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Street which run into 6th Street.

Q Had that intersection changed since you were at the preliminary hearing?

A No, sir; not that I knows of.

Q Are you saying now when you say the closest point you got at the apartment was 6th and Nun, you didn't really mean that. Is that right?

A What I am saying is, Mr. Ferguson, is that -

Q Would you answer my question first?

SOL. JOHNSON: Let the witness finish.

THE COURT: All right.

A What I am saying is, Mr. Ferguson, that to my knowledge at the time of February that 6th and Nun run all the way down here to this intersection right here which is on 5th Street, and then to my knowledge this corner right here where the apartment house is where 5th Street is on is 5th and Nun. To my knowledge it was 6th all the way down.

Q To you knowledge 6th Street ran down to 5th Street in February of 1971?

A 6th and Nun.

Q Would you just tell me how 6th Street runs down to 5th Street?

SOL. STROUD: Objection, your Honor.

THE COURT: Overruled.

A Mr. Ferguson, I said to my knowledge at that time.

Q I am not talking about to your knowledge. Tell me to your knowledge how 6th Street runs down to 5th Street.

SOL. JOHNSON: Objection.

THE COURT: Overruled.

A To my knowledge at that time -

~~Q At what time?~~

~~A At that time~~ when we was at the Gregory Congretational Church in February of 1971, to my knowledge 6th and Nun run all the way down here to the intersection to where 5th Street, which is right here, to my knowledge, right here where the corner of the white house is would be 5th and Nun since the house is facing 5th Street.

Q Now to your knowledge now, where is the intersection of 6th Street and Nun?

A Right here.

Q When did you get that new knowledge about there 6th Street and Nun ran? Was that the other week when you were out there with Mr. Johnson and Mr. Brown and some other folks that were out there?

A No, sir.

Q Where were the barricades, iron pipes, you say - ?

A You must misunderstand me, Mr. Ferguson. I haven't said anything about any iron pipes.

Q Concrete pipes?

A Concrete pipes. Before we moved them the concrete pipes would be right here.

Q But ^{we} you moved them?

A ~~Yes, sir.~~

Q ~~Did you move them after the preliminary hearing?~~

A ^{We} Moved them in February of 1971.

Q ~~Where did you move them to?~~

A ~~Moved them to right here on 5th and Nun.~~

Q Where is 5th and Nun on the diagram, Allen Hall?

A 5th and Nun is right here, Mr. Ferguson.

Q Right where?

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

MR. FERGUSON: Your Honor, I object to approaching the bench.

THE COURT: Just a minute.

A This right here is 5th and Nun.

Q ~~Didn't you just say a minute ago to your knowledge that was 6th and Nun?~~

THE COURT: I'll ask you, all of you, to lower your voices.

Q Didn't you just say in February of 1971 that was 6th and Nun?

A I said in February, Mr. Ferguson, of 1971, to my knowledge that 6th and Nun started at the church and run all the way down to the interseation which is 5th Street which is going north and south. That the corner - that this house - that the corner which is facing 5th Street, facing west, would be to my knowledge at that time was 5th and Nun since the house was on the corner at the corner of 5th Street, but at that time I consider from the church to right up in here as 6th Street, 6th and Nun.

Q Did you also consider that to be 6th and Nun in March of this year when you were at the preliminary hearing?

~~A Yes, sir.~~

Q ~~When did you change your mind about that being 6th and Nun?~~

~~A After I found out how the streets really were.~~

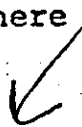
Q So you are saying when you were testifying under oath in March of this year you dind't know how the streets really were. Is that right?

A Yes, sir; I know how the streets really were.

Q Didn't you say the streets were different after you

found out how the streets really were?

A No, sir; because up in here -

~~Q~~ Up in where? 

~~A~~ As long as I can recall from this street, 6th Street, all the way down to 5th Street to many people in Wilmington, everybody that wasn't too sure about it because 7th Street which goes straight down still comes down towards or right along up in here. (Indicating)

~~Q~~ ^{dam} Are you saying 7th Street curves around Nun Street?

~~A~~ Yes, sir; that is what gets most people who don't know too much about the area confused. And so by that running like that they takes 6th and Nun to run all the way down here. Since 5th Street is running down this way they consider the fronts of the two-story houses on 5th Street that is the corner of 5th and Nun.

Q You may come back.

(Witness returns to the witness stand.)

Q I refer you now to page 18 of the transcript of the preliminary hearing. And in response to questions of Mr. Stroud about your activities on 5th Street and Nun Street on Saturday night I'll ask you if this question doesn't appear. "How long had you

stayed there in the street at this time, if you know?" Do you have it? Do you have page 18?

~~A~~ Yes, sir; but it is not - Yes, sir.

Q Fourth question down.

A Yes, sir.

~~Q~~ Do you see what ^{you are} I am talking about?

~~A~~ Yes, sir.

Q You were asked the question by Mr. Stroud. "How long had you stayed there in the street at this time, if you know?" What was your answer?

~~A~~ That is not the question. That is the third question.

~~Q~~ You see the question I am reading?

~~A~~ Yes, sir.

~~Q~~ All right. What was your answer to it?

A "I stayed around 15 minutes."

Q How long did you tell the jury yesterday you stayed out there?

