

North Carolina Innocence Inquiry Commission Brief

STATE v. JAMES BLACKMON

Wake County – 83 CRS 84695

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I. Format for Brief and Hearing

On November 14-16, 2018, the North Carolina Innocence Inquiry Commission (“Commission”) will conduct a hearing in this case. Pursuant to statute, this hearing is open to the public.¹ A court reporter will be present at the hearing.

This brief is submitted to the Commissioners prior to the hearing with the request that each Commissioner carefully read it in preparation for the hearing. This brief covers investigations and legal proceedings that occurred in this case prior to the investigation by the Commission staff. This brief is formatted to be read from start to finish with any attachments inserted directly into the body of the brief. This brief also contains appendices that will be reference throughout the brief. These appendices are tabbed and labeled for ease of reference. Any cited material within the brief that is not provided in full can be made available upon request.

At the conclusion of the hearing, the Commission will be asked to consider the following three (3) options:

1. Conclude that there is sufficient evidence of factual innocence to merit judicial review and refer the case to a three-judge panel pursuant to N.C.G.S. § 15A-1468(c). All documents considered by the Commission and the transcript of the proceedings shall become public record once filed with the Clerk of Superior Court in Wake County.²
2. Conclude that there is not sufficient evidence of factual innocence to merit judicial review and close the investigation pursuant to N.C.G.S. § 15A-1468(c). Evidence favorable to the convicted person would be disclosed to him and his attorney

¹ N.C.G.S. § 15A-1468(a) and NCIIC Rules and Procedures Article 7(E).

² N.C.G.S. §§ 15A-1468(c) and 15A-1468(e) and NCIIC Rules and Procedures Article 7(G).

pursuant to N.C.G.S. § 15A-1468(d).

3. Direct the staff to conduct further investigation into this case and continue the hearing to a later date³.

³ The hearing can be continued as long as that is completed prior to December 3, 2018 without the need for a full rehearing. District Attorney Britt will retire effective December 3, 2018. In addition, two other Commissioners sitting for this hearing will have terms that expire December 31, 2018 and they are not eligible for reappointment. Therefore, to continue the hearing beyond December 3, 2018 will require a full rehearing on the matter in 2019.

II. Standard of Review

This case arises from the conviction of James Blackmon for the murder of Victim Helena Payton in her college dorm, Latham Hall, at St. Augustine's College¹ on September 28, 1979. The Victim was assaulted on September 28, 1979 and originally survived the assault, conscious and responsive as she arrived at Wake Medical Center. She was sent to surgery, went into a coma after surgery, and never recovered. The Victim died on October 30, 1979. Blackmon was not a suspect in the case until early 1983, and was arraigned on December 8, 1983. He was originally charged with First Degree Murder and the prosecutor sought the death penalty. A Motion to Suppress Blackmon's statements to law enforcement was held over four days: August 6, 7, 12, and 14, 1987. The Motion was denied on August 31, 1987. Blackmon's case was set for trial on December 18, 1987 but a motion to continue was granted on December 17, 1987 to appoint additional counsel to Blackmon and/or for plea negotiations. Blackmon pled guilty to Second Degree Murder on January 14, 1988 with the stipulation that he be allowed to appeal the denial of his Motion to Suppress. Blackmon's plea transcript, which is provided in full later in the brief provides that Blackmon refused to answer as to whether he was in fact guilty and the plea transcript also indicates that "no contest" is not applicable. However, the plea transcript does not specifically outline any questions as to an Alford plea, though Blackmon's plea is later described by defense counsel in his appellate brief as an Alford Plea. Blackmon was sentenced

¹ In 2012, St. Augustine's changed its name (and classification) from a college to a university. At the time of the incident, the name was St. Augustine's College and so throughout the brief, it is referred to as a "college."

to life with the possibility of parole.² The procedural posture following his sentencing is outlined below, including his appeal of the denial of his Motion to Suppress.

The Commission's governing statute provides that a "claim of factual innocence" is a claim "on behalf of a living person convicted of a felony" in North Carolina, "asserting complete innocence of any criminal responsibility for the felony for which the person was convicted and for any reduced level of criminal responsibility relating to the crime, and for which there is **some credible, verifiable evidence of innocence that has not previously been presented at trial or considered at a hearing granted through postconviction relief.**" N.C.G.S. § 15A-1460(1). Also see the Commission's Rules and Procedures Article 2(A). In addition, the Commission's Rules and Procedures provide that in guilty pleas cases, pleas entered pursuant to *North Carolina v. Alford*, 400 U.S. 25 (1970), and pleas of no contest or *nolo contendere*, "there must be credible, verifiable evidence of innocence **that was not reasonably available to the claimant at the time that he/she pleaded guilty or scientific testing that was not completed.**" Commission's Rules and Procedures, Article 2(B) and (C).

