~of~~ 1971?

~~A~~ Yes.

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

~~A~~ We had done some work in Taylor Homes and I had met her that fall of 1970.

~~Q~~ Where did she live?

~~A~~ In Taylor Homes.

~~Q~~ Had you ever been to her place in Taylor Homes?

~~A~~ Yes.

Q You also attended meetings there in which Defendant Chavis and some of the other defendants were present in December of 1971. Isn't that correct?

A That is not correct.

~~Q When did you first see the defendant Chavis?~~ ^{I saw}

~~A It was the week of the school meetings over at the church. That was the first time I had ever seen him that I know of.~~

~~Q What day?~~

~~A That was~~ On Thursday.

~~Q You hadn't seen him before then?~~

~~A Not to my knowledge, Mr. Stroud.~~

~~Q And you knew him then as Ben Chavis on Thursday.~~

~~Is that right?~~

~~A Yes.~~

~~Q You were introduced to him?~~ ^{I was}

~~A Yes.~~

Q Were you introduced to him as Rev. Chavis?

A I am sorry. I don't remember if he was called Rev. Chavis. I recall he was Ben Chavis.

~~Q You were at the church there for a 3 or 4 day period, were you not?~~

~~A No, not a 3 or 4 day period.~~

~~Q You were there for how long?~~

~~A I was at the church~~
A On Thursday and Friday and then again on Sunday.

~~Q~~ That is 3 days?

~~A~~ Yes, I am sorry. You are correct.

~~Q~~ During the time that ^{I was} you were there the defendant Chavis was there. Right?

~~A~~ Yes.

Q And you had personal conversations with him?

A Very little.

Q You did have personal conversations with him?

A I am sorry. Would you define personal conversations?

Q Did you talk with him?

A No more than in just passing.

Q Did he talk with you?

A No more than in just passing.

~~Q~~ Other people were there that you knew?

~~A~~ Yes.

~~Q~~ ⁴ That knew him?

~~A~~ Yes.

Q And every day that you were at the church you saw him there either there or at Rev. Templeton's house. Isn't that correct?

A I saw very little of him.

~~Q~~ ^I Would you answer my question, please? Did you see him every day at the church that ^{I was} you were there?

~~A~~ Yes.

Q Or at Rev. Templeton's house?

A Yes.

Q Did you ^{not} ever see him wearing clerical garb as he is wearing now?

A No.

Q Did you ^{ever} hear anybody talking about his being a reverend or a preacher?

A No, I don't believe so.

Q How well did you know the Templeton's, Rev. and Mrs. Templeton?

A I worked with Mrs. Templeton in the cultural enrichment program that previous summer, and I had known them personally.

Q Were you good friends with them?

A I wouldn't say ^{we were} good friend. We were friends. We didn't see a lot of each other, but some.

Q During the time that you were there at the church, you were in the parsonage part of the time. Is that right?

A No, very little.

Q You didn't go over there and cook?

A On Sunday, yes.

Q How about before that?

A I had been in and out several times and had used the phone a number of times.

Q Now did you see this in Rev. Templeton's house there just as you go in on the right at the stairway?

A I am sorry. I didn't notice it, not.

Q You didn't see it there at the fire extinguisher?

A I didn't know there was a fire extinguisher there. I spent most of my time Sunday in the kitchen.

~~Q~~ You have to go in the front door and the kitchen is right at the back in the hallway?

~~A~~ That is correct.

~~Q~~ To ^{my} your left is the livingroom?

~~A~~ Yes.

~~Q~~ The livingroom goes into a dining room?

~~A~~ Yes.

~~Q~~ And the dining room connects to the kitchen?

~~A~~ Right. There is a little stairway right to your right.

Q Now, Mrs. Shephard, I hand you what has been admitted into evidence as State's Exhibit number "80", which is a plastic bag containing several items of medical supplies; also State's Exhibit number "79" a plastic bag containing several items of medical supplies; State's Exhibit number "81", which contains some surgical tools and finally State's Exhibit number "71" which contains - excuse me. State's Exhibit

number "82" which is a plastic bag containing several empty boxes for ammunition. Now did you see all these items on the dining room table there in Rev. Templeton's house?

A I saw the medical things.

MR. FERGUSON: Object.

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

A I saw the Excedrin, the gauze and the things, but I don't recall seeing that group of scissors or these boxes.

~~Q~~ You didn't see the group of scissors in a jar, apparently containing alcohol?

~~A~~ I don't recall seeing it?

~~Q~~ And you didn't see these empty shell boxes on the dining room table?

~~A~~ No.

~~Q~~ And you were there on Sunday?

~~A~~ Yes, sir.

~~Q~~ Is that right?

~~A~~ Right.