~~A~~ I told the jury it was around 9:30 or 10 o'clock.

Q I asked you how long you told the jury you stayed there that night. You don't recall you stayed out there 45 minutes?

A I recall I said I stayed out there around 45 minutes.

~~A~~ Here you said ^I you stayed around 15 minutes. ~~is~~

That is
that right?

~~A~~ Yes, sir.

Q You were then asked the question "Where did you go?"
And what was your answer?

A "Back to the church."

Q You were asked "Who went with you?" What was your
answer?

A "Chavis."

Q What was your answer?

A "Chavis and Chili."

~~Q~~ Read what is in the transcript.

~~A~~ "Chavis and Chili."

Q That is all you said in that answer?

A Yes, sir. O, are you referring to what I said
"Rev. Chavis"? I am sorry.

Q All right, sir. Now turn to page 23 of the tran-
script, please.

~~SOL. JOHNSON: What page is that, Mr. Ferguson?~~

~~MR. FERGUSON: Page 23.~~

~~Q~~ Referring to the first question on that page, question
appears midway of the page, do you see that?

~~A~~ Yes, sir.

Q You were asked the question by me, I believe.
"Now did you give a written statement prior to

June, 1971?" What was your answer?

A Yes, I did.

Q And the question was "To whom did you give that statement?" What was your answer?

A "I gave it to Det. Brown and Det. Monroe."

Q I asked you if "In that statement did you relate all the things that you have related today on the witness stand?" What was your answer?

A "That is right."

Q I'll show you again Defendant's Exhibit number "1" for the purposes of identification and ask you if that is the statement you were referring to.

A Yes, sir; but the period is in the wrong place.

Q What period is in the wrong place?

A Right here where I said "In the statement me and Ben Chavis and 4 other boys" That is not the way that I gave the statement. Whenever I gave the statement I said "Me and Ben Chavis and 4 other boys one there by the name of Chili planned to burn Mike's."

Q Is that the statement you are referring to? That is my question.

A Yes, sir.

Q Did you relate anything in that statement about going

down to 5th and Nun Street?

~~A No, sir.~~

~~Q That is a one paragraph statement, isn't it?~~

~~A Yes, sir.~~

~~Q~~ *D* Did you say ^{some} anything about shooting at some white man in a building at the intersection of 5th and Nun Street in that statement?

~~A~~ Yes, sir; but I don't know why they didn't put it on there.

Q These police officers just couldn't write down what you told them, could they?

SOL. JOHNSON: Objection.

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

Q Didn't you sign the statement?

A Yes, sir.

Q Didn't you sign it in front of Mr. Brown and Mr. Monroe?

SOL. JOHNSON: Objection; we have been over it one time.

THE COURT: I thought you had asked him about that, Mr. Ferguson.

MR. FERGUSON: I just wanted to be clear if it was the same statement he referred to at the preliminary hearing, your Honor.

Q Turn to page 25. Now when you talked to Det. Brown and Det. Monroe the second time whenever that was, did you tell them anything different from what you told them the first time?

A Yes, sir; because there was different questions asked.

~~Q There was different questions asked?~~

~~A Yes, sir.~~

~~Q And you told them different things?~~

~~A Whenever they were asking me a different question I would give them the answer to it.~~

~~Q You never told them unless they asked you a question?~~

~~A Well whenever they were asking me a question then I'd tell them what I knowed about it, and then they'd ask me another question, and then one would ask this question, and one would ask another question. There was always a different question everytime.~~

Q You never told them anything until they asked you a question. Is that right?

A No, sir.

~~Q So when you say that you decided that you were going to tell them what you knew you decided you were going to answer each question they asked and if they didn't ask you any questions you weren't going to~~

~~tell them anything?~~

A

A. ~~Repeat your question please.~~

Q. I say when you decided you were going to tell them what happened, what you knew about it, you decided what you'd do you'd answer any questions they asked and if they didn't ask you any questions you wouldn't tell them anything.

A. No, sir; what I meant was that I'd talked to my mother and she told me not to worry about the family because they wasn't going to do anything to the family. She told me to go ahead and tell the truth no matter whether it hur me or what. She just told me to go ahead and tell the truth.

MR. FERGUSON: Move to strike that, your Honor.

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

Q. Turn to page 26. I ask you if this question doesn't appear. "I am asking you a question. "I am asking you whether you made a different statement. I am not asking you what you realize about the people. Did you make a different statement the second time from what it was the first time." What was your answer?

A. "No, sir; but I just told them all of it."

Q. What is the next question?

A. "When?" "A second time I told them every bit of it."

"When?" Mr. Stroud objected.

Q Turn to page 27. I'll ask you if the following question doesn't appear. "So you are saying everything you included in your written statement the first time you talked with him included everything that went on at the church. Is that correct?" What was your answer?

A "Yes, sir."

Q Next question "Did you tell them anything in addition to that the second time you talked to him?" What was your answer?

A I told them the same thing.

Q One time you testified under oath you had made 7 or 8 different written statements, didn't you?

A Several. You must have misunderstood me.

~~Q~~ You said you made several?

~~A~~ Several statements.

Q Allen Hall, you have said you don't know how many times you talked to police officers and Mr. Stroud. What was the reason you talked to them so many times?