When a case is presented to the Commission during a hearing, all eight voting members are required to participate in the vote to determine whether there is "sufficient evidence of factual innocence to merit judicial review." N.C.G.S. § 15A-1468(c). "**Except in cases where the convicted person entered and was convicted on a plea of guilty, if five or more of the eight** voting members of the Commission conclude there is sufficient evidence to merit judicial review, the case shall be referred to the senior resident superior court judge in the district of original

² Blackmon was sentenced pre-fair sentencing. The Fair Sentencing Act applies to offenses committed between July 1981 and September 1994. Fair Sentencing was replaced by the structured sentencing used today. Though it is not clear from the plea itself, Blackmon has had at least one parole hearing which has been denied.

jurisdiction.” N.C.G.S. § 15A-1468(c) and *Commission’s Rules and Procedures*, Article 7(1)(3). In addition, “pleas entered pursuant to *North Carolina v. Alford*, 400 U.S. 25 (1970) shall also require five votes.” *Commission’s Rules and Procedures*, Article 7(1)(3). “In cases **where the convicted person entered and was convicted on a guilty plea**, if **all of the eight voting members** of the Commission conclude there is sufficient evidence of factual innocence to merit judicial review, the case shall be referred to the senior resident superior court judge in the district of original jurisdiction.” N.C.G.S. § 15A-1468(c) and *Commission’s Rules and Procedures*, Article 7(1)(4).

In the present case, as discussed above and more fully in Section VII of the Brief (p. 498), Blackmon’s plea is described as an “Alford plea” though that is not specifically outlined in the plea agreement. The Commission will present at the upcoming hearing any further information it uncovers during its investigation as to the specifics of Blackmon’s plea.

As to the information available to Blackmon at the time of his plea, the defense attorneys who represented Blackmon no longer have a file related to their defense of Blackmon. J. Franklin Jackson was Blackmon’s first defense attorney and Thomas Manning was Blackmon’s second defense attorney. A review of the Clerk’s file for this case reveals the following:

1. A Brady motion was filed on December 10, 1986 by Jackson which requested exculpatory statements of the defendant, statements of all interviews conducted, any other beneficial or exculpatory information, criminal records, names of potential witnesses, evidence of bias or prejudice of potential witnesses, all recordings of any kind, and evidence that Blackmon’s prints were not found at the scene of the crime. (Clerk, 14-16).

2. A discovery notice from the District Attorney was filed January 10, 1984 that provides that defendant made statements but those statements are not transcribed and that

there is a copy of a criminal record available but it is not attached, though it indicates to “see William P. Hart.” It also provides that the state has various items from the crime scene and an appointment can be made to see the items. It also provides that there are reports of tests, (though they are not attached) but it again indicates to “see William Hart.” The notice also provides that the state intends to offer physical evidence. The notice ends by saying that the other information requested is not subject to disclosure by law. (Clerk, 20-21).

3. Motion and Order to continue based on discovery being incomplete. This was filed by Jackson and consented to by DA Hart. This motion was made and granted January 30, 1984. (Clerk, 22).

4. Motion and Order to continue on February 20, 1984 which indicates a need for pretrial motions and “incomplete discovery.” The motion provides that the detectives are unavailable to the District Attorney. The motion was made by Jackson and consented to by DA Hart. (Clerk, 24).

5. Motion and Order to continue on March 19, 1984 which indicates that discovery is incomplete. The motion was made by Jackson and consented to by DA Hart. (Clerk, 27).

6. Motion and Order to continue on April 16, 1984 which indicates that discovery is incomplete. The motion was made by Jackson and consented to by DA Hart. (Clerk, 28).

7. Motion on May 17, 1984 which indicates that after an interview of Blackmon, Defense counsel determined there were medical records from Dorothea Dix which were essential to the defense. Defense counsel was informed by the State that Dorothea Dix hospital had not provided the records to the State. The Motion requested an order requiring Dorothea Dix to produce the records. The Order was granted. (Clerk, 29, 30).

8. Motion and Order to continue on June 4, 1984 which indicates “awaiting discovery.” The motion was made by Jackson and consented to by DA Hart. (Clerk, 35).

9. Motion for a Psychiatric Evaluation on November 14, 1984 made by Defendant indicates that “defendant has been provided psychiatric records from Dorothea Dix Hospital.” (Clerk, 52-53).

10. A court docket indicates a Brady Motion was filed by Defendant on December 18, 1983. (Clerk, 66).

11. Motions by attorney Manning filed on December 8, 1986 which included the following: preservation of evidence and rough notes; exclusion of involuntary admissions and confessions; disclosure of any agreement between State and prosecution witnesses; impeaching information; discovery pursuant to Brady which essentially requests all types of evidence; motion for witness statements; list of witnesses; review of all “photo spreads”; eyewitness testimony; and disclosure of all persons at scene of alleged crime. (Clerk, 185-243).

12. Subpoenas for Dorothea Dix file and Dorothea Dix physician file on Blackmon signed July 27, 1987 by Thomas Manning. (Clerk, 251).

In addition, the Defendant filed a Motion to Suppress and appealed the denial of that Motion. This Motion, the State’s response, the Order, the appellate briefs, and appellate decision related to the motion are provided in full below at various points in the brief. These documents also provide insight into what was available to Blackmon at the time of the plea.

III. Introduction to Case

On September 28, 1979, Helena Payton (the Victim) was stabbed in the neck in a bathroom stall on the sixth floor⁶ in her dorm, Latham Hall, at St. Augustine's College around 6:11 am. She was the only woman from her floor in the bathroom at that time. Several students heard the Victim screaming, including her roommate, Elvin Turner (Turner) and another student, Jackie Kelly (Kelly). The Victim exited the bathroom into the hall and said to Turner—who had left their dorm room to help the Victim—"He stabbed me." The suspect exited the bathroom from a different exit on the opposite side from where the Victim exited, walked past Kelly, who was standing with her roommate, Barbara Lee (Lee), and made eye-contact with Kelly. The suspect then went down the stairs to the lobby, walked out the front door, and ran around the building after a security guard yelled at him to stop. He was last seen running through the parking lot.