Q Mrs. Shephard, I hand you two photographs here that have been admitted into evidence as State's Exhibit number "68" and "69". Look at those please. Now don't those photographs fairly and accurately portray

the dining room table as you observed it on Sunday?

MR. FERGUSON: Objection.

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

A The way I observed the table was I was standing in the kitchen looking at it, which would be looking at it this way, Mrs. Stroud, here seeing these things, you know, this box with these things in it and these other things; and I said I can see that these scissors are in there, but, as I say, I didn't recall seeing those scissors, and these other things that are in this other little bag or back here back of this box.

Q There are two views there of the table. Is that right?

A Well, as I say, looking in from the kitchen, I did see these things, but, as I say, I don't recall any other boxes; just casually glanced at the things and that was it.

Q You are saying that the photographs are not a fair and accurate representation of the dining room table as you observed it on Sunday. Is that correct?

MR. HUNEVOL: Objection.

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

A That is not what I said. I said as I looked at it those are the things that I saw. The other

things didn't make any impression on my mind.

They were just a bunch of things on the table.

Q I would just like you to answer my question, if you will, please, Ma'am. Are either of those photographs a fair and accurate representation of what you observed on the dining room on Sunday?

MR. HUNEVOL: Objection to the Solicitor's question. She answered it.

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

Q Yes, or no.

A I saw it?

MR. HUNEVOL: Objection to the Solicitor's comment about yes or not.

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

A Well, as I tried to explain, that from where I was standing that this is taking at another angle, isn't it, Mr. STroud?

Q Thank you, Ma'am. I hand you what has been received into evidence as State's Exhibit number "67" and ask if that doesn't help you refresh your recollection about seeing gas mask and the binocular case there in the corner with the fire extinguisher as you entered the door on the righthand side.

MR. HUNEVOL: Objection.

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

A As I stated before when I went in the house I didn't look either right or left that I recall. That was a year and a half ago. I don't remember seeing it.

Q You would have had to go by that spot in order to go into and leave the house by the front door?

MR. FERGUSON: Object.

MR. HUNEVOL: Overruled. *(Exception No. —)*

A Yes, I was by the front door to your right.

Q During the time you were there at the church and also at the parsonage, did you occasion to observe Mrs. Templeton who was a registered nurse giving medical attention to some of the people who had been in Gregory Congregational Church?

A The most of the time I was there was on Sunday; and if they treated anyone Sunday I don't recall it. I am sure she probably did, but I can't specifically say if she did or she did not.

I was
~~Q~~ Weren't you there on Friday night when a young man came in who had been shot?

~~A~~ Right. That was in the church that he came.

~~Q~~ And he went over to Rev. Templeton's house. ~~Is~~ that right?

~~A~~ Right. He was sent over to Mrs. Templeton to have his wounds treated.

~~Q And you went over there?~~

~~A No, Mr. STROUD, I didn't go over there.~~

~~Q Who was the young man ^{was} ~~was~~ *was*?~~

~~A Chili Marvin Patrick.~~

~~Q Chili?~~

~~A That is what I knew him as then. I didn't know what his real name was until later.~~

Q You were in the church when he came in, and he said he had been shot by one of the drunk dudes outside who had been trying to shoot at a car on 6th or 7th Street. Isn't that correct?

A I don't recall him making a statement like that ; just that he had been shot and the girls were upset and everyone was all upset. He said, "I have been shot." He came in. We got people calmed down and sent him over to Mrs. Templeton or some of the other young people.

Q Normally when people get shot, don't you send them to a hospital?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection to what people normally do.

THE COURT: objection sustained.

Q You didn't take him to the hospital at that time because you knew that if you took him to the hospital

there'd be some question as to how he got shot.

Isn't that correct?

MR. HUNEVOL: Objection.

THE COURT: Objection sustained.

Q The whole purpose of having the medical supplies at the house which included many surgical items and also sutures was for the purpose of being able to mend these defendants and other people who were using the church in order to prevent them from going to the hospital and being questioned about how they were wounded. Isn't that correct?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection

THE COURT: Sustained. *I do*

~~Q Now, Mrs. Shephard, you say you have a 16 year old daughter who is married. Isn't that correct?~~

~~A That is right.~~

~~Q In February of 1971 she was 16?~~

~~A Right.~~

~~Q Was she living with you with your ^{me} other two daughters?~~

~~A That is right.~~

Q She had been in Training School, hadn't she?

A No.

MR. HUNEVOL: Objection, your Honor.

THE COURT: Objection sustained.

SOL. STROUD: Your Honor, I withdraw that question. I am sorry.

Q During the time that you were living there, how long did you live in Houston Moore, Mrs. Shephard?