A Well like during that week and a half, well, weekends at the church - well, during that weekend like so much happened 'til you - during just that weekend it was a whole year or two years disaster

area what happened at the church.

Q So you are saying really when you talked to them you didn't really know what happened, did you?

A Yes, sir; I knew what happened.

~~Q And it took you from May of 1971 'til February of 1972 to tell them. Is that right?~~

~~A No, sir.~~

~~Q Each time you talked to them ^{did} you give them the specific dates and times of the things you said occurred?~~

~~A No, sir.~~

~~Q You added those later?~~

~~A Sir?~~

Q You added those later?

A I never said that. The only time that I gave was specific time was 7 o'clock around the time that I came around to the church, and I never gave no definite time only just at 7 o'clock.

Q Didn't you just tell the jury that you got back to 5th and Nun or went down there about 9:30?

A About. That is not a definite time, Mr. Ferguson.

Q Well when I asked you what time you talked to Mr. Stroud you couldn't even tell me about, could you?

A I just said "several times".

say like I know you was there at the church you know, what was on at the church was what I said, "Yes, Ma'am." But like at that time the subject would come up I would just try to get as far away as I could, you know.

Q And then when you got in jail you couldn't get further away. Is that right?

A No, sir.

Q ~~And that is~~ ^{not} when you decided to make a statement?

A ~~No, sir.~~

Q ~~You~~ decided to make it before you got put in jail?

A ~~Yes, sir.~~ Not a statement, but I decided to make it because I

couldn't live with myself knowing what had happened and knowing what crime that I had committed.

I was wondering like whether one of those people that got burned down where was they living, if they had furniture to sleep on or if he have a room to sleep in or were they sleeping out in some place like in a tent, all sorts of things like run through your mind, you know, when you wonder about other people got and you sort of try to put yourself in other people's positions.

Q ~~Did~~ ^{not} you do that between February and March when you went to New York?

A No, sir; because - .

Q Did you do it while you were in New York?

SOL. STROUD: May he finish his answer?

THE COURT: Mr. Ferguson, let him finish his answer.

A Well before then like I hate to admit it, but which is true, at that time I was very easily influenced. Instead of listening to the right thing like I would listen to all the wrong things.

~~Q So you didn't decide that between February and March?~~

~~A No, sir.~~

~~Q When you got to New York ^{not} did you decide that?~~

~~A No, sir.~~

~~Q You were listening to the wrong things in New York?~~

~~A Well in New York like what happened in Wilmington wasn't even up there, you know, like hardly even discussed what had happened down here. You know, try to block it out of your mind, but there are some things you can't block out of your mind.~~

~~Q So it didn't bother you while you were in New York?~~

~~A Yes, sir; it bothered me.~~

~~Q ^{OK tape out} Was it your intention to tell all of this when you came back from New York?~~

A Well my intention was whatever happened if I get

caught before I get picked up before I left to go ahead and say what I had done so I could at least live with my own conscience. I could say well I committed this crime. I told what I know. Maybe by te-ling what I have done it would ease my conscience, and it will make me think more of myself because at that time for what had happened or what I have participated in, what I have did. I didn't think too great of myself then at that time myself

because I know it was wrong.

Q ~~Did you hear ^{your} my question?~~

A ~~Yes, sir.~~

Q ~~Would you answer it?~~

A ~~I just answered it.~~

Q ~~I asked you was ^{it was my} it your intention when you came from New York to tell what ^{you} you did?~~

A ~~Yes, sir, if I get picked up.~~

Q ~~But ^{if} if you didn't get picked up you didn't intend to tell anybody anything. ~~Is that right?~~~~

A ~~I was intending to go back to New York.~~

Q ~~So ^{if} you didn't intend to tell anything unless ^{if} you got picked up?~~

A ~~No, sir.~~

Q Your conscience seems to bother you a bit more when

you get picked up than when you don't. Is that right?

SOL. JOHNSON: Objection.

THE COURT: Overruled.

A I wouldn't say so. I would just say like in the jailhouse. I don't know whether you ever been in there or not - you know, you are in a small area like all you can do is write and read and like they give you time to really think, to really find your real self. You can use your time. You can either use you time by just blocking your mind out or you can use your time by trying to find out who you really are.

~~Q~~ You can also use your time to try to get out of a jam you are in, can't you?

~~A~~ Yes, sir.

~~Q~~ You did that?

~~A~~ No, sir.

Q You never used your time to - Didn't you tell the jury you went to Cherry Hospital because you thought you might beat the charges against you?

A You didn't say "jam". What I said yesterday was that I went to Cherry Hospital because this here dude that that had been to Cherry Hospital for throwing

a firebomb into this house, and he came b
he said he beat it, got on probation. I
I had never been in any kind of trouble b
soever for nothing, and I said well maybe
there, coming back that I would be put on
because I never had been in any trouble.

Q I asked you whether or not you told the j
yesterday that you felt that by going to
Hospital you might be able to beat the ch
you. Did you or did not tell them that?

A Yes, sir; in a way that I just explained.

Q Now you testified earlier, as I recall, t
you and the others went to the intersecti
toward the apartment at the intersection
and Nun Street you saw a car come around
Is that correct? On Saturday night?

~~A I saw a car coming around the corner?~~

~~Q Yes.~~

A No, sir; I don't remember saying that. I
ever we went to 5th and Nun that I saw a
car pull up in there.

