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~~Q For what purpose?~~

~~A~~ And I told her that there was a fire and that Mike's Grocery was burning, and Mrs. McKeithan's house and my house was burning and would she please give ma an assist.

Q After you called the operator what did you go?

A The firemen they talked to me.

~~Q~~ On the phone?

~~A~~ Yes, sir.

~~Q~~ And after talking with the firemen what did you do?

~~A~~ I grabbed the four grandchildren and my husband and we took the children and came on out the house.

~~Q~~ When you came out of the house did you hear anything at that time?

~~A~~ Yes, sir.

~~Q~~ What?

~~A~~ Shooting.

Q Where did it sound like it was coming from?

MR. FERGUSON: Objection.

THE COURT: Overruled. Go ahead. *(Acceptance)*

~~A~~ Sir?

~~THE COURT: Go ahead.~~

A It sounded like it was back to my right, back this way.

Q Would that be toward Nun Street or Ann Street?

A No, it was more like straight across toward 8th Street back this way.

~~Q~~ Across the street from you? <sup>M.S.</sup>

~~A~~ Yes, sir.

Q And did that gunfire continue while you were outside of the house?

A Yes, sir.

MR. FERGUSON: Object to the leading.

THE COURT: Overruled. (*Exception*)

Q And where did you go at that time?

A Across the street and it was a big oak tree, and we stood across the street, and my daughter lived across the street. She was to my house asleep because she is a nurse, and she work at night, and we wnet over there.

~~Q~~ To her house?

~~A~~ And just stood on the porch where she could burst a door open. She couldn't find a key or anything, and we put the children in there.

Q Where was the fire at this time when you came out of the house. Not the gunfire but the flames and things.

A It was everywhere.

~~Q~~ Everywhere?

~~A~~ Yes, sir.

~~Q~~ Was <sup>it</sup> your house <sup>was</sup> on fire at that time?

~~A~~ Yes, sir.

~~Q~~ <sup>I</sup> Did you take <sup>some</sup> anything out of Mrs. McKeithan's house?

~~A~~ Yes, sir.

~~Q~~ What did you take out of her house?

~~A~~ A few clothes.

~~Q~~ And were you able to get anything out of <sup>my</sup> your house?

~~A~~ No, sir; because mine burned faster seem like.

~~Q~~ And was <sup>my</sup> your house <sup>was</sup> completely destroyed?

~~A~~ Everything I had.

MR. FERGUSON: Objection.

THE COURT: Overruled. (Ex. 1183 No. 1)

Q Now, Mrs. Jackson, on previous evenings before that Saturday night had you heard anything?

A Yes, sir.

Q What?

MR. FERGUSON: Objection.

THE COURT: Overruled. (Ex. 1183 No. 1)

MR. FERGUSON: Move to strike.

THE COURT: Motion denied. (Ex. 1183 No. 1)

A Yes, sir.

Q On how many evenings?

MR. FERGUSON: Object.

THE COURT: Overruled. (Exception No. —)

A On about 2 or 3 evenings.

MR. FERGUSON: Move to strike.

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

Q On that Friday night before your house burned on Saturday night was there any fire anywhere that night?

MR. FERGUSON: Objection.

THE COURT: Overruled. (Exception No. —)

A Not that I recall.

Q Ma'am?

A I don't recall what happened on Friday night.

Q Did you call the Fire Department?

A No.

MR. FERGUSON: Objection.

THE COURT: Overruled. (Exception No. —)

A No, sir.

SOL. STROUD: The State has no further questions of this witness, your Honor. Your Honor, pardon me. I do want to show her a photograph.

MR. FERGUSON: We object.

THE COURT: Overruled. (Exception No. —)

Q Mrs. Jackson, I hand you what has been admitted into evidnece as State's Exhibit number "33" and

ask if you can tell us what that is.

A It is my house.

Q Is that after it was burned?

A Yes, sir.

Q Would you show that to the jury, please?

(Witness turns Exhibit toward jurybox.)

Q Would you show it to the defense table, please?

(Witness turns Exhibit toward defense table.)

SOL. STROUD: I have no further questions, your Honor.

MR. HUNEVOL: Your Honor, I have no questions.

MR. FERGUSON: We have no questions at this time.

MR. STROUD: May we approach the bench?

THE COURT: Yes, sir.

(Conference at the bench.)

THE COURT: Members of the jury, we are going to take our midmorning recess for about 10 or 12 minutes. We'll take about a 12 minute recess.

(The Court recessed from 1:57 A M until 11:15 A M.)

(The jury returned to the jurybox.)

SARG. J. F. BLOOMER, called as a witness for the State,  
being duly sworn, testified as follows:

DIRECT EXAMINATION BY SOL. STROUD:

~~Q State your name and position to the Court, please,  
sir.~~

~~A Sarg. J. F. Bloomer.~~

~~Q What is your occupation?~~

~~A I am a Sargeant with the Police Department in Wilmington.~~

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

~~A 15 and a half years.~~

~~Q Now Sarg. Bloomer, were you with the Wilmington Police  
Department in February of 1971?~~

~~A Yes, sir.~~

~~Q What position were you in at that time?~~

~~A I was a Detective Sargeant at that time.~~

~~Q Did you have occasion on the evening of Thursday,  
February 4, 1971, to be in the vicinity of Gregory  
Congregational Church ?~~

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection,

THE COURT: Overruled. (Exception No. —)

A Yes, sir.