A From March, first of March of '71.

Q And during this time there were several complaints about your parties and meeting at your house. Is that correct?

MR. HUNEVOL: Objection, your Honor.

THE COURT: Sustained.

Q Mrs. Shephard, weren't you asked to leave Houston Moore Project because of these complaints?

MR. HUNEVOL: Objection, your Honor.

THE COURT: Objection sustained.

Q Mrs. Shephard, how old were your other two daughters at the time other than the 14 year old one that you have described?

A They were 9-1/2 and 10-1/2.

~~Q And you spent, according to your testimony, two nights at the church. Is that right?~~

~~A That is right.~~

~~Q Thursday night and Friday night?~~

~~A Yes, sir.~~

Q And you had not made any arrangements for your

children to be taken care of by an adult during those two evenings, had you?

A. No.

MR. FERGUSON: Objection.

MR. HUENVOL: Objection.

A. That is not correct. They made arrangements for them to go to a neighbor's. They could have gone to my mother's or gone to a neighbor's.

Q. You stated on direct examination that you were concerned about the young, balck children and that that was one of the reasons you got involved.

A. I said young children. I didnt's say black. I said all children.

Q. And that is why you went to the church?

~~A. Yes, sir.~~

Q. You left ^{my} your own children at home. Isn't that right?

~~A. Yes.~~

Q. And before leaving home you made no arrangements for them to be taken care of by an adult. Isn't that correct?

A. That is not correct.

Q. Didn't you testify, Mrs. Shephard, on direct examination that the first night you went to the

church you couldn't get a way home so you called you daughters and told them to go somewhere to spend the night. Isn't that right?

A I told them to make arrangements to go to this persons house and to stay with them or they could go with their grandparents.

Q So you had not previously made arrangements before leaving them at home for them to be taken care of by an adult. Isn't that correct?

A Susan was 14.

Q Was she an adult?

A She wasn't over 21, no.

Q The fact is you didn't want them at the church with you, isn't that right, because you knew what was happening there and what was going to happen?

MR. HUNEFOL: Objection.

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

A No, there would be no reason for them to be there. That wasn't a part of what they were doing.

Q ~~There were other young children there, weren't they their ages?~~

A There were some young children there earlier in the day.

Q There were some in the evenings, too, weren't there?

A Not as young as my children; not that I know of.

Q Left them unattended in order to take care of other children?

A I didn't leave them unattended.

Q You left your three children without anybody with them. Isn't that right?

MR. HUNEVOL: Object.

THE COURT: Overruled.

(Exception No. —)

A As I say, Susan was 14 and the other children were 9 and 10. They were not small children; pre-schoolers.

~~Q I believe you said on the first evening that you went to the church that you stayed there. Is that right?~~

~~A Correct.~~

~~Q Did you have any money with you on that evening?~~

~~A Yes, I did.~~

Q And I believe you stated the reason that you stayed at the church that evening was because you couldn't get anyone to take you home.

A There was no one there with transportation, no.

Q Did you call a taxi-cab to take you home?

A I didn't have that much money. I had some change with me, and that is all, Mr. Stroud.

Q Don't you know that at that time that John Robinson was at the church with a white van and also that

the defendant Chavis was at the church with his Eldorado Cadillac?

A. I am sorry. I didn't ask them. They weren't there at that time. So I stayed.

~~Q. You did have friends there, did you not?~~

~~A. No, they were not friends.~~

Q. You didn't know any of the people that were there?

A. I didn't know either one of those gentlemen until then.

Q. I am not necessarily referring to them, Mrs. Shephard. I am referring to anyone of the several hundred people you say were at the church.

A. Those young people at the church, I don't think any of them had transportation.

~~Q. Tom Houston, was he at the church?~~

~~A. I don't think he was there at night. No, not after dark.~~

Q. You didn't recall testifying that he was there on Thursday?

A. I didn't say he was there at night.

~~Q. So he left?~~

~~A. I said That he was there earlier in the day.~~

~~Q. How about Mrs. Molly Hicks, was she there?~~

~~A. I didn't see Molly there that day.~~

~~Q~~ Rev. Templeton was there with his wife?

~~A~~ Right.

Q And if you had wanted some way to get home, you knew they had a Volkswagon and they'd take you. Isn't that right?

A I didn't know what kind of car they had, but they were very upset.

Q The point is, Mrs. Shephard, had you wanted to go home you could have gotten home. Isn't that right?

MR. HUNEVOL: Objection.

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

A At that time I didn't think of it. Possibly I had asked someone. That was a year and a half ago, but, as I say, we were asked to help out as much as we could.

~~Q~~ ^{*Id*} Do you decided you'd spend the night at the church?

~~A~~ If necessary.