Q That is what I am asking you about.

A Yes, sir.

Q Could you see how many people were in the
that time?

A To my knowledge two.

~~Q You saw two people in the car when it came~~

~~A I just saw the helmets there and all.~~

~~Q You saw two people in the car?~~

~~A Yes, sir.~~

~~Q Did you have a pretty clear view of the~~

~~A Well all I know it was a dark colored car~~

~~Q You could ^{not} see inside of it and see who was~~

~~A No, sir; the two people that was in the~~

soon as they pulled up the doors opened

shooting started and then they was penned

the car.

Q Now turn to page 57 of the preliminary he

transcript. Referring to the second ques

that page, I asked you - I'm sorry. the

tion up from the bottom. I asked you "Di

persons come up in the car get out of the

What was your answe?

A "I can't really say."

Q But now you say you saw them get out.

A Yes, sir; but they didn't go nowhere. So

the doors opened and I saw them and then

penned down in the car.

Q That is what you said yesterday. I am as

what you said on March 30. You said you really say whether they got out of the car didn't you?

A Yes, sir. But I wouldn't say that like to probably, may be different to you, but if just opens the car door and then have to back down you would say he got out and ri in because actually all you could see was helmets and they were penned down in the

I said
Q ~~Now you say you could tell it was a patrol detective car because of the helmets they wearing. Is that what you told the jury~~

T M
A ~~Yes, sir.~~

Q Turn to page 61 of the preliminary hearing to the 5th question down. The question was "You couldn't tell what kind of car it was when you first turned in?" What was your answer?

A ~~You say the 5th question down is "How?"~~

Q ~~The one just before "How?". What was your answer to that?~~

A ~~Which question are you referring to?~~

Q ~~What is the answer to "You couldn't tell what kind of car it was when you first turned in?"~~
~~your answer?~~

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

Q I think you are reading the answer to the I am asking you now about the 4th question couldn't tell what kind of car it was when first turned in?"

A "You could tell it was a detective's car."

Q The next question "How?"

A "Because whenever they had been sitting a corner most of the evening I remember telling "They will pick me up if you go around there. You might get picked up by the cops."

~~Q~~ You didn't say a thing about a helmet, did you?

~~A~~ No, sir. But at that time you were asking what kind of car it was. You didn't ask me about the person.

~~Q~~ I didn't ask you how you could tell it was a detective's?

A You asked me you could not tell what kind of car it was when it turned. And I said I could tell it was a detective car, and then you said how, and

said because whenever they have been sitting around the corner most of the evening because I remember Chavis telling me "If you go around that way you might get picked up by cops. So it's not anything mentioned about any persons in the car or have you seen any persons weaing anything whatsoever.

Q Now on page 80 of the transcript of the preliminary hearing, now the first answer that appears on that page, your answer in response to the question "Yet you couldn't identify the car, but you could identify Marvin Patrick. How did you do that?" You answer appears in the top of the next page. What is your answer?

A "The car pulled up was an unmarked car. After I had talked to them -"

Q "Question: After you had talked to whom?"

A "After I had talked to the detective and whenever they told me they had pulled up there at that time, that is when I presume it was a patrol car, a detective car."

Q Now that is the truth of the matter, isn't it? You didn't know a thing about that car and detectives or nothing else until after you talked to them and they told you about it.

A Like I say, Mr. Ferguson, all I knew I presumed
it was a detective car like I told you at
and you didn't ask me anything about the
and I presumed that it was detectives by
and by the way they started.

~~Q Excuse me. Go ahead.~~

A I couldn't say for sure that it was detected.
Like whenever they were talking to me I told
about the car pulling up there, and so that
whenever it came to my attention that it

~~Q They told you it was them?~~

A After I had told them about the car that
in there, and so that is whenever it came
attention.

~~Q After you talked to them?~~

~~A Right.~~

~~Q Mr. Stroud didn't ask you anything about
when you told him you could tell them about
helmets on their head?~~

~~A Sir?~~

Q Mr. Stroud hadn't asked you about the helmets.
asked you how they could tell it was a detective
car. You told him that, didn't you?

A If I recall, Mr. Stroud question - he asked

if I could identify the detective car or anyone else in ti to know if it was a detective's car. I am not for sure whether that was his question or not.

Q You were sure it was his question because you knew what it was before he came to the courtroom, didn't you?

A No, sir; I had no idea what you asked.

Q I am talking about Mr. Stroud, what he asked.

A No, sir; I have no intention what Mr. Stroud might ask me in the courtroom.

~~Q~~ Now you said that at the point they pulled up there they were penned down in the car because somebody started shooting. ~~Is that right?~~

~~A~~ Yes, sir.

~~Q~~ (How long did they stay penned down in the car?)

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

Q Was it 5 minutes?

A I couldn't say right offhand.

Q 10 minutes?

A I couldn't say right offhand, Mr. Ferguson.

Q 15 minutes?

SOL. STROUD: Objection, your Honor.

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

SOL. JOHNSON: Your Honor, may I be excused?
I have an urgent phone call.

THE COURT: Yes, indeed.

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

THE COURT: Yes, sir.

(Conference at the bench.)

