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if you can recall, and I placed the streets because at that time I could not understand Sarg. Bloomer's streets, if you remember.

MR. FERGUSON: Move to strike that, your Honor, whatever he is talking about.

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

~~Q~~ ~~Going back to my second question in that series and you answer, you stated that in February of 1972 when you made the statement in Goldsboro that you then knew that the intersection of 6th and Nun Street was a fixed point. Isn't that what you said?~~

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

Q Would you please, if you don't mind, get up to the board and go to the board and again tell us where you were in relation to that intersection the night that the police officers came up?

(Witness goes to the diagram.)

A On a Saturday night when the police officers came up we ~~was~~ right along in here, which is on 5th and Nun. (Indicating.)

~~Q~~ ~~And you said, did you not -~~

~~THE COURT: Do you want to ask him anything else?~~

~~Q~~ ~~You may come back, Mr. Hall.~~

(Witness returns to the witness stand.)

Q Mr. Hall, you said on direct examination, did you not, that you were on the north side of Nun Street midway between the intersection of 6th and 5th Street when these police officers came up? Isn't that what you said on direct examination?

~~A Midway?~~

~~Q By Mr. Stroud?~~

A I said that whenever the police officers came up that I was on Nun Street which is going - which is on the north side of Nun Street, that I was in between 5th Street and 6th Street where the intersection run at.

Q Now, Mr. Hall, I would like you to refer, if you will, again to the testimony at the Preliminary Hearing and ask you to look at the top of page 51, the fourth line down. "Question: How close did you get to the apartment?" And your answer was what, Mr. Hall?

A That is not the question, Mr. Hunevol. If I remember, Mr. Ferguson answered that question. You didn't answer it.

Q Right. It was no one else. Mr. Hall I would like to direct you to the fourth line and I'll ask you to respond to this question. "How close did you get to the apartment?" Your answer was what?

A "I got right there at 6th and Nun."

Q I would like you now to refer to page 53. I would like you to look at the second question. The question is "When did you get to the - " Cross examination. "When you got to the intersection of 6th and Nun, where did you come to a stop there?" And your answer was what?

A "Yes."

~~Q Thank you, Mr. Hall.~~

~~A~~ But whenever we come to the intersection of 6th and Nun we did come to a stop, but as you remember, Mr. Ferguson wouldn't let me bring it all out in the Preliminary Hearing why we stopped because he would ask this question and then answer another one. The reason we stopped there was that is whenever Chavis told Ricky about Patrick giving him cover and he wouldn't shoot.

MR. FERGUSON: Object to whatever he said about me.

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

~~Q~~ This Preliminary Hearing was held in New Hanover County before Judge Burnett and you ^{*I was*} ~~were~~ swearing testifying under oath at that time, ~~were you not?~~

~~A~~ Yes, but -

~~Thank you.~~

~~THE COURT: Proceed.~~

Q Mr. Hall, I would like you to please refer to page 76 of the same Preliminary Hearing. I refer you to the third question down, approximately midway on page 76, and I ask you to respond to this question. "Question: and you say you were standing at the intersection of 6th and Nun?" And you answer was what?

A "Right." But at that time, as I said, Judge Blount kept saying because everytime that -

MR. FERGUSON: I object to this, your Honor.

THE COURT: Objection sustained. Don't tell what the Judge said. Go ahead. Ask the question.

Q Will you please, Mr. Hall refer to the Preliminary Hearing, page 82 of the Preliminary Hearing? I will refer you to the last question at the bottom of the page. "Question: Now explain to this Court how it was you were able to see Marvin Patrick over half a block from you with no light." Answer was what?

A "Well he was standing and we had concrete at 6th and Nun. You could stand there with the street light, and you could see all the way up the block, but

you could not see down the block because all the street lights on 6th Street were out." That is because the light on 5th Street was not out at that time, and when I tried to tell you, Mr. Ferguson answered another question. He wouldn't give me time whatsoever in the Preliminary Hearing to explain.

MR. FERGUSON: I move to strike that.

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

Q Mr. Stroud was there. He was representing the State of North Carolina, wasn't he?

A Sir?

Q Mr. Stroud was physically present at that Preliminary Hearing for both days. Isn't that correct, Mr. Hall?

A Yes, sir.

SOL. STROUD: Objection, your Honor.

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

Q Mr. Hall, are you telling this jury and this Court and everyone up here today that since February 5, and 6 or 1971, you have completely metamorphosed - you have completely changed your emotional psychological, mental, your whole outlook on life; completely altered? Is that what you are telling everyone?

SOL. JOHNSON: Objection.

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

Q. ~~Mr. Hall, have you radically changed from - Strike that -~~ Mr. Hall, are you telling this jury and this Court that your whole outlook on life, your mental condition, your emotional state of mind has gone through a complete about-face since February the 5th and 6th of 1971?

SOL. JOHNSON: Objection.

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

Q. I believe on direct examination one of the first questions Mr. Stroud asked you was how long you had known each individual defendant here on trial. Is that correct?

A. Yes, sir.

Q. And you stated that you had met and known Ann Shephard at Molly Hicks's place and some other place in December of 1970 and January of 1971. Is that correct?

A. I didn't say that I had known her. I said that I had saw her.

Q. You deny saying that you had known Ann Shephard in December of 1970 and January of 1971?

A. If I am not mistaken, Mr. Hunevol, Mr. Stroud asked

me when had I ever met or seen Ann Shephard, and I stated that I had seen Ann Shephard at the home of Molly Hicks; that I also met her at church.