Q Why was it necessary to spend the nights at the church? Did you meet all night, Mrs. Shephard?

A No.

~~Q~~ You didn't?

~~A~~ No.

~~Q~~ People slept there?

~~A~~ Right.

Q People that had homes and beds?

A Yes, I assume they did.

Q Now, Mrs. Shephard, would you go through, please, and tell us what people you recall being at the church on any of the times that you were there?

A What people I recall being there?

MR. FERGUSON: Object.

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

A All of the people that I recall being there?

Q Yes.

A Rev. Templeton and Mrs. Templeton, Rev. White. -

MR. FERGUSON: Your Honor, I object to this unless we are talking about a particular time. They are talking about a three day time period.

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

A You mean over the three days period?

Q Yes.

A Mr. Smith.

~~THE COURT: Mr. who?~~

~~A~~ Smith, Mr. Nicklos, some fb the young people from Houston Moore were there.

Q Let me be more specific. Who was there on Friday night that you recall?

MR. FERGUSON: Object.

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

A Rev. White. No, he wasn't there on Friday. Mr. Chavis was there. Allen Hall was there. Rev. and Mrs. Templeton, Mr. Smith was there. Mr. Nichols came over and James Johnson was there and Chili was there.

~~THE COURT: Who?~~

A Chili, Marvin. And Pat Rhodes was there, and -
~~Let's see.~~

~~Q Was Benjamin Wonce there?~~

~~A Yes, and Ann.~~

~~Q Annie McLean?~~

~~A Right.~~

Q Steve Corbett?

MR. FERGUSON: Objection, your Honor.

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

A I am trying to think which of the boys were there also. I didn't remember seeing Wayne. I don't remember seeing Reginald, but Jerry and I talked to Joe once. That was just for a short time. I don't remember James being there. I remember Connie in passing, and I am not positive - I remember seeing Willie Earl or not. Willie Earl Vereen and Dentry Walker, Patricia Walker and John Robinson, ~~Chirs~~ Spicer and Randy Stanley and I believe Trace Friday

evening. Mrs. Micheaux was over there and there were a number of mothers that came by that evening, as I recall.

~~Q~~ Didn't you testify, Mrs. Shephard, that on direct examination that you saw all of the defendants there at the church on Friday night?

~~A~~ Friday night?

~~Q~~ Yes.

A As I say, Friday night I don't recall seeing the rest of them.

Q Did you testify on direct examination that all of the defendants were there Friday night?

A Well then I must be mistaken.

Q Which are you mistaken about? Were they there or weren't they?

~~A~~ Yes, right.

~~Q~~ Yes, what?

A Yes, they were there.

~~Q~~ All of the defendants were there?

~~A~~ Yes, as far as I remember.

Q Did you see Steve Corbett at the church Friday night?

A I didn't know which one Steve Corbett was.

~~Q~~ You didn't know Steve Corbett?

~~A~~ No, I had never met him.

~~Q~~ ^A Did you attend his funeral?

~~A~~ Yes, I did.

~~Q~~ ^D Did you see Jim Grant, ^{not} James Earl Grant, at the church on Friday night?

~~A~~ No, not on Friday night.

~~Q~~ ^J You knew James Earl Grant. Is that right?

~~A~~ Yes, I have met him.

Q Where is he from?

MR. HUNEVOL: Objection.

MR. FERGUSON: We object to this.

THE COURT: Overruled. (Exception No. 7)

A I don't know where he is from, Mr. Stroud.

Q You knew he didn't live in Wilmington at the time; that he was from Charlotte?

A No, I am sorry. I didn't know that.

MR. HUNEVOL: Object.

MR. FERGUSON: Object to that.

THE COURT: ~~Ob~~jecton sustained.

Q Did you know he had come down here with the defendant Chavis?

MR. HUNEVOL: Object.

THE COURT: Overruled. (Exception No. 7)

A No, I had only met him on Sunday.

Q You saw him at the house on Sunday with a rifle with a scope on it, didn't you?

A No, he was sitting in the kitchen when I saw him.

Q ~~You~~ never saw him with a rifle?

~~A No, I am sorry. I didn't. He was sitting in the kitchen.~~

Q Do you know where he is now?

MR. HUNEVOL: Objection.

MR. FERGUSON: Objection.

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

A Yes, I understand he is in jail.

Q He is in prison?

MR. HUNEVOL: Objection.

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

Q Do you know what he is in prison for?

MR. HUNEVOL: Objecton.

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

A No, I don't know what he is in for.

Q ~~Did~~ ^{not} you see Roderick Kirby at the church?

~~A~~ I don't recall seeing Roderick there. I beg your pardon. On Sunday afternoon he was at the parsonage.