THE COURT: I think we will take a five minute recess
with two members of the jury. We'll take a five minute
recess. Would you retire to your room?
(The Court recessed from 11:04 until 11:10.)

MR. FERGUSON: If your Honor please, during this
time the defendants move that we be allowed to submit
a copy of the amended statement made by the witness at
Hall by that we are referring to the statement in
Lumberton or the additions and/or corrections to
the statement in Lumberton after Mr. Ferguson
went to Lumberton at the witness's residence
and conferred with him about the statement
the witness had signed.

THE COURT: All right, Mr. Solicitor.

SOL. STROUD: I'd like to put something on the
record at this time.

MR. HUNEVOL: Your Honor, I'd like to

that motion. I think clearly Mr. Hall incorporated by reference the written statement, and I don't believe it is the work product of the Solicitor's office. He said it was his statement. The mere fact he never signed it should not prevent us from procuring it.

MR. FERGUSON: If I recall we said he said he had already signed the statement and he incorporated these additions.

SOL. STROUD: The word incorporated, particularly incorporated by reference is a word Mr. Hunevol uses a great deal. I don't recall the witness saying he incorporated. As I recall what the witness testified to he said everything he's testified to here in court he had told the detectives, Bill Walden and myself in the interview at Cherry Hospital. Then there was a typed statement made, presented to him. At that time he did not make any additions or corrections to it. He signed it. Less than a week later I was notified to come to Lumberton to talk with him about his statement. I went to Lumberton. I took a copy of the typed statement that he had signed and during the time that I

talked with him concerning his activities on February 5 and 6, 1971, at Lumberton. I added to the things that he had previously stated in his statement to the Hospital which were not in the typewritten statement. And so at that time on my copy of the statement I made certain additions in ink in my own handwriting. Mr. Hall at that time did not initial or sign those additions that had been made in the typewritten statement. This was solely for my benefit in my use as a Solicitor prosecuting the case. I contend that I, having given the signed typewritten statement to the defense attorneys, which they have in their presence and they have cross examined Mr. Hall about, they requested. They requested his copy of the statement and that is what I gave them. I have any notes that were made after he signed the statement were work products of my case in my position and that I am not obligated by law to let them have my notes.

THE COURT: Anything from you, Mr. Johnson?

SOL. JOHNSON: No, sir.

THE COURT: Are you asking for the notes from

Mr. Stroud on his copy of the statement?

MR. FERGUSON: Well, no, sir; we are not asking for Mr. Stroud's notes as any notes that are his work product. What we are asking for -

THE COURT: he says that there is not any other statement that you know of? (To Sol. Stroud.)

SOL. STROUD: Right.

MR. FERGUSON: We are asking for the statement which includes the handwriting Mr. Stroud added to which the witness says that was a part of the statement.

THE COURT: The Solicitor said that was a part of his work product of his office.

MR. FERGUSON: Your Honor, here is my point.

If what Mr. Stroud is saying is anything that the witness himself didn't write on there is work product, then the whole statement would be work product. That is not his writing.

That is not his typing. He made a statement he said Mr. Stroud was the main note taker

and at some point in March Mr. Walden took this statement up to him to sign. Then following that he summoned Mr. Stroud up to Lumberton

because he wanted to make additions to the

statement that he made. He said he was con-

cerned because he hadn't included some things on there. I don't think what Mr. Stroud wrote on in handwriting is anymore work product than what the statement said.

THE COURT: Motion denied. *(Exhibit No. ...)* Let the jury come back.

(The jury returned to the jurybox.)

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

CROSS EXAMINATION BY MR. FERGUSON Continued:

Q All right now how long had you known Steve Mitchell or Steve Corbett before this?

A I only known him at the church.

Q ~~Did you meet~~ *I met* him on Friday, or Saturday?

A ~~Friday.~~

Q The shotgun which was introduced into evidence by State as State's Exhibit 15, when did you first see that?

A I first saw it on - I saw it on a Friday and then I saw it on a Saturday.

Q ~~Now after that Friday and Saturday, when did you next see it?~~ *I saw*

A ~~Here in the courtroom.~~

~~Q~~ ^I You hadn't seen it at anytime before that?

~~A~~ No, sir.

~~Q~~ ^I Had you ^{not} given a description of it before that?

~~A~~ No, sir.

~~Q~~ ^{Now} So now when you were talking about the shotgun, when ^I you described it and it was introduced you were ^{I was} recalling it from your ^{my} memory back in February 1971?

~~A~~ Yes, sir.

~~Q~~ ^{I was not} How were you on assignment in February of '71 to watch everything that these nine or ten defendants did here?

~~A~~ No, sir.

~~Q~~ ^I I believe you stated that the first time you had seen a firebomb was the time you went to the church there. Is that correct?

~~A~~ ^I First time I ever seen one. Excuse me. Was the time when Chavis showed it to me.

~~Q~~ Was that there at the church?

~~A~~ Yes, sir.

~~Q~~ ^I You had never seen one before then?

~~A~~ No, sir.

~~Q~~ ^I Had you ever heard one described to you before then? ^{me}

~~A~~ No, sir.

~~Q~~ ^I You say you had never heard of Chicago Strategy

before then?

~~A No, sir.~~

Q Now in your statement of February 18, which has been marked Defendant's Exhibit "3", didn't you state that back before February of '71 that you attended several meetings where Chavis told you how to pick out targets to firebomb and how to get weapons?