~~Q I see. Did you see Ann Shephard at any other time?~~

~~Strike that. Where did you see Ann Shephard in December of 1970?~~

~~A At the home of Molly Hicks.~~

~~Q In January of 1971 you also stated that you saw her. Where did you see her then?~~

~~A I saw her at the home of Tom Houston.~~

~~Q And Molly Hicks lived where?~~

~~A In Taylor Homes.~~

~~Q And Houston lived where?~~

~~A Tom stay on 5th Street. I don't know the exact address.~~

Q You were all at Tom Houston's house in January '71 for what period of time?

A I didn't stay there too long.

Q Two hours?

A I couldn't rightly say.

Q Five hours?

SOL. JOHNSON: Objection.

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

~~Q And Ann Shephard was at both of these places, at Hicks and Houston's house and ^{Ms} you?~~

~~A Yes, sir.~~

~~Q And you met her, you said, but you didn't know her.
Is that correct?~~

~~A I just said I saw her there, but I didn't know her.~~

Q Mr. Hall, I'd like to refer you to page 160 of the Preliminary Hearing. Under Cross examination, second question, would you please respond to the Court and Jury to this question? "How long did you know the defendant Ann Shephard prior to the 9th?"

A "Since the 5th of February." ~~But~~

~~Q And you are referring to 1971. Is that correct?
You may finish.~~

~~A~~ Which is true. I only known her since February was at the church because at Tom's and my house I never conversate with Ann Shephard. I never talk with her whatsoever, and then at the church where I had talked to her, but otherwise not. I couldn't say I know her until after church.

~~Q And you ^{I am} are referring to the 5th day of February, 1971. Is this correct?~~

~~A Yes, sir.~~

~~Q So you are making distinction, Mr. Hall, between knowing her and having seen her. Is that right?~~

~~A Yes, sir, if you realize it is a difference between~~

just seeing them and knowing them.

Q I agree with you. And the next question is "You had known her for a period of four days." And your answer was what?

A "Yes, sir."

Q Going further down that page, Mr. Hall.

A But, which is understand four days, Friday, Saturday, Sunday and Monday.

Q Now going a little further down the page, the question was "How many times prior to the 9th?" And you answer was what?

A "I'll say four times." Which is not sure how many times or not.

Q Now I refer you to page 163, Mr. Hall. ~~Are you on 163?~~

~~A Yes, sir.~~

Q Towards the bottom of the page approximately the 5th question. "Question: The first time you met Miss Shephard was on Friday evening. That what you stated to the Court?" Answer was what, Mr. Hall?

A That is not the 5th question from the bottom.

Q Would you please give your answer to this question? Question: The first time you met Miss Shephard was on Friday evening. Is that what you stated to the

Court?" And your answer was what?

A. "Right."

Q. I refer you now to page 264 of the Preliminary Hearing. The second question at the top of the page, Mr. Hall. I would like to ask you this question, and I would like you to respond to the jury and the Court can hear. "And you never set eyes on Miss Shephard before Friday. Is that correct?" Tell the jury and tell the Judge - I'd like you to look at the jury when you tell what your answer to that question is.

SOL. JOHNSON: Object. *(Exception No. —)*

THE COURT: Sustained. Ask the question.

Q. Mr. Hall, again I refer you to 164 of the Preliminary Hearing at the top of the page. I am referring to the second question. I'll read the second question, and I would like you to respond to that question. The question at that time was "Question: And you had never set eyes on Miss Shephard before Friday. Is that correct?" Will you please tell the Court and jury your answer?

A. "That is right." But the reason I said that, Mr. Hunevol, was because at that time, if I remember, you was after Mr. Ferguson had been repeating his

questions, and before I could finish answering his, you were doing the same thing, and I guess you recall Judge Blount did say something about that time.

MR. FERGUSON: Objection; move to strike.

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

Q You try to get out of just about everything.

MR. JOHNSON: Objection. (Exception No. —)

THE COURT: Sustained. Proceed.

Q Mr. Hall, I direct your attention back to an earlier response in my cross examination, to your statement that you had seen Mrs. Shephard on two occasions prior to February 5 of 1971. And you said one occasion was at Molly Hicks. You said that the other occasion was at Tom Houston's. I would like to direct your attention to Defendant's Exhibit whatever the number is, and your February 18, 1972, statement, and I would like to read - like you to read to the jury and the Court the first paragraph, Mr. Hall, page 1.

SOL. JOHNSON: We object.

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

Q Mr. Hall, in the first paragraph of that sworn statement that you gave in February 18, 1972, that you subscribed and signed on March 2, 1972, I would

ask you whether you said in the first paragraph of that statement. " Before the bombings and shooting during February, 1971, I attended several meeting at Molly Hicks's, Tom Houston's and Ann Shephard's where Ben Chavis told us how to set up bomb bases, how to pick up targets, to firebomb and how to get weapons." I ask you now whether you made that statement.

A You left out some, Mr. Hunevol. "I can't recall actual date of any of these meetings."

MR. HARMON: Objection.

THE COURT: Objection sustained.

Q Mr. Hall, would you like me to reread that statement to you?

A You said you were going to read the whole paragraph, but you left out -

Q The last sentence was "I can't recall the actual date of any of these meetings." Is that right?

A Yes, sir.

~~Q~~ Did you make that first statement, that statement in February of 1972?

~~A Yes, sir.~~

~~Q 1972?~~

~~A Yes, sir; but refer I talk to Mr. Stroud after I told him how it was wrong in the statement, we~~

changed it.

Q So this is another one of you alterations, another one of your supplemental amendments that you added sometime after you swore that this statement was the truth to the best^{of}/your knowledge and after you were given an opportunity to make any additions and corrections that you thought were necessary?