~~Q Where were you?~~

A On that night I was parked on 8th Street and Nun in the park facing west.

Q Would you in relation to that diagram - 8th Street is not on there - would you show in that area, that would be in relation to the diagram, please?

A It would be the next block up from this street: deadends in park, and we were in a driveway in the park looking straight down the street.

Q On that evening did you have occasion to observe vehicles in the vicinity of Gregory Congregational Church?

MR. FERGUSON: Objection.

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

A Yes, sir.

Q And what type of vehicles, if any, did you observe?

MR. FERGUSON: Objection.

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

A On this evening I observed a white Corvair van.

MR. FERGUSON: Move to strike.

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

~~Q Where did you observe the van?~~

A It was parked parallel with the side entrance of the church.

Q What, if anything, did you observe about the Corvair



van at that time?

MR. FERGUSON: Objection.

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

A Saw several black males going to and from the truck load and unloading articles. I couldn't see what.

MR. FERGUSON: Move to strike.

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

Q Would you show on the diagram where the vehicle would have been in relation to the church?

MR. FERGUSON: Objection.

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

A (Points) Parked in this area facing the Nun Street area.

Q Did you see how the vehicle came into that playground area here?

MR. FERGUSON: Objection.

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

A I didn't see how it came in. It would be an assumption on my part.

Q Is there a drive way going into that area there?

A ~~Yes, sir.~~

Q ~~Where is that?~~ ↓

A Located next to an annex building on the 7th Street side, to the best of my recollection.

Q Now who was with you at that time, please, sir?

MR. FERGUSON: Objection.

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

A Det. Brown and Det. Herring.

Q On that evening did you have occasion to see anyone in the area of 7th and Nun Street?

MR. FERGUSON: Objection.

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

A Yes, sir; I did.

Q Would you describe that, please?

MR. HUNEVOL: Object.

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

A I saw several young black males leave the area of the church yard. Two of them had long guns. It looked like .22 rifles.

MR. FERGUSON: Object: move to strike.

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

A They went to the southwest corner of 7th and Nun and proceeded to shoot the street light out.

MR. FERGUSON: Move to strike.

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

Q Would you show where that would be on the diagram?

MR. FERGUSON: Objection.

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

- A (Pointing) On this corner here of this area.
- Q And after they shot the street light out what, if anything, occurred?

MR. FERGUSON: Objection.

MR. BALLANCE: Objection.

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

- A They then at that time pointed the small caliber rifles down the block toward us.

MR. FERGUSON: Motion to strike.

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

- Q Were any shots fired at that time?

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

- A They were not.

- Q Then where did they go, if you know?

MR. FERGUSON: Objection.

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

- A They then went back into the churchyard and proceeded toward the rear door of the church. I could not see if they entered.

MR. FERGUSON: Motion to strike.

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

- Q ~~Sarg. Bloomer, were you~~ <sup>was</sup> on duty on the evening of

Friday, February 5, 1971?

- A ~~Yes, sir; I was.~~

~~Q~~ On that evening, <sup>I</sup> did you have occasion to be in the vicinity of 5th and Nun Street?

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

~~Q~~ Where were you?

~~A~~ <sup>I was</sup> Parked in the middle of the block headed east between 4th and 5th Street on Nun.

~~Q~~ Were you there on surveillance?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

A Yes, sir.

~~Q~~ Who was there with you at the time?

MR. FERGUSON: Objection.

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

A Det. Brown.

~~Q~~ Would you point him out, please?

~~A~~ He is right here. (Pointing)

~~Q~~ Seated at the table with us? <sup>you.</sup>

~~A~~ Yes, sir.

~~Q~~ When you were there in that area did you have occasion to observe activity of some kind?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

A Yes, sir.

Q At approximately what time was this, if you know?

MR. FERGUSON: Object.

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

A It was after dark somewhere between 8 and 8:30 in that vicinity. I can't be exactly sure of the time.

Q What, if anything, did you observe at that time?

MR. BALLANCE: Objection.

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

A We observed a group of young black males come down the street, down Nun Street going west from about 6th and Nun. We observed them and about three of this group broke off and came down to the center of the street toward the corner of 5th and Nun. At that time an object was lit and it was thrown onto the porch of the residence of 5th and Nun. We immediately put the car in gear and took off for the area. While we were crossing 5th Street the occupants of the residence at 5th and Nun kicked this firebomb off onto the ground where it went out.

MR. BALLANCE: Move to strike.

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

Q What, if anything, did you observe about the group at this time that you had observed there in the street?

MR. HUNEVOL: Objection.

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

A They ran back toward the area of 6th and Nun.

Q Now would you point out on the diagram where you observed the group and in what direction they were going?

MR. BALLANCE: Objection.

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

A (Pointing) The group were observed coming in this direction down Nun Street, and in about this location three of the group crossed over into the street here. This is when the object was lit and it was thrown into the side porch area of this house, and it was kicked off by the occupant. They then ran back in the same path.

MR. FERGUSON: Move to strike.

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

Q And where did you go when you came across the street?

MR. BALLANCE: Objection.