The Victim initially survived the attack and was conscious and responsive when she arrived at the hospital. Before she went to surgery, she told her mother she did not know who stabbed her and that she had never seen him before that day. The Victim informed rescue workers that she was attacked from behind after she entered the bathroom, and that she was stabbed in the neck after she screamed. After the surgery, the Victim went into a coma and never recovered. She died on October 30, 1979. According to the autopsy, the stab wound to her carotid artery caused irreversible brain damage while the immediate cause of death was likely

⁶ The sixth floor was the top floor in the building.

septicemia.⁷ The prevailing opinion among everyone interviewed was that the Victim had been in the wrong place at the wrong time.

The crime was investigated by the Raleigh Police Department (RPD). The initial investigation identified several suspects and also appeared to focus on the idea that some of the other girls in the dorm were involved. None of those theories panned out and the case, while still periodically investigated, was left without leads in mid-1980. There was a renewed effort in the case by a major crimes task force in early 1981, which included a visit to the campus. Between the initial investigation and the renewed investigation, police sketched two different drawings of Latham Hall's 6th floor and Latham Hall's 1st Floor.⁸ Police also took photographs. Some photographs are clearly directly following the crime, while some appear to have been taken at a later date because the photos do not show the evidence of an assault that has just taken place. Those sketches, the photos, and a map of the campus from 1979 have been provided in the Appendices as they are referred to throughout the brief. In addition, the sketches, photos, and map have additions by Commission staff to assist in understanding what is shown.

Then, in February 1983 a confidential source at Dorothea Dix hospital told police that a male patient was talking about murdering black women, including specifically mentioning one at St. Augustine's. This same source, or possibly a second source, gave the patient's name as "Brammer" and said he lived in the McBride building.

⁷ Septicemia is "blood poisoning" and it appeared to have been caused by the Victim's degraded brain tissues.

⁸ Although the original copy received from RPD did not have a label to identify this sketch as the 1st Floor, Commission staff have identified this as such based on their investigation and review of files in this case. Therefore, Commission staff labeled this sketch for identification.

Police could not find an individual named Brammer at Dorothea Dix, but were told by one of the two sources that Blackmon was the only patient matching the description provided. Police obtained Blackmon's records from Dorothea Dix which unveiled a history of mental illness and included reports of assaultive behavior. Blackmon began voluntarily speaking with RPD detectives in several interviews throughout October, November and December 1983, including a visit to St. Augustine's and Latham Hall. The transcripts from these interviews further revealed Blackmon's mental illness, though he made incriminating statements, some of which were not consistent with the details of the crime. This resulted in Blackmon's arrest and subsequent guilty plea.

IV. Timeline

Date and Time (if known)	Event / Description
8/24/1979	Blackmon is arrested in Binghamton NY and “released into his own custody.”
9/28/1979 around 6:11 am	Victim Helena Payton is stabbed by an unknown assailant on the 6 th Floor of Latham Hall, a dormitory of St. Augustine’s College.
10/30/1979	Victim Helena Payton dies at the hospital.
12/29/1980	Blackmon found guilty for larceny in Robeson County. First criminal record date for Blackmon in NC.
2/3/1981	Major Crimes Task Force of RPD meets regarding this case.
6/23/1981	Blackmon released from prison for larceny conviction.
6/23/81-6/14/82	Blackmon hospitalized at Dorothea Dix in Raleigh, NC.
2/3/1983	A source provides information that leads police to Blackmon.
1/21/1983- 9/12/1983	Blackmon hospitalized at Dorothea Dix in Raleigh, NC.
9/23/1983- 10/25/1983	Holder and Munday have some contacts with Blackmon in downtown Raleigh and say they want to speak with him sometime.
9/26/1983	Eyewitness Kelly is shown photo of Blackmon and does not identify him as the suspect. She is the only eyewitness shown the photo of Blackmon by police.
10/2/1983- 10/18/1983	Blackmon hospitalized at Dorothea Dix in Raleigh, NC.
10/25/1983	Blackmon’s first recorded interview with RPD and visit to St. Augustine’s Campus.
10/26/1983	Blackmon interview with RPD and visit to St. Augustine’s Campus.
10/27/1983	Blackmon interview with RPD.
10/28/1983	Blackmon interview with RPD.
10/28/1983- 11/18/1983	Blackmon Hospitalized at Dorothea Dix, Raleigh NC.
11/2/1983 and 11/3/1983	Blackmon makes contact with RPD and with an ADA who is with police but no discussion of the case.
11/9/1983	Blackmon interview with RPD.
11/10/1983	Blackmon Interview with RPD.
11/15, 16/1983	Blackmon calls police both days and leaves messages.
11/18/1983	RPD takes Blackmon to Lumberton upon his release from Dorothea Dix.
11/24/1983	RPD receives a call from a man named David concerning Blackmon needing help.
11/25/1983	RPD contacted by Blackmon’s grandmother for help with Blackmon.
11/28/1983	Blackmon contacts RPD and requests they take him to Dorothea Dix. RPD takes Blackmon from Lumberton to Raleigh, interviews him, and then takes him to Dorothea Dix.