SOL. JOHNSON: Objection.

THE COURT: Objection sustained. (Exception No. —) Don't argue with the witness. As the questions.

Q Were there any other things - Strike that. In your last sentence of that first paragraph you said, Mr. Hall, did you not, that you could not recall the actual dates of any of these meetings, but what you meant, Mr. Hall, and what you still mean was that at that time when you signed that statement you were sure that these meetings took place, but that only you weren't too sure just what date they occurred on. Isn't that what you meant?

SOL. JOHNSON: Objection.

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

Q Are you saying to this jury and this Court that you called Mr. Stroud in sometime in March 1972 and you told him that you have never met over at Ann

Shephard's house. Is that what you are telling us?

A I said I had the Superintendent after Mr. Walden and them had left the next day, and he said, and the Superintendent forgot to call that day so he called the next day and so Mr. Stroud came up and I told Mr. Stroud what was left out of the statement and what was put wrong in the statement and -

THE COURT: That is the answer.

Q I would like you to answer the question as I posed it. Did you, Mr. Hall, tell Mr. Stroud when he came up to see you in Goldsboro that that was a lie and that Ann Shephard never had a meeting at her house?

SOL. JOHNSON: Objection.

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

Q Did you, Mr. Hall, when Mr. Stroud came to see you tell him that there never was a meeting in Ann Shephard's house in February of 1971?

A No, sir; because there was a meeting at Ann Shephard's house. Made Firebombs and Ben had called over there -

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

Your Honor, may I approach the bench?

THE COURT: Proceed to ask your questions.

Motion denied. (*Exception No. —*)

MR. HUNEVOL: I'll withdraw that question, your Honor.

THE COURT: All right, sir.

~~Q~~ ~~Mr. Hall,~~ Earlier on cross examination you stated that you had met Ann Shephard on at least two occasions prior to February the 5th of 1971. Isn't that correct?

~~A~~ Yes, sir.

Q Now you then, Mr. Hall distinguished between seeing and meeting and getting to know Ann Shephard. Is that not correct?

MR. JOHNSON: Objection.

THE COURT: haven't you already asked that question, Mr. Hunevol?

MR. HUNEVOL: I don't think that exact question was asked. I think that the State's witness said -

SOL. JOHNSON: We object to recitation of what the State's witness said.

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

Q Mr. Hall, I'll ask you that question again. Did you not just a few moments ago distinguish between seeing and meeting a person and getting to know a person? Didn't you do that?

A Yes, sir.

Q I would like you to look at the jury and I would like you to explain to the jury -

SOL. JOHNSON: Objection.

THE COURT: Sustained. (Exception No. —)

Q The fact -

THE COURT: Sustained as to the form of the question, Mr. Hunevol. (Exception No. —)

Q Mr. Hall, I would like for you to explain all of those statements regarding the seeing or meeting Ann Shephard in light of your sworn in-court testimony in March of 1972, to the effect that you had never laid eyes on Ann Shephard before February 5, 1971

SOL. STROUD: Objection, your Honor.

THE COURT: Sustained. (Exception No. —)

Q Is there anyway you can account for the discrepancy in your testimony given to me earlier on cross examination to the effect that you had never known Ann Shepard before February 5, 1971, but that you had met and seen her prior to that time with your sworn in-court testimony at the preliminary hearing before Judge Burnette, New Hanover County, in March of 1972, to the effect that you never set eyes on Ann Shephard before Friday, February 5, 1971?

SOL. JOHNSON: To which we object.

THE COURT: Objection sustained. (Exception No. —) Anything further?

MR. HUNEVOL: Yes, sir; your Honor.

THE COURT: Proceed.

Q Mr. Hall, in Goldsboro in 1972, February 18, you stated to this Court, I believe under cross examination that you gave the February 18 statement to Mr. Stroud and other law enforcement officers. Isn't that correct?

A Yes, sir.

Q Did you also not state on cross examination that Mr. Stroud was taking notes during that period of time on February 18, 1972, and that he was the only one there taking notes.? Is that what you stated?

A I said Mr. Stroud was taking notes.

~~Q Well were there other people at that meeting other than Mr. Stroud taking notes, Mr. Hall?~~

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

Q So, Mr. Stroud was the only person taking notes at that meeting, February 18 meeting?

A Yes, sir; Mr. Stroud was taking notes.

THE COURT: Members of the jury, we are going to take lunch until 2 o'clock. May I again caution you not to discuss these cases with anyone nor allow anyone to discuss them with you or in your presence. I'll ask you not to read

anything that appears in the Press, if anything should appear about these cases in the Press; not view anything on television, if anything should appear on television about these cases; nor listen to anything over the radio, if anything should occur, should be reported on the radio about these cases. I am going to ask you to now go to lunch 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 at 1 P M.)

2:03 P M.

THE COURT: Bring the jury in.

(The jury returns to the jurybox.)

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

CROSS EXAMINATION BY MR. HUNEVOL Continues:

Q Mr. Hall, in light of everything you said earlier on cross examination, would you please explain again why you said at the Preliminary Hearing that prior to February 5, 1971, you had never set eyes on my client?

SOL. STROUD: Objection.

THE COURT: Haven't you already asked him that?

MR. HUNEVOL: I don't recall asking him that exact question. I might have.

THE COURT: All right. Go ahead.

A. What I meant was that I hadn't, you know, that I had just saw like, you know, at that time I didn't know of the meeting at Ann Shephards because at the church Molly Hicks and Tom Houston called her by her nickname.