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

A We pulled up into this area and talked with people at the house to see if we could assist them in putting out the firebomb.

MR. FERGUSON: Move to strike.

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

Q What was the condition of the firebomb at that time?

MR. FERGUSON: Objection.

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

A It was out.

THE COURT: Let me see you gentlemen just a minute.

(Conference at the bench.)

THE COURT: Members of the jury, this witness's testimony relating to the lighting and throwing of a firebomb, and what the police did was offered by the State, admitted by the Court and will be considered by you for the purpose of corroborating the witness Hall if you, the jury, find that it does corroborate the witness Hall and for no other purpose. It is not substantive evidence. (Exclusion Denied)

Q Now, Det. Bloomer, on this particular evening, this Friday evening, what type of vehicle were you in?

MR. FERGUSON: Objection.

THE COURT: Overruled. (Exclusion Denied)

A In an unmarked detective car.

Q ~~And how were you attired?~~

A In civilian clothes.

Q Were you wearing anything else at this time?

A Yes, sir; we were wearing protective vests and helmets.

MR. FERGUSON: Move to strike.

THE COURT: Motion to strike denied. (Exclusion Denied)

Q What kind of helmet?

MR. BALLANCE: Objection.

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

A Safety helmets with visors, crash type helmets and bullet proof vests.

MR. FERGUSON: Move to strike that.

THE COURT: Motion to strike denied. *(Exception No. 2)*

Q Sarg. Bloomer, I hand you what has been admitted into evidence as State's Exhibit "10" and ask you to look at that and ask if you can identify that.

MR. FERGUSON: Object.

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

A Yes, sir; I can. It is the 5th and Nun area and the house where the firebomb was thrown on the porch.

MR. FERGUSON: Move to strike.

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

Q Would you show that to the jury, please? Where was the firebomb?

A It was - it hit on this side of the porch and kicked back off onto the sidewalk.

MR. FERGUSON: Objection.

THE COURT: Members of the jury, this witness's testimony is offered by the State, admitted by the Court and will be considered by you for



for the purpose of corroborating the witness Allen Hall if you, the jury, find that it does corroborate the witness Allen Hall if you, the jury, find that it does and for no other purpose. It is not substantive evidence. (Exception No. —)

Q Would you point out for the counsel where the fire-bomb struck?

MR. FERGUSON: Object.

THE COURT: Overruled. (Exception No. —)

A This area here on the porch.

MR. FERGUSON: Motion to strike.

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

Q Sarg. Bloomer, I hand you what has been admitted into evidence as State's Exhibit number "11" and ask if you can identify that.

MR. FERGUSON: Object.

THE COURT: Overruled. (Exception No. —)

A Yes, sir: this is the same house at the area showing the backyard of the house at 5th and Nun.

MR. FERGUSON: Move to strike.

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

Q Would you show that to the defense table, please?

MR. FERGUSON: Objection.

THE COURT: Overruled. (Exception No. —)

Q After you talk with the people there at the house at 5th and Nun what did you do?

MR. BALLANCE: Object.

MR. HUNEVOL: Object.

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

A We then left that area and continued on our surveillance.

Q This was on Friday night. Is that correct?

MR. FERGUSON: Object.

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

A Yes, sir.

Q Sarg. Bloomer, on Saturday evening, February the 6th, 1971, did you have occasion to be in the area of 5th and Nun Street?

A Yes, sir.

MR. FERGUSON: Objection.

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

Q Where were you, please, sir?

A In the same location again with Det. Brown.

MR. FERGUSON: Move to strike.

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

Q And what, approximately what time was this if you recall?

MR. FERGUSON: Objection.

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

A 9 o'clock, very shortly thereafter.

Q Now while you were in this area did you observe any activity of any kind?

MR. HUNEVOL: Objection.

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

A Yes, sir; I did.

Q And where were you parked at the time you observed this activity?

MR. FERGUSON: Objection.

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

A Very close to the same location on Nun Street in the middle of the block between 4th and 5th.

Q Would you point out approximately where that would be in relation to the diagram?

MR. FERGUSON: Objection.

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

A In this area facing towards 5th Street.

Q What, if anything, did you observe while you were there on Saturday?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

Q On Saturday evening?

A A very similar incident to Friday evening.

MR. FERGUSON: Motion to strike.

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

A We observed the group coming down Nun Street and an object light and thrown that hit at the rear of the residence and bounced off into the backyard. At that time we proceeded up to this area and pulled in just beside the firebomb. At that time another detective unit pulled up and into the back across the front of us into the backyard. We saw that the firebomb was not in a location that it would do any harm at this time and were about ready to put it out when we started drawing small arms fire from the area of 6th and Nun.

MR. FERGUSON: Move to strike.

MR. HUNEVOL: Move to strike.

THE COURT: Motion to strike denied. *(Exception No. —)* Members of the jury, this testimony in answer to the last two questions is offered by the State, admitted by the Court and will be considered by you for the purpose of corroborating the witness Allen Hall if you, the jury, find that it does corroborate him and for no other purpose. It is not substantive evidence.

Q What type of vehicle were you in on Saturday evening?

MR. FERGUSON: Objection.

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

~~A~~ The same vehicle, unmarked detective car.

MR. FERGUSON: Move to strike.