Date and Time (if known)	Event / Description
11/28/1983- 12/7/1983	Blackmon hospitalized at Dorothea Dix, Raleigh NC.
12/7/1983	Blackmon is arrested after an interview with RPD.
12/8/1983	Blackmon arraigned for 1 st Degree Murder.
8/31/1987	Blackmon's Motion to Suppress denied.
1/14/1988	Blackmon pleads guilty to 2 nd Degree Murder
3/21/1989	Blackmon's appeal of the denial of his Motion to Suppress is denied.
6/16/1995	Blackmon's request for assistance from North Carolina Prisoner Legal Services (NCPLS) for post-conviction relief is denied by NCPLS.
11/5/2008	The North Carolina Center on Actual Innocence closes Blackmon's case.
1/2011	NCPLS again reviews Blackmon's case.
3/7/2012	Commission receives Blackmon file from NCPLS as a referral for review.

V. Initial Law Enforcement Investigation

This case was investigated by the Raleigh Police Department (RPD). There were multiple investigators involved, but the initial lead investigator appeared to be Detective Brinson. A later, renewed investigation was led by Detectives Holder and Munday. The Commission reviewed RPD's records on this case to form the basis for the below summary of the initial law enforcement investigation in this case.

A. Initial Investigation

Crime Scene and Initial Interviews

RPD responded to a call at St. Augustine's College on September 28, 1979 at 6:43 am to find the Victim with a knife wound to her neck on the 6th floor of her dorm, Latham Hall. Police interviewed several witnesses at the scene of the crime and searched the crime scene as well as the immediate area around the dorm where the crime occurred.

The timeline of the assault unfolded as follows: the Victim woke around 6:15 am and left her room, 608 Latham Hall, to go to the bathroom. The bathroom was a communal bathroom which contained several bathroom stalls, sinks and showers. A black male attacked the Victim inside one of the bathroom stalls on the 6th floor of Latham Hall. When the Victim screamed, she attracted the attention of her roommate and other women on the hall.

The suspect reportedly walked out of the bathroom and down the stairwell after the attack, seen by several individuals both at Latham Dorm and around campus. Three women (Elvin Turner, Jaqueline Kelly, and Carolyn Wilson) saw him leaving the floor after he attacked the

Victim. No student reported that the suspect spoke to them. Kelly's roommate (Barbara Lee) saw the suspect going toward the stairwell on the east side of the building. One woman (Vivan Best) saw him walking outside through her window. In addition, a security guard (William Judkins) saw the suspect leave the dorm and run off in a "westernly direction." Annette Goldring, a resident of the 6th Floor of Latham Hall, reported seeing a black male with an Afro about 1" long leaving the floor. In addition, Katy Sauls, a resident of Cheshire Dorm saw a black male running around back of Latham Dorm and heading into the woods but she did not see him well enough to provide a description and remembered only that it "seemed like he was wearing blue jeans." Viola Underdue, reported seeing a black male while she was at the bus stop around 7:05 am who was between 6'3" and 6'5" with an athletic build coming from behind the old Administration Building wearing a beige pullover shirt and medium blue jeans heading west on Oakwood Avenue and turned left on the first street off Oakwood.

Though there were some variations in the specific descriptions, between all these reports, the suspect's description was developed as a black male in his late 20's with dark complexion, between 6'0" and 6'3" tall, 145-155 pounds, clean shaven, with a mall afro. He was wearing dark and worn work pants, and a dashiki⁹ ("African type pullover shirt") with gold trimming. (RPD—PLS, Bk. 1, p. 2). However, Vivian Best reported seeing a black male through her window around 7:00 am with dark trousers but a beige colored shirt.

Students reported that they were supposed to lock the door to the dorm when they came and went, but one student, Priscilla Morris, indicated that when she came home to the dorm at

⁹ Dashiki is spelled numerous different ways throughout the documents in the file. The brief uses the most common spelling throughout.

4:00 am, the outside door was unlocked. The police reports outlining the initial calls and crime scene processing are provided below:

1 COMPLAINT NUMBER 558471		CASE REPORT			PAGE NO: 1 of 2	
2 OFFENSE ASSAULT WDW		3 CLASSIFICATION KNIFE		4 OFFICER P.F. CARVILLE		5 CODE NO. 975
6 LOCATION OF OCCURRENCE SAINT AUGUSTINE'S COLLEGE		7 TIME & DATE OCCURRED 9-28-79		8 TIME & DATE REPORTED 0643 9-28-79		9 BEAT 121
10 VICTIM NAME (LAST, FIRST, MIDDLE) PEYTON HELENA		11 VICTIM'S ADDRESS ROOM 603 LATHAM HALL		12 PHONE 755-9428		
13 AGE/SEX/RACE 23/F/B		14 BUSINESS ADDRESS STUDENT - ST. AUGUSTINE'S COLLEGE		15 PHONE 755-9428		
16 REPORTED BY (NAME) LAST, FIRST, MIDDLE CAMPUS SECURITY		17 ADDRESS ST. AUGUSTINE'S COLLEGE		18 PHONE 755-9428		
19 PERSON / PROPERTY ATTACKED PERSON		20 HOW ATTACKED CUT WITH KNIFE				
21 EXTENT OF INJURY / VALUE OF PROPERTY WOUND TO NECK		22 TYPE OF INJURY RECEIVED / PROPERTY TAKEN WOUND TO NECK				
23 PERSONS ARRESTED NONE		24 ADDRESS NONE		AGE N	SEX O	RACE N
				25 CHARGE E		

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WITNESSES: **ELVIN EKOWONNE TURNER** - ^{Roommate of victim} 603 LATHAM HALL (ROOMMATE), 755-9428
good look AT suspect
KELLY, JACQUILINE - 602 LATHAM HALL, . . . 755-9428
Real good look AT suspect
BARBARA LEE - 6th FLOOR LATHAM HALL. . . 755-9428
SARAH COLLINS - WASHINGTON, D.C.
AFRODA HURSEY - PINE TOPS, N.C.