~~Q. So that is your explanation?~~

~~A. Yes, sir. Like -~~

~~THE COURT: All right. Proceed.~~

~~Q. What was ^{her} nickname at these prior meetings?~~

~~A. The all call her ^{was} "Big Ann".~~

Q. Do you mean to tell me you are telling this jury and this Court that the reason you answered that question "That is right." was because I asked the question and used the words Ann Shephard instead of Big Ann and that confused you?

A. No, sir. You asked me what was the names that they called her at the meeting, and I said Big Ann, which was her nickname, what they was calling her.

Q. You are telling me now at the Preliminary Hearing

because I did not use the words Big Ann that confused you and caused you to respond to the question in the affirmative that you had not ever set eyes on her before?

A. If I read your question right you asked me when had I ever talked to Ann Shephard or something like that, and I told you at the church and I didn't know her by her name until the church.

Q. You are probably confused with the question that I did ask, Mr. Hall. I refer you again to 164 of the Preliminary Hearing and I am referring you to the second question from the top, question being "And you had never set eyes on Miss Shephard before Friday. Is that correct?" and you responded "That is right."

A. Right.

Q. So what you are saying now is that before February 5, 1971, you knew that she was Big Ann, but you did not know she was Ann Shephard?

A. I just knew her by Big Ann, not as Ann Shephard.

Q. And you are telling this jury that that is the reason why you responded to that question back in March of 1972 in the fashion in which you responded to it?

SOL. JOHNSON: Objection.

THE COURT: Sustained. (Exception No. —)

~~Q~~ Back in March of 1972, ~~Mr. Hall~~, was there ^{is} any ques-
tion in ^{my} your mind whether Ann Shephard was Big Ann?

~~A~~ No, sir, because that was what everybody called
her, Big Ann.

~~Q~~ So you knew in March of 1972 that Ann Shephard was
Big Ann. ~~Isn't that correct?~~

~~A~~ Yes, sir.

~~Q~~ Now going back to my original question, can you
say or in any fashion whatsoever explain why you
maintained at this time that you saw or met her
prior to February 5 of 1971 in light of your sworn
in-court testimony in March of 1972 that you had never
set eyes on her before, and you knew at that time
that Big Ann was Ann Shephard?

SOL. JOHNSON: Objection.

THE COURT: Sustained. ^(Exception No. —) Don't argue with the
witness. Ask your questions.

~~Q~~ In ~~1972~~, in March of 1972, was Miss Shephard or Big
Ann ^{was} in the courtroom?

~~A~~ Yes, sir.

~~Q~~ Back in May 30 of 1971, ~~Mr. Hall~~, you made the
first written statement that you have executed.
~~Is that correct?~~

~~A~~ Yes, sir.

Q Can you recall who reduced that statement to writing for you? If you don't understand the question -

A I understand. I don't know who typed the statement.

~~Q The statement is dated May 30 of 1972. Is that correct?~~

~~A Yes, sir.~~

~~Q Can you recall where that statement was executed?~~

A I guess at the police station. I don't know.
the statement was executed

~~Q The statement was not actually reduced to writing in your presence. Is that what you are saying?~~

~~A I didn't see the statement filled out, typed in front of me; no, sir.~~

~~Q And do you recall who ^(were) was physically present when you made that statement?~~

~~A Monroe, Detective Monroe, Detective Brown.~~

~~Q Mr. Stroud wasn't in there at that time? Is that correct?~~

~~A No, sir.~~

Q But Mr. Stroud was taking all the notes back in February of 1972, February 18?

A Others could have been taking notes, but he was the only one that I saw taking notes. Others probably was taking notes as usual, but he was the only one that I saw that was writing.

Q Let me clear this up if I may. Did you not

immediately prior to lunch state that Mr. Stroud was the only one taking notes there?

A. Yes, sir.

Q. Now you have testified, have you not, that many of the things that you dictated to Mr. Stroud in Mr. Stroud's presence was not reduced to writing and submitted to you on March 2, 1972, for your signature?

A. All I know is that like I said, Mr. Hunevol, Mr. Stroud was just taking notes. I don't know where he typed the statement out or who typed the statement out. Like I said, at the time whenever they was there I just saw Mr. Stroud taking notes. Like I said, others could be taking notes because usually others was taking notes. I just didn't look at the rest of them.

~~Q.~~ (How long ^{I was} were you physically in the area where you dictated this second statement?) ^l

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

~~Q.~~ Now Jerome Mitchell was there?

~~A.~~ Yes, sir.

Q. And you were at Cherry Hospital? Stroud was there and other people were there?

A. (Nor answer.)

Q Are you trying to tell me now that other people were taking notes and you might not have been aware of it?

SOL. JOHNSON: Objection.

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

Q Are you telling me now that people, other people, were taking notes?

A All I said, Mr. Hunevol, was that I saw Mr. Stroud taking notes. I said the other ones could have been taking notes, but I didn't observe them at that time because usually whenever we are together all of them could have been taking notes. Like I said, they could have been. I can't say for sure.

Q ~~How many people~~ *(were in that room when you were* *dictating to Mr. Stroud?)* *sure*

A Mr. Walden, Mr. Stroud, W. C. - Detective rather - Brown rather - and Det. Monroe and Mr. Walden and Jerome Mitchell and myself.

Q Were there big obstacles in the room, all around the room?

SOL. JOHNSON: Objection.

THE COURT: Overruled.

A There was only chair and tables in the room.

Q Did you see any other pencils and papers in the

room when you were dictating this, other than Mr. Stroud's?

A. There was paper on the table and pencils.

~~Q. Did you see anyone in the room using that paper and pencils other than Mr. Stroud?~~

A. Like I tell you, Mr. Hunevol, I observed only Mr. Stroud taking notes. Like I say, the other ones could have been taking notes. I don't know for sure.