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

~~Q~~ Would it be a light vehicle or a dark vehicle?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

~~A~~ Colorwise?

~~Q~~ Yes.

~~A~~ Dark color.

~~Q~~ MR. FERGUSON: Move to strike. *(Objection No. —)*

THE COURT: Motion to strike denied. Members of the jury, the answer to these questions are offered by the State, admitted by the Court and will be considered by you for the purpose of corroborating the witness Allen Hall if you, the jury, find it does corroborate him and for no other purpose. It is not substantive evidence.

~~Q~~ And how were you attired at this time?

~~A~~ MR. FERGUSON: Objection.

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

A SAME helmet visor, jacket, bullet proof.

MR. FERGUSON: Move to strike.

THE COURT: Motion to strike denied. (Exemption No. ---) Members of the jury, the answer to this question, the testimony as to how he was attired and as to the color of the car is offered by the State, admitted by the Court and considered by you for the purpose of corroborating the witness Allen Hall if you, the jury, find it does corroborate him and for no other purpose. It is not substantive evidence.

Q Now as you arrived in that area you crossed the street. Is that correct?

MR. FERGUSON: Object.

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

A Yes, sir.

Q As you arrived in that area what, if anything, occurred?

MR. FERGUSON: Objection.

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

A As I said, we started drawing small arms fire from the area of 6th and Nun. You could see the flashes from about this area where we had noticed some concrete pipes across the street and also saw flashes in this area on the left in the middle of the block

between 5th and 6th. We began to return fire at these flashes.

MR. FERGUSON: Move to strike.

MR. HUNEVOL: Move to strike.

THE COURT: Motion to striked denied. *(Exemption No. —)* Members of the jury, you will consider this testimony for the prupose of corroborating Allen Hall if you, the jury find that it does corroborate and for no other purpose. It is not substantive evidence.

Q What type of flashes are you talking about?

A Rifle.

MR. FERGUSON: Objection.

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

A Fire flashes.

MR. FERGUSON: Move to strike.

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

Q Then what occurred, please, sir?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

A We continued to be fired on. The carload of detectives; and we continued to answer the fire for a short period of time, 5 minutes or so probably.

A At that time the firing slowed up and we were able to remove our vehicles from this area. Our car, we parked back on Nun Street in this area and took up positions on the corner behind another car that was parked in this area. Some more detectives took up a position in this area with 3 or 4 men here and 3 or 4 men here taking up positions in that area.

MR. FERGUSON: Move to strike.

MR. HUNEVOL: Move to strike.

THE COURT: Motion to strike denied. *(Exception)* Members of the jury, you will consider this testimony which has been offered by the State, admitted by the Court, you will consider this testimony for the purpose of corroborating Allen Hall if you, the jury, find that it does corroborate Allen Hall and for no other purpose. It is not substantive evidence.

Q At the time that you were receiving gunfire in the area that you described could you hear any type of objects hitting objects?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

THE COURT: Overruled. *(Exception)*



A Yes, sir; we could hear birdshot or shot from shot-guns raining down on us and also hear objects sitting in police cars.

MR. FERGUSON: Move to strike.

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

Q After you pulled out of the area across the street, did you remain in your car or did you go to some other location?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

A Det. Brown and I joined other officers in this area behind another vehicle.

MR. FERGUSON: Move to strike.

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

Q And what occurred at that time?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

A While we were in this area there were other officers in the area. There was a loud, loud shot came from in this area in here (indicating) and Officer Sarg. Genes was struck and fell to the ground; was removed to the hospital.

Q During the -

MR. DERGUSON: Move to strike.

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

Q During the time that you were backing out of the area behind the house on 5th and Nun across Nun Street and during the time that you were out of your vehicle going back across, were you receiving any type of gunfire?

A Yes, sir.

MR. FERGUSON: Objection.

THE COURT: Objection overruled. (Exemption No. 1) Members of the jury, the Court has previously instructed you this testimony is offered by the State, admitted by the Court, will be submitted to you for corroboration of the witness Allen Hall if you, the jury, find that it does corroborate and for no other purpose. It is not substantive evidence.

A Yes, sir; we did receive some smaller amounts of gunfire while we were in the position of pulling back out.

MR. FERGUSON: Move to strike.

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

Q After Sarg. Genes was wounded what, if anything,

occurred?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

A. At that time the firing ceased, after he was wounded. We went back to a surveillance and just prior to 10 o'clock the fire alarm from Mike's Grocery came in.

MR. FERGUSON: Move to strike.

MR. HUNEVOL: Move to strike.

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

Q. Now when you returned to your car there at 5th and Nun Street what did you observe about your car, if anything?

MR. FERGUSON: Object.

MR. HUNEVOL: Objection.

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

A. The left side view mirror was shot off and there was a bullet lodged in the left door post between the front and rear seats, the center post.

MR. FERGUSON: Objection: move to strike.

MR. HUNEVOL: Objection: move to strike.

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

Q. And have you recovered that bullet?

A Yes, sir.

MR. FERGUSON: Object.

THE COURT: Overruled. (Exemption No. —)

Q Do you have it?

MR. FERGUSON: Object.

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

(State's Exhibit "47" marked for identification.)