A Yes, sir.

Q Never described to you a firebomb at that time?

A Not that I recall.

Q And if he did you would recall it, wouldn't you?

SOL. JOHNSON: Objection.

THE COURT: Sustained. (*Objection No.*)

Q Did you ever read the newspaper before then?

SOL. JOHNSON: Objection.

THE COURT: Overruled.

A Only the horoscope and comic sections.

~~Q All you ever read was the horoscope and comic sections?~~

~~A That was all.~~

~~Q You never read any news?~~

~~A No, sir; because before February and before I was at the church there wasn't nothing - you know like there wasn't nothing happen in the news to me there wasn't nothing that happened, you know, to my con~~

cern and none of my business, and the news put out a lot of propaganda.

Q Did you read the newspaper after that, after February?

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

Q ~~You read the news accounts of the event in Wilmington during the week of February 1, 2, 3, 4, 5 and 6?~~

A ~~No, sir, I didn't read it along the time the events happened.~~

Q Did you read it after that time?

A Maybe a week, week and a half after would be a small article in the paper about it.

Q ~~You knew that there were numerous accounts of Steve Corbett in the Wilmington newspaper, didn't you?~~

A ~~Repeat that.~~

Q You knew there were numerous accounts of the shooting of Steve Mitchell by Jacky Shaw in the newspaper, didn't you?

A Not in the newspaper. All I know the propaganda that was going around in the streets.

Q ~~And there was propaganda going around in the streets about the burning of Mike's Grocery, was there not?~~

A ~~Yes, sir.~~

Q There was propaganda going around in the street

about what happened at Gregory Congregational Church during that period of time, was it not?

~~A~~ ~~Yes, sir.~~ But the propoganda about Steve, the propoganda about Mike's and the propoganda that going about the church was the ones that was at the church that Chavis had told us to say.

~~Q~~ ^{I am} Are you saying to this jury that everything you there at the church was what Chavis told you to ~~is that right?~~

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

~~Q~~ ^{I was} Now were you in Wilmington prior to the 5th of February, 1971?

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

~~Q~~ ^I But you never had occasion to go there to the church before the 5th?

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

~~Q~~ When you went to the church there you went on your own, did you not?

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

~~Q~~ ^{I spent} And if I understand your testimony you spent your whole time there on the 5th and 6th.

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

~~Q~~ Watching what these nine defendants were doing.

~~A~~ No, sir; not to my prior testimony.

~~Q~~ ^I Had you had anything to drink before you went to the church?

~~A~~ Not that I recall at this time.

~~Q~~ ^I Did you have anything to drink after you got there?

~~A~~ No, sir.

~~Q~~ You never had any drinks during the 5th and 6th of February?

~~A~~ Not that I recall right offhand, Mr. Ferguson. I could have but not that I recall right offhand.

~~Q~~ Now you were a user of drugs prior to this time, were you not?

SOL. JOHNSON: Objection.

THE COURT: Overruled.

~~A~~ I never have used any drugs.

~~Q~~ You never used drugs in your life?

~~A~~ Never.

~~Q~~ Have you ever told anybody that you used drugs?

~~A~~ No, sir.

~~Q~~ You never told anybody that you smoked marijuana and experimented with heroin?

~~A~~ No, sir.

~~Q~~ Do you recall saying in your statement on February 18, 1972, that you left Rev. Templeton's house and went to the A B C store at 6th and Castle Street and bought a bottle of Scotch from a colored man

there?

~~A Yes, sir.~~

~~Q And that you went on down to the V F W?~~

~~A Yes, sir.~~

~~Q How old were you then?~~

~~A I was only 17. *then*~~

Q And you went to the A B C store and bought a fifth of liquor?

A No, sir; I did not say a fifth whatever. To my knowledge I didn't say whether it was a fifth or a pint or whatever.

~~Q What was it?~~

~~A If I am not mistaken it was a pint.~~

~~Q It was a pint?~~

~~A Yes, sir.~~

~~Q When was it that you bought that pint of liquor?~~

~~A Sir?~~

Q When was it that you bought that pint of liquor?
What time?

A I couldn't exactly say what time it was. It was during the time whenever Jerry Jacobs asked me to buy him a wine. It was during the time me and him was together.

~~Q Saturday morning?~~

~~A Yes, sir.~~

~~Q~~ You went to the V F W on Saturday morning?

THE COURT: Just a minute.

JUROR 10: We can't hear Mr. Ferguson's questions when he first begins his question when he looks down.

~~Q~~ ^d Did you go to the V F W on Saturday morning?

~~A~~ I went to it but it was closed.

~~Q~~ ^d Did you see anyone there?

~~A~~ No, sir.

Q Didn't you say in your statement you went on down to the V F W and jived with Mamie Sellers?

A She wasn't in the V F W.

~~Q~~ Where was she?

~~A~~ ^{The} V F W was closed.

~~Q~~ She was there by the V F W?

~~A~~ Yes, sir.

~~Q~~ How long did you jive with her?

~~A~~ No longer than a few minutes.

~~Q~~ Then where did you go?

~~A~~ 10 minuts. Then I went back to the church.

~~Q~~ ^{I am} Are you sure that was on Saturday morning?