Q Where is Roderick Kirby now?

MR. HUNEVOL: Objection.

THE COURT: Sustained.

Q Did you see George Kirby at the church during the

three days that you were there?

MR. HUNEVOL: Objection.

THE COURT: Overruled.

A He was there very seldom.

Q So you did see him there?

A Yes,

Q Do you know where he is now?

MR. FERGUSON: Objection.

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

A No, I don't know where he is, sir.

I ~~Q~~ Did you ^{not} see Roderick Kirby with a gun there at the church?

~~A~~ ~~No, I didn't.~~ He came in the kitchen to get Kool-Aid.

I said that I was
~~Q~~ ~~Mrs. Shephard, you say you were at the church on Sunday morning about 9:30 or 10 o'clock?~~

~~A~~ ~~Yes.~~

Q You were there at the time that Mr. Harvey Edward McCumber was killed there at 6th and Nun, weren't you?

MR. FERGUSON: Move to strike

MR. HUNEVOL: Move to strike.

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

THE COURT: Objection sustained.

MR. FERGUSON: Can we make a motion for that?

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

MR. HUNEVOL: Make a motion that the Solicitor refrain from pursuing this line of questioning, your Honor.

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

SOL. STROUD: Your Honor, I'll ask no further questions along that line.

~~Q~~ *I* You didn't see Mr. Bellamy, the Superintendant of Schools there on Thursday or Friday night or on Sunday, did you?

~~A~~ No.

~~Q~~ *I not* Now, Mrs. Shephard, do you know Mr. Samuel Bowens who is an Engineer at Houston Moore?

~~A~~ Mr. Samuel who?

~~Q~~ Bowen.

~~A~~ I don't believe so.

~~Q~~ *I* Do you know Mr. Marshall who is in charge of the project there at Houston Moore?

~~A~~ Yes, sir.

~~Q~~ *I* Do you know James Bunting who lived in Houston Moore in February of 1971?

~~A~~ Yes.

~~Q~~ *I* Do you know Cornell Flowers who lived in Houston Moore in February of 1971?

~~A~~ Yes.

Q Now, Mrs. Shephard, don't you know that on the evening of February 9, 1971, that Cornell Flowers and James Bunting along with Jerome Mitchell and Allen Hall were at your apartment making firebombs to use to burn places of business in Wilmington?

MR. HUNEVOL: Objection; move to strike; motion for mistrial.

MR. FERGUSON: Object to form of the question.

THE COURT: Objection to form of the question is overruled. *(Exception No. —)* Motion for mistrial is denied. *(Exception No. —)*

Q Don't you know they were at your apartment on the evening of February 9, 1971?

MR. HUNEVOL: Objection.

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

~~A The 9th. That is Tuesday?~~

~~Q Yes.~~

A I am sorry. That was a year and a half ago. I can't recall if they were at my home or not.

Q You would remember making firebombs, would you not, regardless of what night it was?

MR. HUNEVOL: Objection; move to strike, and request a mistrial, your Honor.

THE COURT: Objection to the form of the question is sustained; motion to strike is sustained.

Motion for mistrial is denied.

Q Mrs. Shephard, did you ever make firebombs at your

apartment?

MR. HUNEVOL: Objection.

THE COURT: Overruled. (Exception No. —)

A. No, sir; I did not.

Q. Did anyone ever make firebombs in your apartment?

MR. HUNEVOL: Objection.

THE COURT: Overruled. (Exception No. —)

A. Someone else did.

Q. Who?

MR. HUNEVOL: Objection; move to strike that previous response.

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

MR. HUNEVOL: Object to the Solicitor's question.

A. Allen Hall and Jerome Mitchell.

Q. Who else was there at the time?

MR. HUNEVOL: Objection.

THE COURT: Overruled. (Exception No. —)

A. Garnell and Mike Peterson and James Bunting.

MR. HUNEVOL: Move to strike; move for mistrial.

MR. FERGUSON: Motion to strike; motion for mistrial.

THE COURT: Motion to strike denied; motion for mistrial denied. (Exception No. —)

Q You were there at the time?

A Yes.

MR. HUNEVOL: Motion to strike.

THE COURT: Denied. (Exception No. —)

Q Where were your daughters at the time?

MR. HUNEVOL: Objection.

THE COURT: Overruled. (Exception No. —)

A Sleeping

Q In the apartment?

A That is right.

MR. HUNEVOL: Move to strike the answer; move to quash the other question; move to strike the answer; move again for mistrial

THE COURT: Which one of these do you want me to pass on first?

MR. FERGUSON: We join in all of them, Judge. (Exception No. —)

THE COURT: Motion to strike is denied. Motion for mistrial is denied. (Exception No. —) Were there any others?