Q Sarg. Bloomer, I hand you what has been marked for identification as State's Exhibit number "47", and ask if you can identify that, please, sir.

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

THE COURT: Overruled. (Exemption No. —)

A Yes, sir; this was the bullet that was removed from the door post of detective car number 5.

MR. FERGUSON: Move to strike that response.

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

SOL. STROUD: May it please the Court, the State moves that this fragment be admitted into evidence as State's Exhibit number "47".

THE COURT: Members of the jury, State's Exhibit number "47" is offered by the State, admitted by the Court and will be considered by you for the purpose of corroborating the witness Allen Hall, if you, the jury, find that it

does corroborate him and for no other purpose. It is not substantive evidence. And the testimony of the witness as to where he found State's Exhibit number "47" is offered by the - was offered by the State and admitted by the Court and will be considered by you for the purpose of corroborating the witness Allen Hall and will be considered by you for no other purpose. It is not substantive evidence.

BOL. STROUD: May I pass it to the jury?

THE COURT: Yes, sir.

MR. FERGUSON: We object.

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

(Sol. Stroud passed State's Exhibit "47" to the jury.)

Q Sarg. Bloomer, after you received the call that you have testified to, where did you go?

MR. FERGUSON: Object.

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

A Went to the corner of 5th and Ann along with Det. Brown; parked our vehicle there. We could see the flames up at 6th and Ann. We walked up the north side of Ann Street towards 6th, towards the fire. At that time we saw a fire truck backing from the center of the block, coming back down Ann Street,

and we asked them what the problem was. They said they had drawn fire.

MR. HARMON: Objection.

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

A And were not aboe to stay in the area.

MR. FERGUSON: Motion to strike.

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

Q Would you point out on the diagram there where you parked your vehicle and where you walked and where you saw the fire truck?

A We parked in this area here and then walked up the sidewalk toward 6th and Ann Street. We encountered the firetruck backing out in this area. (Pointing)

~~Q~~ And what was on fire at that time?

~~A~~ Mike's Grocery *↑*

Q Now when you arrived in that area could you hear anything?

MR. FERGUSON: Object.

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

~~A~~ Yes, sir.

~~Q~~ What could you hear?

A You could hear small arms fire. Of course, the fire itself made a loud noise.

~~Q~~ You could hear small arms fire? *↓*

~~A~~ Yes, sir, you could hear some yelling.

MR. FERGUSON: Move to strike.

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

Q Where did you go after encountering the firemen?

MR. FERGUSON: Object.

THE COURT: Overruled. (Exception No. —)

A This is more of an "L" shape in here, and I took up a position in this area where I could help protect the firemen that were in this area attempting to fight the fires.

MR. FERGUSON: Motion to strike.

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

Q ~~Where were~~ The firemen?

A ~~They were on the Ann Street side.~~

Q ~~Were there any~~ firemen on the 6th Street side?

A ~~No, sir;~~ <sup>No</sup> they were unable to get around the 6th Street side.

~~(A baby crying in the courtroom.)~~

~~THE COURT: Just a moment.~~

MR. FERGUSON: We move to strike that response.

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

not hear the question nor the last answer.

SOL. STROUD: I ASKED if there were firemen on the 6th Street side.

MR. FERGUSON: Objection.

MR. HUNEVOL: Object.

THE COURT: Overruled. (Exception No. —)

A They were unable to get around on the 6th Street side because of the small arms fire.

MR. FERGUSON: Objection; motion to strike.

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

Q Now what occurred after you got into the area that you have described there?

MR. FERGUSON: Object.

THE COURT: Overruled. (Exception No. —)

A The firemen at that time started laying hose down in this area between the houses to try fighting the fire from the rear of the buildings. On two occasions that I know of: there is a wooded area in here - there were small arms fire from this area, and they were forced to pull out twice that I know of, and I, along with other officers, finally went back there with them with weapons to attempt to give them enough cover to where they could fight the fire from the rear.

MR. FERGUSON: Motion to strike.

MR. HUNEVOL: Motion to strike.

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

Q Now when you arrive in the area of the church there



that you have described, what was the condition as to the fire at Mike's at that time?

MR. FERGUSON: Object.

THE COURT: Overruled. (Exception No. —)

MR. HUNEVOL: Object.

THE COURT: Overruled. (Exception No. —)

A It was burning real - well, on the 6th Street upper and lower floors and even the telephone pole on the corner, the transformer was ablaze. There was a lot of heat and it was a real big fire.

MR. FERGUSON: Move to strike.

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

Q Did that heat have any effect in the area where you were there at the church?

A Yes, sir; it did.

Q Describe that please.

A It started scorching the paint on the wall of the church across the street. I advised the firemen to put a little water and cool it down. I had to move from that area.

MR. BECTON: Motion to strike.

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

Q When you were in the area of the church there, as you have described, across from Mike's, did you see any other police officers at this time?

MR. HUNEVOL: Object.

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

A Yes, sir. We had police officers across the street, and they were also officers that I had contact with by portable radio - I had a portable with me - that were in the area of this location around the back side of the church, (Pointing)  
There were officers in this area. I observed two officers coming back up this street dragging a person that had been injured.

Q ~~Who were these officers?~~ <sup>These</sup>

A ~~It was~~ <sup>were</sup> officer Williams and Officer Shaw.