Q. You have testified to many things that you now state were given to Mr. Stroud at that time, but not reduced to writing in your February 18, 1972, statement which you signed on March 7 -

SOL. JOHNSON: Objection.

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

Q. Have you not in the last couple of days, Mr. Hall, testified that many things that you told Mr. Stroud and the other people present at Cherry Hospital - Strike that. You have testified, have you not, Mr. Hall, that many other things that you have testified to on Direct examination and on Cross examination were not included in the written statement marked Defendant's Exhibit number 3?

A. Yes, sir; I testified to what was in the statement, and I told what was left out of the statement and

that I made a correction with Mr. Stroud.

Q Now, Mr. Hall, can you think of any other additions and corrections that you gave to Mr. Stroud sometime after March 2, 1971, that are not in that statement?

SOL. JOHNSON: Objection.

THE COURT: Sustained. (Exception No. —) Anything further?

MR. HUNEVOL: Yes, sir, your Honor.

Q Can you, Mr. Hall, recall has Mr. STroud ever furnished you with an explanation for why he did not include all the things you told him on March - Correction - February 18, 1972?

SOL. JOHNSON: Objection.

Q Has he given you an explanation for why he never gave to you that statement presented on March 2?

SOL. JOHNSON: Objection.

THE COURT: Sustained. (Exception No. —)

Q Has anyone else explained to you why the things you have testified to here over the last couple of day were not included in that statement you signed on March 2? Has anyone explained to you why they were not included in that statement?

SOL. JOHNSON: Objection.

THE COURT: Sustained. (Exception No. —)

Q Mr. Hall, you have testified here under oath that on

March 5 up there around 7th Street - Correction -
February 5 on 6th Street that you were shooting at
stars. You weren't intending shooting the people
on February 5th. You went to ambush a guy, set
fire to his house, but you hadn't an intention to
kill anyone at that time. You have testified, Mr.
Hall -

SOL. STROUD: Objection to the recitation of Mr.
Hall's testimony.

THE COURT: Don't argue with the witness. Just
ask the question.

Q. Did you testify also, Mr. Hall that on the 6th you
went behind Mike's Grocery store and for a period of
one and a half hours were shooting at police and
firemen and other emergency personnel, but had no
intention of killing or wounding any of them?

SOL. JOHNSON: Objection; he's been over it.

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

Q. Mr. Hall, have you since that time ever threatened
anyone other than these people?

SOL. JOHNSON: Objection.

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

Q. Have you threatened to kill any other person since
that date?

SOL. JOHNSON: Objection.

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

Q Mr. Hall, several days ago you stated to Mr. Ferguson that you never said to any person that "I got 12 years and I can't pull that much time."

SOL. STROUD: Objection.

Q Isn't that what you said?

THE COURT: Overruled.

A Yes, sir.

Q Do you still say that? Do you still maintain that statement is true and that you never said or expressed that to anyone?

A I have expressed it but the thing about it was at the time whenever I expressed that I was the only one that was charged for all the crimes that had been committed, and I didn't feel like it was right by me getting blamed, you know, for all that had occurred to the church and all what had happened and the rest of them walk up and down and the people think of them as saints, priests or whatever they might think of them, you know. I got 12 years for my activities at the church and the rest of them being out there allowed to do whatever they please.

Q So now what you are saying is that you recant what you said to Mr. Ferguson on cross examination and now

you admit making that statement?

A Mr. Ferguson asked me had I ever told anyone that.

Q Mr. Hall, I'll ask you again whether you recant, whether you take back and whether you now admit that you expressed to some person that "I got 12 years and there is no way I can serve that time."

A Yes, sir.

~~Q~~ Now I believe you stated on direct examination or maybe cross examination several days ago that you were assigned to the Lumberton Camp.

~~A~~ Yes, sir.

Q When did you first go to the Lumberton Camp to the best of your recollection; when were you assigned there?

SOL. STROUD: Objection.

THE COURT: Overruled. I think we have been through this. Overruled. Go ahead.

A I don't know, Mr. Hunevol, right offhand.

Q Can you recall a season of the year? Can you recall the year in which you were first sent to the Lumberton Camp?

A It was in the year of '72.

~~Q~~ 1972?

~~A~~ Yes, sir, this year.

~~Q~~ (In what month of 1972?)

~~A~~ I don't know

~~Q~~ Was it ^{not} immediately after you sentenced in January of '72? ^{I was}

~~A~~ No, sir.

~~Q~~ Where did you go ^R right after you ^{I was} were sentenced?

~~A~~ I went to be processed.

~~Q~~ And you were processed where?

~~A~~ Central Prison, Raleigh,

~~Q~~ On Blue Ridge Road?

~~A~~ Yes, sir.

~~Q~~ Is that where you were sentenced?

~~A~~ Sir?

~~Q~~ While you ^{I was} were up there in Raleigh, Mr. Hall, did you ever communicate with ^{your} client, Mrs. Shephard?

~~A~~ Yes, sir; I wrote her one letter.

~~Q~~ You wrote her a letter?

~~A~~ Yes, sir.

~~Q~~ And that was on February 11, 1971?

~~A~~ Yes, sir.

~~Q~~ 1972?

~~A~~ Yes, sir.

(Defendant's Exhibit marked for identification as DS "1".)

Q Before I talk about that letter, Mr. Hall, I'd like you to look at those two exhibits, D-1 and D-2, and tell me where in those two exhibits you ever mentioned my client, Mrs. Shephard, saying or doing anything illegal.

A Like I told you, Mr. Hunevol, like I don't know how come they didn't put it in here.