MR. HUNEVOL: Not that I can recall.

Q Now, Mrs. Shephard, on this particular evening you provided the wine bottles and helped to cut up the rags to be used as wicks for firebombs. Is that right?

MR. HUNEVOL: Objection.

THE COURT: Overruled. (Exception No. —)

A No, I am sorry. That is not correct.

Q Mrs. Shephard, on that particular evening when the firebombs were made at your house would you describe the method by which they were made?

MR. HUNEVOL: Objection.

THE COURT: Overruled. (Exception No. —)

A They had poured some substance that they had brought there in my absence into some bottles and already had them prepared.

MR. HUNEVOL: Move to strike and request a mistrial. (Exception No. —)

THE COURT: Motion to strike denied; motion for mistrial denied. (Exception No. —)

MR. FERGUSON: Your Honor, we join that motion, and we move for some limiting instructions here.

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

Q Do you recall what evening that was, Mrs. Shephard?

MR. HUNEVOL: Objection.

THE COURT: Overruled. (Exception No. —)

A It was several days after the weekend at the church.

MR. HUNEVOL: move to strike the answer. Request a mistrial.

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

MR. BALLANCE: Motion to strike. (Exception No. —)

A The date was on the indictment that they have against me.

Q On that evening, Mrs. Shephard, the people there in your apartment planned to burn 4 places of business, Merits Grocery, Wholesome Bakery, Wilmington Bonded Warehouse and Frances Neckwear. Isn't that correct?

MR. BALLANCE: Objection.

MR. HUNEVOL: Objection.

THE COURT: Objection sustained.

A I don't know.

MR. HUNEVOL: Move to strike the answer.

THE COURT: Motion to strike denied; motion for mistrial denied. (Exception No. —)

Q You saw the gasoline there at your house. Is that correct?

MR. HUNEVOL: Objection.

THE COURT: Overruled. (Exception No. —)

A They had put it in containers. I don't know what substance it was. It just smelled terrible.

MR. HUNEVOL: Move to strike the answer; move for mistrial.

THE COURT: Motion to strike denied; motion for mistrial denied. (Exception No. —)

Q The gas was in your bathtub before being put into those containers, isn't that right?

MR. HUNEVOL: Objection.

THE COURT: Overruled. (Exception No. —)

A No.

MR. HUNEVOL: Motion to strike and mistrial.

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

MR. HUNEVOL: Motion to strike.

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

MR. HUNEVOL: Move for mistrial.

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

Q Now, Mrs. Shephard during this time of February of 1971 and before that there had been other gatherings at your apartment there, had there not?

A Yes, in the capacity of my job.

Q You didn't have any of these other defendants over at your apartment during February of 1971?

A They had come by, not the defendants, no; but the young people; Jerome would come by occasionally. The only defendant who is not even here was the only one that came by.

Q Who was that?

A George to pick up some material.

MR. FERGUSON: Object; move to strike.

MR. HUNEVOL: Object; move to strike.

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

MR. HUNEVOL: Object.

THE COURT: Members of the jury, you will consider the testimony as to what occurred on Tuesday night, the 9th, as against - Strike that. You will consider the testimony as to the occurrences on Tuesday night, the 9th, of February only as against the defendant Shephard. You will not consider this testimony as evidence as to any other defendants. *(Exception No. —)*

Q Now, Mrs. Shephard, do you recall that on Friday night when you were at the church that you had occasion to be over at Rev. Templeton's house and at this time that the defendant Chavis made the statement that some money was needed to buy gasoline in order to make firebombs to last one week and that you, along with other persons, donated money to the cause?

A I am sorry. That is not correct.

Q Mrs. Shephard, do you remember being in the parsonage on that evening when the defendants Patrick and Tyndall and others were there when John Robinson came in and said that they would also need money in order to buy guns and also to buy ammunition?

A No.

Q Mrs. Shephard, do you recall seeing a group leave the parsonage on that Friday evening in order to go get weapons and ammunition and gasoline?

MR. FERGUSON: Object. (*Exception No. 1*)

A I wasn't in the parsonage that evening.

~~Q~~ *I* You didn't go into the parsonage at all?

~~A~~ No, after dark we stayed in the church because of the sniping. It was dangerous to go out.

~~Q~~ It was dangerous to go out because of the sniping?

~~A~~ Yes, Sir.

Q Was there any damage to the church while you were there, Mrs. Shephard?

A At sometime later there was some pointed out to us.

Q I am talking about on the Thursday night and the Friday night and the Sunday that you were at the church was there any damage inflicted upon that building?

A I don't know, Mr. Stroud.

~~Q~~ *There* *no* Were any windows knocked out or shot out?