MR. HUNEVOL: Move to strike.

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

Q During this time what type of gunfire was it that you heard?

MR. HUNEVOL: Objection.

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

A Small arms. That is the only way I can describe it.

Q ~~Small arms gunfire?~~ What type of weapons were the police officers - did they have in their possession that evening?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

A They had shotguns and .38 revolvers.

Q Would you consider a .38 revolver small arm gunfire?

A No, sir.

MR. HUNEVOL: Objection.

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

MR. FERGUSON: Move to strike.

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

~~Q~~ During the time that ~~you were~~ <sup>I was</sup> there at the fire, ~~I~~ did ~~you~~ <sup>not</sup> fire any shots?

~~A~~ ~~No, sir; I did not.~~

~~Q~~ Did ~~you~~ <sup>not</sup> see any other police officers fire shots?

~~A~~ ~~No, sir; I did not.~~

Q Did you see any other structures there on fire that evening?

A Yes, sir.

MR. HUNEVOL: Objection.

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

Q Where were they?

MR. HUNEVOL: Move to strike.

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

Q Where were they located?

A The two residents, three residents south of Mike's Grocery.

Q Now about how long had you been there when you want into the area between the houses on Ann Street there that you have described?

MR. BECTON: Objection.

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

A Approximately an hour.

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

A *I* Went back in the area of a tin shed that was back in here.

~~Q And who were you with at that time?~~

A With firemen and other police officers, uniformed officers. Couldn't name them offhand.

Q Was this before or after the time that you had observed the firemen coming out of that area twice?

MR. HUNEVOL: Objection.

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

A This was one of the times was prior to that time, and one of the times was after the time I started back in.

Q During the time that you were over in this area between those houses did you hear anything?

A Yes, sir.

MR. HUNEVOL: Objection.

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

Q What did you hear?

MR. FERGUSON: Objection.

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

A Small arms fire.

Q Could you tell where it was coming from?

MR. HUNEVOL: Objection.

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

A Coming from a wooded area in here (Pointing) I couldn't see any flashes. You could hear the projectiles hitting the tin sheds and also in the weeds and houses.

MR. HUNEVOL: Motion to strike.

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

Q What were the firemen and police officers attempting to do at that time?

MR. FERGUSON: Objection.

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

A There were hosemen putting water on the fire of these three residences.

Q How long did you stay back in that area of the tin garage?

MR. FERGUSON: Object.

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

A Approximately two hours.

Q Did you see any movement of any kind back in that wooded area?

MR. FERGUSON: Objection.

MR. HUNEVOL: Objection.

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

A No, sir.

Q How long altogether were you there at that area that evening?

MR. FERGUSON: Objection.

MR. HUNEVOL: Object.

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

A Approximately 4 hours, 4 and a half hours.

Q And what was the condition as to those buildings that you have described that were on fire when you left?

MR. FERGUSON: Objection.

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

A Well these two houses were burned completely down as well as Mike's and the other house was damaged extensively.

Q During the course of the evening, that 4 or 4 and a half hours, could you approximate about how much of that time you heard gunfire?

A Off and on, I'd say, 2, 2 and a half hours of the time I spent there.

~~MR. FERGUSON: I didn't get the last question and answer. Could I have it read back?~~

~~THE COURT: All right. Read it back.~~

~~(The Court Reporter read the last question and answer.)~~

MR. FERGUSON: We move to strike that.

THE COURT: Motion denied. *(Ex. p. 100 No. 10000)*

SOL. STROUD: The State has no further questions of this witness. Tenders him for cross examination.

CROSS EXAMINATION BY MR. FERGUSON:

~~Q Sarg. Bloomer, approximately what time was it when you first went to the area of 5th and Nun on Saturday night?~~ *was*

~~A On Saturday?~~

~~Q Yes, sir.~~ *↙*

~~A Shortly after 9.~~

Q And what time was it that you said you went there, approximately what time on Friday night, February 5th?

A That was approximation only; somewhere in the vicinity of 3 or 8:30.

Q Let me just talk about Friday night for a minute now. How long altogether were you there on Friday

night?

Q MR. HUENVOL: Objection.

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

A Just a matter of maybe 10 minutes.

MR. HUENVOL: Move to strike.

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

~~Q What were the lighting conditions in the area on Friday night?~~

A On Friday night the street light in the area of 5th and Nun was still burning. The lights up the street in the area of 6th and Nun and 7th and Nun were out. It was a fairly dark night.

~~Q How what about the light at 5th and Ann? Was it burning or was it out on Friday night?~~ *to the best of my recollection*

~~A This is 5th and Ann Street?~~

~~Q Yes, sir; right here, 5th and Ann.~~

~~A 5th and Ann on Friday night?~~

~~Q Yes, sir.~~

~~A Best of my recollection it was burning.~~

~~Q And 6th and Ann, did you go to that area on Friday night?~~ *I did not go to*

~~A No, sir.~~

~~Q Do you know whether or not a light was burning there?~~ *not*

~~A I do not.~~



Q So now do I understand that you were there for only a short period on Friday night?

A Well at the intersection of 5th and Nun, yes.