WITNESSES / STATEMENT: MISS TURNER STATED THAT SHE HEARD HER ROOMMATE'S SCREAM FROM THE BATH ROOM. SHE THEN SAW THE VICTIM COMING TOWARD HER FROM THE BATHROOM AND A BLACK MALE ALSO LEAVE FROM THE BATHROOM. JACQUILINE KELLY SIMPLY STATED THAT SHE SAW THIS BLACK MALE SUBJECT CALMLY WALK DOWN THE STAIR WELL. MISS LEE STATES THAT SHE DID NOT KNOW THE SUBJECTS NAME, BUT SHE HAS SEEN HIM AROUND BEFORE, AND MANY OF THE OTHER GIRLS OF THE HALL RECOGNIZED THE SUSPECT, BUT DID NOT KNOW HIS NAME.

INV. NOTES: A BLACK MALE SUBJECT ENTERED A GIRLS DORMITORY ON SAINT AUGUSTINE'S COLLEGE CAMPUS AND ATTACKED AND ASSAULTED THE VICTIM IN THE BATHROOM. THE SUSPECT APPARENTLY

000016 1

- Cleared By Arrest
- Exceptionally Cleared
- Unfounded
- Inactive

558471

CONTINUATION SHEET

9-28-79

2 OF 2

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WAS ALREADY IN THE BATHROOM AND WAS EITHER SURPRISED BY OR DID SURPRISE THE VICTIM. THE ATTACK TOOK PLACE INSIDE THE BATHROOM, INSIDE OF THE STALLS. THE SUSPECT ASSAULTED THE VICTIM BY STABBING HER IN THE NECK. AS THE VICTIM SCREAM, SHE WAS ASSAULTED AND DREW THE ATTENTION OF THE HER ROOMMATE. AFTER THE ATTACK, THE SUSPECT WALKED OUT OF THE BATH ROOM AND DOWN THE HALL, HE EXITED OUT THE BUILDING THROUGH AND DOWN THE STAIRWELL. A SECURITE GARD SAW THE SUSPECT LEAVE THE DORM AND RUN OFF IN THE WESTERLY DIRECTION.

SUSPECT DESCRIPTION: 1- B/M/LATE 20's, DARK COMPLEXION, 6'-2" APPROX, 145-155 POUNDS APPROX AND CLEAN SHAVEN. SUBJECT WAS WEARING A SMALL AFRO, DARK WORN WORK PANTS AND WEARING A BURGANDY DIESHIEE (APRILAN) GOLD TRIMING.

INV. NOTES: THE VICTIM WAS TAKEN TO WAKE EMERGENCY BY EMS, AFTER EMS. TREATED HER ON THE SCENE. HER CONDITION WAS LISTED AS STABLE. I.D. WAS NOT REQUEST AT THE SCENE BECAUSE OF THE NUMBER OF OTHER GIRLS ON THE FLOOR MOVING ALL AROUND THE BATH ROOM AND HALL WAY. THE SUSPECT IS KNOWN TO THE AREA PEOPLE BUT NONE OF THE GIRLS KNOW HIS NAME.

000017 (2)

558471		SUPPLEMENTARY REPORT		
2 OFFENSE	3 CLASSIFICATION	4 OFFICER	5 TIME & DATE OF REPORT	
Assault	Knife	S.B. Price	1140 9-30-79	
6 VICTIM	7 VICTIM'S ADDRESS			
Helena Peyton	Room 603 Latham Hall St. Augustine College			
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Synopsis: This supplement will contain investigative notes.

Inv. Notes: On 9-29-79 this inv. went to the ICC Unit at Wake Medical Center in attempts to interview the victim in this case, Helena Peyton. After arriving there I was advised that I would be unable to talk with her at that time due to the patient's condition. I did see the victim's mother, Mrs. Peyton, in the waiting room at the ICC Unit and she told me that her daughter was in stable condition and was not allowed any visitors. She also told me that when her daughter was brought into the Emergency Room that she had spoke to her briefly and that Helena mentioned that she did not know who the person was that cut her. I left my business card with Mrs. Peyton and requested her to contact this Div. as soon as we could talk with her daughter.

On 9-30-79 I called the ICC Unit (755-8296) to see if the victim could be interviewed and was advised by the receptionist that Helena Peyton was in a coma and that no visitors were allowed to see her. I did also talk with the victim's mother, Mrs. Peyton, once again by telephone and she advised me that her daughter's condition was still very serious and that she was in a coma and did not know anyone today. She did advise that she would contact this Division as soon as her daughter's condition permitted us to talk with her.