~~A~~ ~~There were none shot out, no.~~

~~Q~~ All the windows were intact. ~~Is that correct?~~

~~A~~ ~~That is right.~~

~~Q~~ *I* Did you observe around the door and the door frame of the front of the church any bullet holes or

damage to the door?

~~A. Not in the front, no.~~

Q And don't you recall that there were police officers throughout this area during the entire time that you were there at the church?

A I don't recall seeing. I didn't look out to see any.

Q Don't you know that the people that were wounded there at the church were people that were wounded by other people that were there at the church?

A I don't know this, sir.

~~Q How many people did you see get wounded, Mrs. Shep-~~
~~hard?~~ *I saw one person*

~~A. Just one.~~

~~Q That was Marvin Patrick?~~

~~A. Yes, sir.~~

~~Q And you say they were sniping at the church?~~ *I said there*

~~A. Yes, sir.~~

~~Q How could you tell there was sniping at the church?~~

~~A. You could hear it coming from a distance.~~

~~Q You could hear gunshots. Is that what you say?~~

~~A. Yes, sir; from a distance.~~ *↓*

~~Q You couldn't tell who was shooting the guns, could you?~~

~~A. No.~~

Q During the entire time you were there at the church you heard gunshots off and on the whole time?

A Occasionally.

Q *I* Do you ^{not} know the difference between a small caliber gun shots and a large caliber gunshots as far as the sound is concerned?

~~A No, I don't~~ . I guess the big one would sound louder.

Q If you heard gunshots off at the distance what made you think the church was being sniped at?

A Because we were told so.

~~Q Who told you that?~~

~~A~~ The young people. *told me that.*

Q Did the defendant Chavis tell you that?

MR. FERGUSON: Objection.

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

A No, I don't recall him saying that.

Q Did any of these other defendants tell you that the church was being sniped at?

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

A I don't recall any of the defendants making that statement, but they were saying it was occurring outside.

Q Of your own personal knowledge you don't know if the church was sniped at. Isn't that right?

A I didn't look out to see who was going by.

Q Do you know of your own personal knowledge if anyone was sniping at the church?

A I did not see them.

Q Do you recall the defendant Chavis telling you that when Steve Corbett was killed and that he didn't have a gun and that he was shot by police officers without a weapon in his possession?

MR. FERGUSON: Objection.

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

A I don't recall Mr. Chavis saying.

Q Do you recall the conversation there at the church on Sunday about the killing of Steve Corbett?

A Well I -

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

A When I came over there one of the young people told me it occurred.

MR. FERGUSON: We object.

THE COURT: Objection sustained.

Q ~~Did you talk with any of the defendants on Sunday,~~ ^{Some}
~~Mrs. Shephard?~~

A I am sure I must have

Q Did you discuss with any of them or did they say anything to you about the killing of Steve Corbett and under what circumstances it occurred?

MR. FERGUSON: Objection.

THE COURT: Objection sustained as to the defendants.

Q Do you recall anyone or can you recall any specific person who mentioned the death of Steve Corbett to you?

MR. HUNEVOL: Objection.

MR. FERGUSON: Objection.

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

A I just never thought about it. As I say, that was a long time ago. I just know they were talking about it. I couldn't say definitely who it was, but, as I say, when I got there I said the phone wasn't working and they said that there have been a fire over on the corner and that one of the boys that had been in there had been shot the night before.

Q And don't you know that -

MR. FERGUSON: Move to strike.

THE COURT: Motion to strike as the other, the nine defendants is allowed. Members of the jury, you will not consider this testimony as against any of the other defendants.

Q Weren't you told, Mrs. Shephard, that Steve Corbett was shot by police officer and that he did not have a gun in his possession?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection; the question has already been asked and answered.

THE COURT: Objection sustained as to the other defendants. Objection overruled as to this gentleman.

A. I remember being told the next morning that the young man had been killed the night before, that he had been taken to the emergency room or somewhere, that he had been killed and taken away and afterward I recall people talking about it. Whether he had a gun or whether he didn't have a gun - .

Q. Now, Mrs. Shephard, do you recall when Jerome Mitchell arrived at the church on Friday night and that you were standing out in front of the church with some of these other defendants?

A. No, I am sorry. I don't remember that, Mr. Stroud.

Q. You don't recall Jerome Mitchell come there and saying they had been assaulted by some young boys up at the Shop-Rite store on Greenfield Street near where you lived?

A. No, I am sorry. I don't remember him discussing that because, as I say, if he was there on Friday night that I don't recall any conversation with him.

Q Did you hear anything about any dynamite when you were at the church, Mrs. Shephard?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

THE COURT: What was the last question?

SOL. STROUD: I asked her if she remembered hearing anything about dynamite at the church, your Honor.