~~Q That is what we talking about.~~

~~A That is right.~~

Q Now of <sup>my</sup> your own knowledge <sup>I</sup> you don't know who any of the persons were that <sup>I</sup> you say you saw there. ~~is that correct?~~

~~A That is right.~~

~~Q Coming down the street?~~

~~A That is correct.~~

Q And you don't know how many there were?

A In the group 6 or 7, an estimation is all.

~~Q And you <sup>I said I was</sup> say you were there on a surveillance mission?~~

~~A Yes, sir.~~

~~Q When did you first start <sup>I</sup> your <sup>I M U</sup> surveillance of the area?~~

~~A I believe probably about Thursday night personally.~~

Q Did you make any arrests on Friday night?

A I did not.

MR. HUNEVOL: Objection.

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

Q Did you make any arrests on Thursday night?

MR. HUNEVOL: Object.

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

A Did not.

Q Did you fill out a daily report showing generally what your activities had been on the occasion that you were surveilling the area?

A I believe that there probably was a report made out for the Detective Division.

Q Do I understand that someone who, either you or someone of the officers, who were there would have made out a report for the group that you were with on Friday night?

SOL. STROUD: Objection.

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

A I can't be sure that there was, no.

~~Q And I believe you said that Det. Brown was one of the persons who was with you.~~

~~A That is correct.~~

~~Q On both Friday and Saturday night?~~

~~A That is correct. Also Thursday.~~

~~Q He was with you on Thursday also?~~

~~A Yes, sir.~~

~~Q He was on the same surveillance mission that you <sup>was</sup> were on?~~

~~A Yes, sir.~~

~~Q Was there some officer in charge of the group?~~

~~A I was the Sargeant in charge, yes.~~

~~Q~~ Now you said, ~~I believe~~, that you arrived in the area shortly after 9 o'clock on Saturday, February 6, 1971. Is that correct?

~~A~~ That is Saturday?

~~Q~~ Yes.

~~A~~ Yes, sir.

~~Q~~ How many officers were with you at the time you arrived, Sarg. Bloomer?

~~A~~ When we first arrived just Det. Brown and myself <sup>there at that time.</sup>

~~Q~~ Just the two of <sup>us,</sup> you?

~~A~~ Yes.

~~Q~~ How long had you and Det. Brown <sup>had</sup> been there before the other officers arrived, <sup>before the</sup> who came?

~~A~~ (Just a matter of a couple of minutes.)

~~Q~~ Now from the time you arrived in the area of 5th and Nun on Saturday night until the time you left that area and went up to the area of 6th and Ann, how much time would you say elapsed?

~~A~~ Approximately 40 or 45 minutes.

~~Q~~ Now <sup>of my</sup> ~~of your~~ own knowledge do you know who any of the persons were who you <sup>did not</sup> ~~saw~~ was shooting at <sup>me</sup> you on Saturday night up in the area of 5th and Nun?

~~A~~ I do not.

~~Q~~ You could not see the persons who were doing the firing?

↓  
A Only the flashes from the guns.

Q What would be the closest point that anyone of the persons would have been to you?

A Approximately a half a block.

Q Now how far back down Nun Street did you say you saw flashes coming from?

MR. HUNEVOL: Objection.

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

A A little more than a block; maybe a block and a quarter.

~~Q Now I believe you said at some point <sup>me</sup> you and the officers with <sup>me</sup> you left the house and moved back to the intersection of 5th and Nun behind the car there.~~

~~A Yes, sir.~~

~~Q And were you still <sup>we</sup> receiving fire at that time?~~

~~A Yes, sir.~~

Q How long was it before you saw the flames coming from the area of Mike's Grocery at 6th and Ann?

A This was very close to, getting close to 10 o'clock; 5 minutes 'til or somewhere around there.

Q Now while you were there in the area of 5th and Nun you received a call to go to 6th and Ann. Is that correct?

A No, we had already gotten back in the car when we got the call to go to 6th and Ann. In other words,

the officer had already been shot and the firing had stopped. We had already gotten back in the cars before whenever we got the alarm from Mike's.

~~Q~~ How long had you been in the car before you got the alarm?

~~A~~ (Somewhere in the vicinity of 5; 10 minutes.)

Q Were you just sitting there in the car?

A No, sir; we were driving.

~~Q~~ When you <sup>we</sup> got in the car which ~~direction did you start driving in?~~

~~A~~ As far as I can recall we made a left turn at 5th Street going north. This is my recollection. In other words, we came to this corner and made a left turn. It is possible we might have been in this area here when we got that alarm, but we were very close by. Whether we were in the same block or not I am not sure.

~~Q~~ And by the time you received that alarm the fire trucks had already arrived?

~~A~~ By the time we got parked and were getting out of our car the fire trucks were already there.

Q Did I understand you to say on direct examination that you were going up Ann Street from 5th Street toward 6th Street, that you met a fireman coming

down in that direction?

A The fire truck was backing out, yes.

~~Q The fire truck was backing out?~~

~~A Yes.~~

Q Now did I understand that the fire was - Could you see the flames at this point?

~~A When we were waking up the street?~~

~~Q Yes.~~

A Yes, sir.

Q Pretty far up at that point?

A By that time, yes.

Q What is the approximate distance, if you know, Sarg. Bloomer, from the intersection of 5th and Nun to the intersection of 6th and Nun?