S.B. Price
Inv. Division

000018 3

Cleared By Arrest Exceptionally Cleared Unfounded Inactive

330474		SUPPLEMENTARY REPOP		1 of 5
2 OFFENSE Assault		3 CLASSIFICATION Knife	4 OFFICER Brinson	5. TIME & DATE OF REPORT 1522 9/28/79
6 VICTIM Helena Payton		7 VICTIM'S ADDRESS Room 603, Latham Hall, St. Augustine's College, Raleigh		
RECOVERED PROPERTY		VALUE WHEN RECOVERED		
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SYNOPSIS:

This report will contain investigative notes, statements by witnesses, and security officers at St. Augustine's College, and the results of a crime scene search.

INVESTIGATIVE NOTES:

* The preliminary investigation indicates that the victim in this case arose from bed at about 6:15 a.m. this morning and went from her room, which is 603 in Latham Hall at St. Augustine's College, into the bathroom area. Once in the bathroom area, she was assaulted by a black male who left the scene on foot. He was viewed by at least three witnesses on the sixth floor before leaving the sixth floor, and he was viewed through the window by at least one witness as he left the building area.

The victim in this case received a severe stab wound to the base of the neck and lost a considerable amount of blood at the scene. She was administered first aid by residents of the sixth floor at Latham Hall.

The Raleigh Police Department was notified, and the County Ambulance Service responded to the scene. The victim was transported to the Wake Medical Center by ambulance. She was treated initially in the emergency room and later had emergency surgery in the operating room. At the time this report is being made, the victim is in the recovery room, and it appears she will survive.

STATEMENT OF:

* Elvin Euvonne Turner
Room 603, Latham Hall
St. Augustine's College
Raleigh, North Carolina

*first person to see suspect
(would recognize him)*

This morning, I was aware of Helena getting up. I don't know exactly

000020 

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what time it was, but it was somewhere around 6:15 a.m. She went out of our room, and I assumed she was going to the bathroom. She had only been outside of our room about a minute when I heard her screaming. She screamed so loudly that I immediately jumped up and opened the door. When I opened the door to our room, I could see into the bathroom and she was trying to run toward me. She was bleeding from her neck down. I don't know how many wounds she had, but blood was running from around her neck all down her front. At that instant, I did not see anybody but her, but I knew something had happened. As she was running toward me, she said, "Bonnie, he stabbed me." She was very weak, and I laid her on the floor as she entered our room. She could hardly stand when she got there. She had lost a tremendous amount of blood in that short amount of time. I looked to the left down the hall and saw a black man standing in the hallway, and he went out the door from the hallway to the stairwell leading to the stairs. I started trying to stop the bleeding with a cold towel. Some one called the police, and the police and ambulance both came. The man I saw was a black male. He looked to be about 6'1" tall or maybe taller. He had short, natural hair. If he had any hair on his face, it was very little. He was wearing dark pants and a darshica. A darshica is an African type pullover shirt. I would know this person if I were to see him again.

NOTE:

A darshica is a shirt originally worn by Africans and introduced into this country by African students. It is popular in this area; especially around college campuses.

STATEMENT OF:

* Jackie
 Jacqueline Carol Kelly
 Room 602, Latham Hall
 St. Augustine's College
 Raleigh, North Carolina
 Home Address:
 341 Fields Drive
 Sanford, North Carolina
 Tel: ~~776-6719~~ 776-6697

*got real good look
 at suspect w/ in 10'
 (would recognize suspect)*

I was in bed this morning when I heard a scream. My roommate was also in the room. When I heard the screaming, I got up and opened the door and stepped into the hallway. Just as I got to the hallway, I looked down the hall and a black male came out of the bathroom into the hallway. He came out of the furthest bathroom door from me. He

000021

(3)

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walked directly toward me, and passed within a few feet of me in the hall. He turned left and walked on down toward the elevator, and turned left at the elevator and walked out of my sight. After he got out of my sight, I didn't see him any more. The man was about 6'3". He could have even been taller. He was wearing a maroon colored darshica with a gold design on it. He had on dark colored trousers and sneakers. I don't know what color the sneakers were. This man had a medium to short Afro and a fairly clean face. I did not notice any hair on it. If he had any beard or mustache, it was very, very light.

I later went down the hall and saw that there was a girl down there bleeding. When the subject came out of the bathroom and walked by me, he never said anything at all.

NOTE:

The distance from this witnesses' door to the further door of the bathroom is more than 20'. Also, the distance from her door to the corner at the elevator is more than 20'. She saw this subject at a very close distance. Half of that distance, he was walking toward her and approximately half of that distance, he was walking away. This witness got a very good chance to observe the suspect. She feels she will definitely know this subject if she were to see him again. She does not think she has ever seen him before.

STATEMENT OF:

* Carolyn Faye Wilson
Room 603, Latham Hall
St. Augustine's College
Raleigh, North Carolina
Home Address:
209 Hawkins Drive
Henderson, North Carolina
Tel: 492-5851

*saw what suspect
had on - but
wouldn't be able to
recognize suspect*

I heard the screaming in the building and heard that a girl had been stabbed. I was frightened and was in my room looking out the window. I had heard that the man was in the stairway. I opened my window and began to yell, "Don't let any man out of this building." We were trying to get the attention of the campus security guard. We were hoping that the subject could be caught before he left the building. As I was standing at the window, I saw someone in a maroon darshica and dark trousers going toward the parking lot on the west side of the building. I only saw this person from the back, and I don't think I could

000022



CONTINUATION SHEET

558471

9/28/79

4 of 5

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identify him. I can only say that he was a tall, slender, black male, and that he had on a maroon top and dark trousers.