~~A~~ Yes, sir.

~~Q~~ ^d Did you drink any of the Scotch that you bought?

~~A~~ Yes, sir.

~~Q How much of it did you drink?~~

~~A~~ Maybe about that much of it. (Indicating.) I gave the rest of it to the ones at the church.

~~Q Gave the rest of it to the ones at the church?~~

~~A~~ Yes, sir. Please excuse me. You say fifth of Scotch. I think it was a pint. It wasn't any fifth.

~~Q Did you give it to anyone other than the people at the church?~~

~~A~~ I stopped at a house on 6th Street and they got some of it and then I gave the rest of it to the ones at the church.

Q How much did they get on 5th Street - on 6th Street?

A There wasn't hardly any left.

~~Q There wasn't hardly any left when you got to 6th Street?~~

~~A~~ They had got out more of it. It wasn't a half a pint left.

~~Q Where on 6th Street was it that you stopped?~~

~~A~~ South 6th Street.

~~Q~~ Was it at someone's house?

~~A~~ Yes, sir.

Q Whose house?

SOL. STROUD: Objection, your Honor, as to whose

house he stopped at.

THE COURT: Overruled.

A To my cousin's house.

Q What is your cousin's name?

SOL. STROUD: Objection.

THE COURT: Overruled.

A (Witness does not answer.)

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

(Conference at the bench.)

THE COURT: Objection sustained.

MR. FERGUSON: We'd like to have the question placed in the record, if your Honor please.

THE COURT: Motion denied.

MR. FERGUSON: I'm sorry?

THE COURT: Motion denied.

MR. FERGUSON: The question for the record is proper is denied?

THE COURT: Yes, sir.

I don't know
Q How long did you stay at your cousin's house on 6th Street when you brought the bottle?

A ~~I can't say exactly. I don't know how long I stayed there?~~

Q *not* Can you approximate how long it was?

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

Q — You have no idea?

A — No, sir.

Q — (How many people were there?)

A — I couldn't exactly say.

Q — Did your ^{uncle} cousin, ^{did} drink from the bottle? Did he get a drink of the liquor you had?

A — Yes, sir.

Q — And you say they drank it almost up?

A — Not just them. Some of the rest of them that at the house.

Q — Were there a lot of people there at the house?

A — Not too many.

Q — When you left that house, did you go anywhere?

A — I went back to the church.

Q — Now Allen Hall, I will ask you if you didn't a statement on March 2, 1972, stating that you to the A B C store at 6th and Castle Street bought a bottle from a colored man there on night?

A — No, sir.

Q — You did not say that?

A — No, sir.

Q — You deny making that statement?

SOL. JOHNSON: Objection; he just said

THE COURT: Overruled.

Q I'll ask you if you did not further state in a signed statement that you left there and went to your uncle's house and named your uncle, Charles Grant of 14 and Castle Street. Do you deny that?

SOL. JOHNSON: Objection.

THE COURT: Overruled.

A No, sir; I don't deny going to his house.

Q On Friday night after you left the liquor store?

A I didn't go to no liquor store on Friday night.

Q And I'll ask you if you didn't further state that you uncle wasn't home so you changed clothes and went to 16th and Dawson Street to get some Kentucky Fried Chicken on Friday night?

A Yes, sir.

Q Do you deny that?

~~A No, sir.~~

Q You said you stated that?

A No, sir; I did not say that.

~~Q You did not say that?~~

~~A No, sir.~~

Q I'll ask you if you didn't further state that you went on back home and your uncle came in about that time and you had a drink on Friday night, February 5, 1971.

A. Must be a misunderstanding. I don't remember saying it.

Q. Let me show you Defendant's Exhibit "3", been marked for identification for Defendant's Exhibit "3" and direct your attention to paragraph, the two bottom paragraphs on that page. Well I'll ask you to familiarize yourself with the whole page, and I'll ask you if you don't retract everything you have just said.

SOL. JOHNSON: Objection.

THE COURT: Overruled.

A. I didn't buy any on Friday night.

Q. I am asking if you didn't sign a statement on page 2 saying that you did.

A. Yes, sir; I signed the statement.

~~Q. But now you are telling the jury that you were there on Friday night?~~

~~A. I didn't go there on Friday night.~~

~~Q. Are you saying you bought it on Saturday?~~

~~A. Yes, sir; that is when I bought it.~~

Q. Where did you say your uncle lived?

SOL. JOHNSON: Objection.

THE COURT: Overruled.

A. Here in the statement it said at 14th and

Q Did you go to 14th and Castle when you bought liquor?

A No, sir. Because I went on Saturday.

Q That is a lie in that statement when you bought it on Friday night. Is that right?

SOL. JOHNSON: Objection.

THE COURT: Objection sustained. (S.A.)

Q And it's a lie when you say you went to 14th and Castle. Is that right?

SOL. JOHNSON: Objection.

THE COURT: Sustained. *Why do you*

I am
Q ~~You~~ are telling you bought it on Saturday and went to your cousins house on 6th Street that right?

A ~~Yes, sir.~~

Q You are telling them that because you want to think you were at the church on Friday night.

A No, sir; I am telling the truth because I was at the church on Friday night.

Q ~~You~~ never left to go to the liquor store?

A ~~No, sir.~~

Q Did you leave the church on Friday night and go to where?