A It would only be an estimation. Approximately three hundred feet.

Q And generally speaking, it would be only a matter of seconds from the time it would take one to drive from the intersection of 5th and Nun to the intersection of 5th and Ann, would you say?

A That is correct.

Q Now at the time you arrived at the intersection of 5th and Nun on Saturday night what was the lighting conditions?

A It was darker on Saturday night. The street light

at 5th and Nun had been put out at that time.

Q It had been put out at the time you arrived?

A Yes, sir. At the time we arrived?

Q Yes, sir.

A No.

Q It was put out while you were there?

A That is correct.

MR. FERGUSON: We have no further questions.

MR. HUNEVOL: No questions.

REDIRECT EXAMINATION BY SOL. STROUD:

Q Sarg. Bloomer, on Saturday evening when you were at 5th and Nun and received gunfire as you have described, can you point on there where you saw the closest muzzle flashes?

MR. FERGUSON: Objection.

THE COURT: Overruled. (*Exception Motion*)

A (Pointing) In this area between the houses.

MR. BALLANCE: Move to strike.

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

Q There at 5th and Nun on Saturday night you say the light was put out?

~~A Yes, sir.~~

~~Q Who put it out?~~

~~A~~ One of our officers <sup>*put it out*</sup> I am not sure which. We

were lit up, and everything else was dark, and we were at a definite disadvantage. So it was shot out.

MR. HUNEVOL: Move to strike.

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

Q And, Sarg. Bloomer, I hand you what has been admitted into evidence as State's Exhibit number "25" and ask you if you can identify that, please.

A Yes, sir.

~~Q What is that?~~

A This is a photograph of the fire at Mike's Grocery.

Q Does that photograph -

MR. FERGUSON: We object to this parade of photographs up and down and back and forward.

MR. JOHNSON: We object to Mr. Ferguson's comments.

THE COURT: Objection overruled. *(Skeptical)* Objection to Mr. Ferguson's comments sustained. *(Skeptical)*

Q Does that fairly and accurately represent the fire as you observed it that evening?

MR. FERGUSON: Objection.

THE COURT: Overruled. *(Skeptical)*

A Yes.

Q Would you show it to the jury? Would you show it to the defense counsel? I have no further questions.



NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

PENDER COUNTY

STATE OF NORTH CAROLINA )

-vs- )

BENJAMIN FRANKLIN CHAVIS )

MARVIN PATRICK )

CONNIE TYNDALL )

JERRY JACOBS )

WILLIE EARL VEREEN )

JAMES MCKOY )

REGINALD EPPS )

WAYNE MOORE )

JOE WRIGHT )

ANN SHEPHARD )

Before: Robert M. Martin, Judge Presiding,  
and a jury.

Gurgaw, North Carolina

September 11, 1972.

Appearances:

JAMES STROUD, Assistant Solicitor, and DALE JOHNSON,  
Assistant Attorney General, representing the State  
of North Carolina.

JAMES FERGUSON, Esq., and CHARLES BECTON, Esq.,  
of Charlotte, North Carolina:

FRANK BALLANCE, Esq., of Warrenton, North Carolina:

JOHN HARMON, Esq., of New Bern, North Carolina,  
attorneys at law representing the defendants, Chavis,  
Patrick, Tyndall, Jacobs, Vereen, McKoy, Epps,  
Moore and Wright:

MATHIAS P. HUNEVOL; Esq., of Wilmington, attorney  
at law, representing the defendant Shephard.

Josephine L. Seila,  
Official Court Reporter  
P O Box 718  
Selma, North Carolina 27576.

MR. FERGUSON: We have no further questions.

MR. HUNEVOL: No questions.

(Conference at the bench.)

THE COURT: Call your next witness.

SOL. STROUD: State will call Officer Chipps,  
your Honor.

JUROR NUMBER 1: I think I should make you  
aware of the fact that I know him.

THE COURT: All right, sir.

W. H. CHIPPS, called as a witness for the State, being  
duly sworn, testified as follows:

DIRECT EXAMINATION BY SOL. STROUD:

~~Q~~ State your name and position.

A W. H. Chipps, Policeman with the Wilmington Police  
Department.

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

A Just a little over 4 and a half years.

~~Q~~ Officer Chipps, were you an officer of the Wilming-  
ton Police Department in February of 1971?

A Yes, sir.

~~Q~~ And on Friday evening, February the 5th, 1971, did  
you have occasion to be in the vicinity of Mike's  
Grocery store?

MR. HUNEVOL: Objection.

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

MR. HUNEVOL: Motion to strike.

A Yes, sir.

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

Q What was your occasion?

MR. HUNEVOL: Objection.

THE COURT: Just a minute. Objection overruled. *(Exemption No. 1)*

Q What was your occasion for being at Mike's Grocery store on the evening Friday February 5th?

MR. BALLANCE: Object.

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

A Fire alarm had come in and we were sent to this area.

MR. HUNEVOL: Move to strike.

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

Q What, if anything, did you do at this time?

MR. HUNEVOL: Objection.

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

A I parked my car, parked my vehicle in this corner, walked down the street and came to this side of 6th Street and I got up with Officer David Gurganus. Officer Gurganus was right about at this area (indicating) and there was a vehicle parked here; and