STATEMENT OF:

* William Judkins
Security Officer
St. Augustine's College
Raleigh, North Carolina
Home Address:
1713 Oakwood Avenue
Raleigh, North Carolina
Tel: 834-2164

6'0" - 165 lbs
(May be able
to ID suspect)
w/ 5-12:30 pm

I heard the girls hollering from the sixth floor of Latham Hall, and I parked my vehicle by Cheshire Dorm. I started toward the front of Latham Hall, and I saw a black male come out the front. He was wearing a maroon top and a pair of dark trousers. I said, "Hey, I want to talk to you." At that time, he began to run. He ran around the building going to his left as he ran around the building. I started behind him and got to the southeast corner of the building just in time to see him go around the northeast corner of the building. He was still going to his left. When I started back to the front of the building, I heard some of the girls shout that he was in the lower parking lot. That parking lot is on the southwest side of the building. I did not see this person again. The man that I saw was somewhere around 6' tall and weighed about 165 pounds. I may be able to identify this subject if I see him again.

STATEMENT OF:

* Vivian Genise Best
Room 601, Latham Hall
St. Augustine's College
Raleigh, North Carolina

6'2" slim
(saw suspect
come out of woods
after police had left)

At about 7:00 or 7:30 a.m., after all this had happened and the police and the ambulance people had left, I was looking out the window and I saw a slim, black male come out of the woods right behind Cheshire Dorm. The black male was about 6'2" and slim. He had on dark trousers and a beige colored shirt. He came out of the woods right in the area where everyone said the suspect had fled into the woods. I tried to call the Security Office when I saw this subject, but no one answered the phone immediately and after the subject got out of sight, I hung the phone up.

000023

7

INVESTIGATIVE NOTES:

This investigator, Detective L. K. Barbour, and several security officers from the St. Augustine's College were checking the area of the crime scene. Security Officer Lewis Shepherd found a maroon darshica with gold trim about 104 yards due west of the northwest corner of Cheshire Dorm. This is about 123 yards in a south, southwesterly direction from Latham Dorm. The darshica was found in a wooded area, and it is believed to be the one worn by this suspect in this case. The darshica had a damp red stain on it that appeared to be blood. This item has been turned over to ID Technician Hardy who did the crime scene processing in this case.

Witnesses Elvin Turner and Jacqueline Kelly went to the City-County Bureau of Identification and looked through the mug books in an effort to locate a suspect. They also assisted in making a composite picture of the suspect in this case. A composite picture is attached to this case. This composite was the one made with the assistance of these witnesses.

Pictures of the darshica recovered have also been made. The composite picture and the pictures of the darshica have been shown at the Washington Terrace Shopping Center, and the businesses on Oakwood Avenue in an effort to learn who might have been seen wearing this piece of clothing, or who might strongly resemble this picture. No definite suspect have been obtained at this time. A large pocket knife was found on the first floor near the door. This item was also turned over to I.D. This investigation is ongoing.

D. Brinson
Investigative Division

ew/m9394
(10/1/79)

0000248



SUPPLEMENTARY REPORT

2 OFFENSE Assault	3 CLASSIFICATION Knife	4 OFFICER Brinson and Barbour	5. TIME & DATE OF REPORT 2250 10/2/79
6 VICTIM Helena Payton	7 VICTIM'S ADDRESS ROOM 608, Latham Hall, St. Augustine's College, Raleigh, NC		
8 RECOVERED PROPERTY	9 VALUE WHEN RECOVERED		

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SYNOPSIS:

This report will contain a more detailed description of the Darshica, and a more detailed description of the knife recovered at the crime scene. Also, there will be interviews from the majority of the residents of the sixth floor of Latham Hall, at St. Augustine's College; the interviews of selected individuals from Cheshire Dorm, a preliminary crime scene sketch, and investigative notes by Det. L. K. Barbour and Det. Brinson.

INVESTIGATIVE NOTES:

Weapon

Det. Barbour and Det. Brinson went to the SBI Lab and viewed the Darshica and the knife recovered at this crime scene. The Darshica had a label; the label was marked "Made Expressly for Radlee", it was stamped "Size Medium - Preshrunk - 100% Cotton - Made in Hong Kong."

The knife was also examined it was 5" long, closed; it was a folding lock back knife; made primarily of stainless steel; it had wooden handles; the blade had a length of 4 7/16"; and was 9/16" wide, at its widest point. The blades were stainless steel and were stamped "Japan." At one time there had been some markings stamped on the handle, but the markings were extremely hard to read. The markings appeared to have been "Guardman 007."

Both the Darshica and the knife are still in the possession of the State Bureau of Investigation Crime Laboratory.

The following is a list of residents from the sixth floor of Latham Dorm, that were talked to by Det. L. K. Barbour and Det. D. C. Brinson, on today's date:

000028

Cleared By Arrest

Exceptionally Cleared

Unfounded

Inactive

STATEMENT OF:

Helen Brown
Willie Mae Canidate
Room 606

We heard the screams, we heard about three. We did not get up and open the door until sometime after the screaming stopped. We did not leave the room in time to see any male suspect.