Q So you are saying is that you told the detective that talked to you in May of 1971 that Ann Shephard was guilty of some crime?

SOL. JOHNSON: Objection.

THE COURT: Sustained. (*Exception*)

Q Did you tell the officers who went to speak to you in May of 1971 that my client, Mrs. Shephard, committed the crime that she is charged with here today?

SOL. JOHNSON: Objection.

THE COURT: Overruled.

A Did I told them where she had committed a crime?

Q Right.

A All I did was tell them what she did, what all of us had did at the church.

Q Has any of the officers who were physically present at the time you dictated that statement ever given you any explanation for why that was not reduced

to the writing before you signed that statement?

SOL. JOHNSON: Objection.

THE COURT: Sustained. (Exception No. —)

Q On cross examination last week, Mr. Hall, you stated that at the time you signed that statement you exhibited several photographs. One of the photographs was of Rev. Chavis. One of the photographs was of Marvin Patrick or Chili. One of the photographs was of my client.

SOL. JOHNSON: We object to the recitation of evidence.

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

~~THE COURT: Motion sustained.~~

Q Did you ~~not~~ on cross examination, ~~Mr. Hall~~, state that you ^{I was} were exhibited a photograph of ^{your} my client on that day?

~~A~~ Yes, sir; I said I saw a photograph of Ann Shephard in the funeral.

Q And ~~that~~ was the photograph exhibited to you on May 30?

~~A~~ Yes, sir; the funeral - Steve's funeral.

Q And everything that you said on direct examination you maintain now was told to the officer who were present when you gave that statement in May of 1971?

~~A~~ Yes, sir.

Q And whatever incriminating things you have said against my client were given at that time?

SOL. JOHNSON: We object to the form of the question.

THE COURT: Objection sustained as to the form of the question. (*Exception No. —*)

Q The statement in the church on Saturday of 1971, February 6, which you attributed to my client you maintain now, do you not, was given to these officers who took that statement?

~~A That I attributed to your client?~~

~~Q Right.~~

A Like I just told them what she had did at the church.

Q I will rephrase my question. The statement that you have on direct examination attributed, in other words, said my client said in the church on February 6 of 1971, that statement, did you tell the police officers who interviewed you on May of 1971 that same statement?

A Yes, sir; I told what her and George Kirby had said.

Q Did you when you gave your second written statement tell Mr. Stroud who was taking notes, did you at that time attribute the same statement that you recited on direct examination to my client, Ann

Shephard on February of 1972?

A Yes, sir; I told what she had one at the church.

Q Would you look at Defendant's Exhibit number 3, the second statement and show me in there where that statement is reduced to writing?

SOL. JOHNSON: Objection.

THE COURT: Overruled.

A No, sir; but I told them about it and I made that in the corrections where I made.

Q And this is sometime in 1972, in March that you say you made another amendment or addition or supplement to your original February 18 written statement?

A Just a few days after I had signed the statement, one of two days.

Q ~~So~~^T that would be early in March?

A ~~Yes, sir.~~

Q And that statement in which all of these additions are contained that is your statement, isn't it?

A Yes, sir.

MR. HUNEVOL: Your Honor, at this time I would move to see Mr. Allen Hall's statement.

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

Q And the statement that you have right there which was executed and sworn to before a Notary Public

on February 18, 1972, was a statement that you had an opportunity to examine; that you also had an opportunity to make additions or corrections too if you deemed them necessary. Isn't that correct?

A Yes, sir; which I made.

Q But when you signed that you took an oath, did you not?

A (No answer.)

Q That this was a true statement. Isn't that right?

A Yes, sir.

Q But the statement you signed wasn't a true statement, was it, if it didn't have these allegations in there?

SOL. JOHNSON: Objection.

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

~~Q~~ ~~Mr. Hall,~~ *I* On cross examination the other day you said *I* you had nothing to lose by telling the truth. The only thing *I* you had to gain was respect for *my* your-
self. ~~Isn't that correct?~~

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

~~Q~~ ~~Now, Mr. Hall,~~ *my* Since the time of your incarceration, *I* have ~~you~~ *not* sought out help from any source whatsoever?

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

Q Why did you say yesterday or several days ago under cross examination that you went up to Cherry Hospital

to try to beat the rap, get psychiatric help to get out of the fix you found yourself in?

A He asked me had I sought any help. No, sir.

Q Wasn't the precise reason, Mr. Hall, that you went to Cherry Hospital, the exact reason you went up to Cherry Hospital was to get some psychiatrist, some medical doctor doctor to declare you incompetent so that you didn't have to stand trial and face the rap of whatever you were charged with having perpetrated? Isn't that the reason you went up there?

A No, sir; like I told you this dude I knew who was in jail said he went up there and he was charged with throwing a firebomb into a house and he came back and he got out on probation. So I said, "Well I just as well to go too. I have never been in any kind of trouble before." So I said, "Well maybe 9 out of 10 I'll get out on probation because I had no prior record." So naturally anybody would try.

~~So you were - you~~ do admit ^{I was} you ~~were~~ seeking help when you went up there. ~~Isn't that correct?~~

A ~~Yes, sir.~~ You could say so.

Q Have you sought help from any other source other than the psychiatrist up at Cherry Hospital?

A No, sir. I didn't receive any from him.

~~Q~~ ^l You never have?

~~A~~ No, sir.

Q Mr. Hall, at this time I'd like for you to take a look at this statement marked Defendant's Exhibit number "5".

SOL. STROUD: May we see that?