THE COURT: What day are you asking about, Mr. Solicitor?

SOL. STROUD: During any of the time that she was there.

MR. FERGUSON: Objection.

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

A No, I am sorry. I don't know anything about that. Never heard anyone talking about it.

MR. HUNEVOL: Your Honor, May we approach the bench for a second, please?

THE COURT: After a little bit.

Q Mrs. Shephard, do you recall being in the church on Friday night when the defendants Chavis and Patrick were talking about the small kids in the church not going outside and staying inside and Allen Hall asked the defendant Chavis why the kids couldn't

go home?

MR. FERGUSON: Object.

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

Q Do you recall being in the church Friday night and hearing the defendants Chavis and Patrick talking about the kids staying in the church?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

A There were no small children at the church, Mrs. Stoud, that night.

Q Will you answer my question?

A No, sir.

not
Q Do you recall Allen Hall asking why the kids couldn't go home; why they were being kept there at the church?

~~A No, sir.~~

not
Q Do you recall, ~~Mrs. Shephard~~, receiving instructions with other people that were at the church to use the pass word "Rabbit" whenever ^{*we were*} ~~you were~~ going into or leaving the church?

~~A No, sir.~~

~~Q You do not?~~

~~A No.~~

I never left
Q ~~Did you ever leave~~ the church other than to go to the restroom, as you have testified to, or to go to Rev. Templeton's house?

A ~~Not~~ at night.

not Q Do you recall on Friday night when you ~~were~~ *I was* at the church the defendant Chavis talking about the white man at 5th and Nun Street who had a .30-.30 rifle he and that/needed to be taken care of?

A ~~No, Mr. Stroud.~~

not Q Do you recall a group leaving the church on Friday night to shoot the cars on 6th and Nun and 7th and Nun?

A ~~No, I don't, Mr. Stroud.~~

Q Do you recall the defendants Vereen and Wright coming into the church and telling the defendant Chavis that a car had been shot at and go into the ball park?

A No.

MR. FERGUSON: Objection.

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

Q Do you recall the defendant Chavis telling them to burn that car and the occupant in order to destroy the evidence?

MR. HALLANCE: Object.

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

A No, sir; I don't.

~~Q~~ Do you recall seeing guns inside the church on Friday night, Mrs. Shephard?

~~A~~ Yes, sir.

~~Q~~ How many guns did you see?

~~A~~ When Chili had been shot a number of the young people rushed into the church and several of them had weapons.

~~Q~~ Who were they?

~~A~~ I don't know ^{who they were.} I was too concerned about Chili being shot and getting the girls calmed down. They were pretty upset that I didn't notice who had what.

Q When also on Friday night did you see weapons, Mrs. Shephard, at the church or around the church?

A When I once saw it, you could see people were standing there with, I assume, weapons in their hands; but it was very dark.

~~Q~~ Now, Mrs. Shephard, during the daytime did you have occasion to go in the area between the church and the parsonage?

MR. FERGUSON: I didn't hear the question.

~~Q~~ During the daytime while you ^{I was} were there at Gregory Congregational Church ^{not} did you have occasion to go

into the area between the church and the parsonage?

~~A. No.~~

Q Did you have occasion to observe as you were passing between the church and the parsonage the windows in the basement there?

A No, sir.

Q You didn't look down that way at all that you can recall?

A Not that I recall, Mr. Stroud.

Q Do you recall people going into and coming out of the steps leading to the belfry of the church during any of the time that you were there?

A Some of the young people went into the room when they were up there.

~~Q You saw some going up there with guns. Isn't that correct?~~

~~A I didn't see them with guns in their hands, no.~~

Q Who did you see going up there?

MR. FERGUSON: Objection.

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

A I can't remember who it was that was going up there. There was so much commotion passing back and forth that who all was there and who wasn't that it would be unfair for me to say who was there and who wasn't

because I don't remember.

Q On Friday night, Mrs. Shephard, what type of weapons did you see?

MR. FERGUSON: Objection.

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

A All I saw were long, long type; some type, I guess they are rifles, aren't they?

Q You don't know what a rifle is, Mrs. Shephard?

A Yes, the shotguns has two things.

Q Double barrel shotgun?

A Yes.

~~Q What other kind of weapon did you see?~~

~~A That is the only type I see was the long type like that.~~

Q Did you ever see defendant Chavis with a pistol during the time you were there, Mrs. Shephard?

MR. FERGUSON: Object.

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

A No, Mr. Stroud, I didn't.

Q Did you see any of the defendants with weapons on Friday night, Mrs. Shephard?

A As I stated before, when Marvin Patrick came in shot there was so much confusion I wasn't paying too much attention to who had what.