A ~~Yes, sir.~~

Q Did you see Mamie Sellers on Friday night?

A ~~No, sir,~~ the only place that I left on Friday night

was whenever Chavis and us went to Fields the bullets and the gasoline and whenever sent me to burn Mike's Grocery.

~~Q~~ That is the only time you left the church.

~~A~~ Right; and at the house at 5th and Nun.

Q And if this statement says different the is wrong?

A That is what I told them.

Q When Mr. Stroud came to see you in Lumber you change that?

A I made what wasn't in there. I told him wasn't in there and if there was an error somewhere I told him.

Q Did you tell Mr. Stroud that this portion was incorrect where it said you left the went to the liquor store?

A I told Mr. Stroud I went to the liquor store Saturday morning.

~~Q~~ I am asking if you told him that that portion statement was incorrect,

~~A~~ Yes, sir.

Q Did he change that for you?

~~A~~ Yes, sir.

Q Did you initial that change?

~~A~~ No, sir.

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

A. ~~No, sir.~~

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

A. ~~No, sir.~~

Q Have you seen it since? Have you seen that correction?

A Yes, sir; whenever he changed it.

MR. FERGUSON: Your Honor, we move that we be given the statement that shows that change on it.

THE COURT: Motion denied. *(Eloquent Denial)*

MR. HUNEVOL: I join in the motion, your Honor.

THE COURT: Motion denied. *(Eloquent Denial)*

Q Now the fact of the matter is, Allen Hall, you don't remember what you did on Friday night or Saturday morning or any other time.

A. I remember what I did.

Q You'd be willing to sign anything Mr. Walden or Mr. Stroud or any other police officer brought up there and put in front of you, wouldn't you?

A. No, sir.

Q The fact of the matter is you went to the V F W and got drunk and don't know what you did on Friday night. Isn't that a fact?

A. No, sir.

MR. FERGUSON: May I approach the bench your Honor?

THE COURT: Yes, sir.

(Conference at the bench.)

THE COURT: Would you step down? (To witness.)

(Witness steps down from witness stand.)

THE COURT: Members of the jury, it is time for lunch. May I again ask you to remember the caution I have heretofore given you and not to discuss these cases with anyone nor allow anyone to discuss them with you or in your presence and do not discuss them among yourselves until you have the case for your deliberation. Let's take a recess. You go, members of the jury, and come back at 2:30.

(The jury retired from the courtroom.)

MR. FERGUSON: With reference to the amendments to the statement of February 13, 1972, that were made sometime later we would like to move that the statement complete with the amendments be made a part of the record and that the Court view it and make it a part of the record whether we see it or not. Put it in a sealed envelope or anything the Court deems appropriate.

THE COURT: I am making a list of things and I'll take it under advisement.

MR. HUNEVOL: Your Honor, I would join that motion.

THE COURT: I'll take it under advisement. Let the jury come in.

(The jury came into the jurybox.)

THE COURT: Members of the jury, it is now 3:30 Friday and the Court is going to take a recess until Monday morning. Now I again caution you not to discuss these cases with anyone nor allow anyone to discuss them with you or in your presence. Do not discuss them among yourselves until after all the evidence is in and the case is submitted to you for your deliberation. May I again ask you not to read anything that might appear in the press about these cases and may I ask you not to view anything that may appear on television about these cases and not to listen to anything that might be on radio about these cases; and may I again ask you that when you leave the courtroom today to go immediately to your destination and do not linger in the corridors or on the courthouse

grounds and when you return Monday at 9:30 we are going to start a little earlier Monday morning at 9:30 Monday morning. Please do not linger in the corridors, but come immediately to your juryroom and there remain until we open court. Does everyone understand? Members of the jury, you go now and come back at 9:30 Monday. Take a recess until 9:30 Monday morning.

(The Court recessed at 3:35 P M.)

October 2, 1972

9:34 A M.

THE COURT: Let the jury come in.

(The jury came into the jurybox.)

THE COURT: I believe the witness, Mr. Hall was on the stand.

SOL. STROUD: Yes, sir.

THE COURT: Return to the stand, Mr. Hall.

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

CROSS EXAMINATION BY MR. FERGUSON Continued:

THE COURT: Read the last question.

(Court Reporter read the last question on Friday.)

~~Q~~ ~~Allen Hall~~, have you ^{not} looked at a copy of the statement dated February 13, 1972, since court recessed at 1 o'clock on Friday?

~~A~~ No, sir.

Q You were not shown a copy of that statement by Mr. Stroud in the back room on Friday?

SOL. STROUD: Objection.

THE COURT: Sustained. *(Exception Allowed)*

~~Q~~ Have you talked with Mr. Stroud since the recess on Friday?

~~A~~ Sir?

~~Q~~ Have you talked with Mr. Stroud since the recess at 1 o'clock on Friday?

~~A~~ Yes, sir; I have talked with him.

~~Q~~ Did you talk with him immediately after the recess?

~~A~~ No, sir.

~~Q~~ You did not?

~~A~~ No, sir; not immediately.

~~Q~~ You talked to him after lunch, did you not?

~~A~~ Yes, sir.

~~Q~~ You talked about your ^{own} testimony in this case, did you not?

~~A~~ No, sir.

Q How long did you talk with him?