Q Mr. Hall, I would like you to look at Defendant's number "1", a paper writing. I would like to ask you whether or not you said in that paper writing - Strike that. Mr. Hall, that was written from Raleigh on February 11, of 1972 to my client, Ann Shephard. Isn't that correct?

A Yes, sir.

~~Q~~ ^T And, Mr. Hall, ^l that letter you have seen and inspected before, haven't you?

~~A~~ Yes, sir.

~~Q~~ ^T And that is a true copy of the letter ^l you sent to her?

~~A~~ Yes, sir.

~~Q~~ ^T And that letter was written approximately one week before you made ^l your statement to Mr. Stroud and all of the other law enforcement officers who met you at Cherry Hospital with Jerome Mitchell?

~~A~~ Yes, sir; but see, the reason I wrote this letter in the beginning was before I had caught my time.

Ann Shephard said that she was scared of Ben Chavis.

MR. HUNEVOL: I object to this.

THE COURT: Objection sustained; motion to strike allowed.

Q Mr. Hall, I would ask you whether in that letter you stated, wrote, to Mrs. Shephard "But, Honey, I need your help, and I need it bad." Did you make that statement in that letter?

A Yes, sir; but the reason I put that there was because I said "your help" is because, like I thought maybe that there was somebody else up there at the church who had come to their senses and who had respect enough for themselves to tell what went on and to realize it was wrong what had took place up there at the church and really cared something about society after all.

Q Did you also say in that letter, Mr. Hall, "See, Honey, I got 12 years, and you know that I can't pull that much time." Did you say that?

A Yes, sir; because like I said I was the only one that caught any time and I felt like that I didn't deserve 12 years at that time because I wasn't the only one at the church.

Q Did you also state in that letter, Mr. Hall, "See,

you won't be just helping me, but you will be helping you too."

A Yes, sir; the reason I said that because she was going to be, instead of being scared of Ben Chavis and lying, but she'd go on and tell the truth. She'd be getting respect for herself and, well, if she wanted to help the community she could help the community. She could help the community better by telling the truth and the people instead of lying and instead of covering up what had happened at the church which was wrong.

MR. FERGUSON: Move to strike. Move for a mistrial.

THE COURT: Motion for a strike is denied; motion for mistrial is denied. *(Exception N. -)*

Q Mr. Hall, I ask you whether you made this statement.

"See, darling, you just can't let me down."

A The reason that statement, Mr. Hunevol, is because like I thought maybe there was at least some kind of decency that she cared about society, cared about the way other people felt, you know, and that maybe she would come on and tell the truth and like it happened at the church.

Q So at this time when you were writing the letter,

Mr. Hall, you felt as though you were epitomizing all decency and you represented a pillow of strength and integrity in the community. Is that how you felt?

SOL. STROUD: Objection to the form of the question, your Honor.

THE COURT: Sustained. *(Exception allowed)*

Q Mr. Hall, did you also state in that letter "if you do not help and things come down, you will be in it, too, and go to jail just like I did."? Did you state that?

A Yes, sir; but the reason that I put it in the letter was because of, you know, I said, "Well I'll write something, make her realize and make her go to the realization what actually happened instead of being scared of Ben Chavis.

MR. FERGUSON: Motion to strike.

THE COURT: Motion to strike allowed as to the defendant Chavis. Members of the jury, you will not consider that answer as to the defendant Chavis.

Q Did you also state in that letter "So, Honey, you'd better do what you can now and do it right."?

A Yes, sir; which is to go on down and tell the truth.

Q Mr. Hall, I'd like you to take a look at the letter that you wrote and I would like for you to point out in that letter to the jury and this Court and everyone here that is present where you mentioned the word truth in that letter one time.

SOL. STROUD: Objection.

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

Q Mr. Hall, I'd like you to take your time, all the time you need. I'd like you to go through that whole letter. I'd like you to show me or show anyone who is interested where you use the word truth in that letter.

SOL. JOHNSON: Objection.

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

Q Mr. Hall, please point out in that letter anywhere the word truth is used.

SOL. JOHNSON: Objection.

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

Q Mr. Hall, is the word truth used at any point in that letter?

SOL. JOHNSON: Objection.

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

Q I ask you, Mr. Hall, whether you made this statement in the letter. "Because, Honey, I'll tell all of it if you do not help me, and I am not lying." Did you make that statement?

A Yes, sir; because I felt like that, well, if she didn't care about what was happening, if she didn't care about what had already happened, how many lives had been taken, if she didn't care about the small kids that was there at the church, how they could have got killed, the same thing would have come on again, I felt like, if she didn't care about the small kids at the church not even them who was at the church at this time, well, I felt like that the only way you can get them to listen to you was for me to scare here in this letter more than Ben Chavis had scared her.

MR. FERGUSON: Object; move to strike. Move for a mistrial.

THE COURT: Objection sustained as to the defendant Chavis. Members of the jury, you will not consider this testimony as to the defendant Ben Chavis. Motion for mistrial is denied. *(Reception)*

Q Did you also state, Mr. Hall, the following? "Like I just know you would not want your mother to know that I was fucking you."

A Yes, sir; but like I wouldn't only having an affair with her. Ben Chavis and everyone else was.

MR. FERGUSON: Move to strike.

THE COURT: Motion allowed. Members of the jury, you will not consider this testimony except as to the defendant Shephard. *(Exemption No. 1)*

Q Mr. Hall, in that letter did you also state "See, there are some boys that has told me that they tell right along with me if it takes it." Did you make that statement?

A Yes, sir.

Q Did you make the following statement? If you need please refer to the handwritten exhibit that you have and I ask you whether you made this statement? "See, there are some boys that has told me that they will right along with me if it takes it."

A I see. "There are some boys that has told me that they will right along with me if it takes it."

Q What you mean by that statement is that you had some boys who would tell her mother and bolster your testimony as to you having *actual* sensual relations with her. Is that what you meant?

A No, sir.

Q I would ask you this, Mr. Hall, if that is not what that statement means, would you explain to the Court and jury what you meant by that statement when you wrote to Mrs. Shephard in February of 1972.

A I just told you, Mr. Hunevol, because I thought maybe by me writing this kind of a letter that it would scare her more than what Ben Chavis has scared her.

MR. FERGUSON: Object; move to strike. MOVE for mistrial.

THE COURT: Objection sustained as to Ben Chavis. Members of the jury, you will not consider this testimony as evidence against the defendant Ben Chavis. You will consider this testimony only as to the defendant Ann Shephard. (Shephard)

Q I'll ask you also whether you said "And this is not blackmail now."

A Yes, sir.

Q I'll ask you whether you said "And I know that you have a good job and if you want to keep it you will do as I say."

A Yes, sir; but the reason I put that there was because it is like this here. If she cared anything about society instead of you know, destroying it, you know, like the reason I said - put in there had a good job was like I said because I said maybe my letter will make her tell the truth or shake her, make her go down to the police station and carry my letter if necessary and make her tell the truth

what was at the church and frighten her more than what Ben Chavis race scared.

MR. FERGUSON: Object; move to strike. Motion for mistrial.

THE COURT: Motion to strike allowed as to Ben Chavis. You will not consider this testimony as evidence against the defendant Ben Chavis.

This testimony is only as to the defendant

Ann Shephard. Motion for mistrial denied. (Exemption No. —)

Q You said, "My wife has said if you do not help she is going to have someone do you in, and that won't look good, will it?" Did you make that statement?

A Yes, sir.

Q Did you also make the statement "See, Honey, my and them will have you out of Wilmington."?

A Yes, sir. I put that down there because if, you know, if she was going to go on down there and tell the truth and if she was as scared if Ben Chavis as she said she were -

MR. FERGUSON: Object; move to strike.

THE COURT: Objection sustained as to the defendant Ben Chavis. Members of the jury, you will not consider this testimony as to the defendant Ben Chavis. You may consider this testimony only as to the defendant Ann Shephard. (Exemption No. —)

MR. FERGUSON: Move for mistrial.

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

A I put in there said well some of them get some of my people to help her out of town if she want to go if she will go down there add tell the truth, and by telling the truth she is still scared of Ben Chavis, scared he might kill her or something. I know my people help her out.

MR. FERGUSON: Move to strike.

THE COURT: Motion to strike allowed as to the defendant Ben Chavis. Members of the jury, you will not consider this testimony as to the defendant Ben Chavis. You will only consider this testimony as to the defendant Ann Shephard..

MR. FERGUSON: Motion for mistrial.

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

Q I'll ask you if you said "P P S. you can deal Ben if you want, but I will have you in here with me so keep sweet."

A Yes, sir.

Q Did you also, Mr. Hall, sign this "Love always, Allen Hall"?

A Yes, sir.

Q Did you also directly underneath there say "You are going to die."?

A No, sir.

Q Mr. Hall, I refer you to that first sentence under the work Allen Hall, I ask you what the first word of that sentence is.

A "You are going to." That is all and then the second "Can you dig?"

Q And the third sentence said?

A "I'll get you."

Q The third sentence says what? "I'll get you."?

A But I don't see "die" anywhere on there.

Q Going back to the first sentence, Mr. Hall, there is a scratched out portion. Is not the first word -
Correction. First letter of that word "D"?

A Yes, sir.

Q Is the second letter of that word "I"?

A No, sir.

Q Is the third letter of that word "E"?

A No, sir.

Q And you are telling this jury and this Court that you did not say to Ann Shephard in that letter "you are going to die."?

SOL. JOHNSON: Objection.

THE COURT: Sustained. (Exception Noted)

Q And, Mr. Hall, if this letter is not blackmail, would you please for information of the people on the jury and information of the Court tell us what would you definition of blackmail be?

SOL. STROUD: Objection.

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

Q Mr. Hall, you have stated on cross examination within the past few minutes that you thought by scaring Ann Shephard this would help her to overcome any fear that she might have had against Rev. Chavis. Is that what you said?

MR. FERGUSON: Objection.

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

Q Did you not state, MR. Hall, that the purpose and intent of this letter was to scare, frighten, threaten Ann Shephard?

SOL. JOHNSON: Objection.

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

Q Going back to my question that I directed to you before I read an excerpt from your letter I ask you again whether you have ever asked anyone to help you.

SOL. JOHNSON: Objection.

THE COURT: Sustained. (Exception No. —) You have been through

that, haven't you, Mr. Hunevol?

Q ~~So you are denying now, Mr. Hall - Strike that.~~

So you admit now, Mr. Hall, and you recant and contradict your earlier testimony that you have asked other people to help you?

A No, sir; because really I didn't ask her to help me. Like if she had respect for herself she would help herself by telling the truth. Like maybe Ben Scared her. Maybe Ben Chavis do scare her by what he said and what he did.

MR. FERGUSON: Object.

THE COURT: Motion sustained as to Ben Chavis. Members of the jury, you will not consider this testimony as evidence against Ben Chavis.

MR. FERGUSON: Move for mistrial.

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

A I look at it like this here, Mr. Hunevol. Like something like this when something like this here happens then you have got to live with yourself afterwards. Like maybe people can take it better by everybody just gathering around and talking and listening to records and talking about - you have got to understand there were lives taken there. There were people houses burned in there. There