STATEMENT OF:

Mary Leigh Pledger
Room 607

I heard the scream and I went out to the hall pretty quick. I saw the outline of a male subject, just as he went into the stairway door. I cannot describe him other than it appeared to be a male figure. I just saw a quick movement in that direction, and it looked like a male person. I just cannot give you any kind of description of him or his clothes.

STATEMENT OF:

Valeria Shropshire
Room 609

I heard the screams that morning, but I did not come out for sometime. When I did come out, all the girls were crowded in the hall, and I learned that one of the girls had been cut. I did not see any suspect.

STATEMENT OF:

Patricia Peterson
Susie Farmer
Room 610

The morning this all happened we heard the screams, but we did not come out in the hall for several hours. It scared us, and we heard the girls talking about somebody being cut through the doors. It just frightened us so bad, that we just stayed in the room for several hours, after this all happened.

0000292

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STATEMENT OF:

Cynthia Smalls
Melissa Ashford
Room 611

On the morning that this happened we heard the screams, and some of us woke up right away, and woke the others. We did not see any man, in fact we were afraid to open the door. We did not open the door until after we had held conversation through the door with some of the girls, and found out everything was alright. We did not see any suspect, and don't know anything else about this case.

STATEMENT OF:

Paula Custalow
Hazel Burwell
Room 612

We both heard the screams, and we opened the doors about two minutes later. When we came out the hall was filled with people, and we saw the girl that had been cut. We did not see any male suspect.

STATEMENT OF:

Jacqueline Phillips
Rosemary Green
Room 613

Neither one of these subjects were at the dorm, at the time these interviews were held.

STATEMENT OF:

Denise Hatter
Mae Lynn
Tarenda Jerman
Room 614

We heard the screams, but we did not see any man. We did not come out of the dorm room right away. We afraid to come out with all that screaming going on, we did not know what was happening.

000030/13

STATEMENT OF:

Vanessa Murrell
Room 615

I was in my room alone that night. My regular roommate is Olivia Boyd, she was not here, and I was there by myself. I retired somewhere around 1:00 a.m. I woke up when I heard the screaming. When I heard the screaming, I got up and checked my door to make sure it was locked. I did not open the door, and I went back to bed. Later, the girls in the next apartment came to check on me. They knew I was in my room by myself, and they wanted to make sure that I was alright.

STATEMENT OF:

Sarah Collins
Alfreda Hussey
Room 616

*in Washington, D.C.
- Pinebluff, N.C.*

We both heard the screaming, and we were frightened. We have the room next to the stairwell on the west side of the building. That stairwell has a very noisy door, and when somebody opens and closes it, even when we're asleep, we usually know it. I don't recall anybody coming up or down that stairwell at all that night. Our room is No. 616, and next door the room labelled No. 617 is the west side stairwell.

We did not come out of the room in time to see any suspect. We did see the girl that was cut.

STATEMENT OF:

Barbara A. Lee
Room 602

saw suspect

I heard the screaming and I ran out of the room right away.
I must have been lying there partly awake. I ran around to
where I saw one girl helping another girl into a room. About
that time I looked back to the elevator and I saw a man going
toward the stairwell on the east side of the building.

The composite picture that you have looks very similar to the man, except that I believe he had a mustache. He did have on the red Darshica with gold trim.

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My roommate is Jackie Kelly. She also gave you a statement about seeing the man. From what she said, she saw him better than I did.

STATEMENT OF:

X Vivian Best
Room 601

*possibly saw the suspect
in question come from the
woods*

My roommate must have heard the scream because she woke me up and told me about it. By the time we got up, the man had evidently gone. We never saw any man in the building that morning, except the police, the ambulance people, and the campus security.

Later about 7:00 a.m., I saw a man walk out of the woods wearing a beige colored shirt and blue jeans or dark colored trousers. He came out of the woods directly behind Cheshire Dorm and walked up behind the old St. Agnes Building. I lost sight of him up near Oakwood Avenue.

STATEMENT OF:

X Viola Underdue
Room 403

On Friday morning I left school to go to the bus stop at Oakwood and Tarboro about 7:00 a.m. At about 7:05 a.m. I was standing there at the bus stop and a black male came from behind the old Administration Building. The black male was wearing a beige pullover shirt of some type and medium blue jeans. He was about 6'3" to 6'5" and had an athlete build. He headed west on Oakwood Avenue and turned left on the first street off Oakwood Avenue. That was the last I saw of him.

INVESTIGATIVE NOTES:

This investigator, along with Detective D. C. Brinson, went to the SBI Lab on Old Garner Road. This investigator talked with David Mishoe, an SBI liaison, and requested a computer printout on all black males released from the Prison Department within the last thirty days.

000032 *15*

Detective Brinson and I also checked on the Darshica and the knife with J. S. Taub of the SBI Lab.

At approximately 6:00 p.m. this date, this investigator interviewed the following people at St. Augustine College in reference to the assault.

STATEMENT OF:

Stephanie Roberts
Black female, age 21
Room 603, Latham Hall

Home address:

1200 Center Church Road
Eden, North Carolina
Phone: 623-4458

On the night in question, Thursday night, I stayed with a friend. I returned to campus about 10:00 a.m.

Regarding the composite that you have shown me and the red Darshica, I do not know anyone meeting that description, and have not seen that subject on campus.

STATEMENT OF:

Carolyn Wilson
Black female, age 20
Room 603, Latham Hall

Home address:

209 Hawkins Drive
Henderson, North Carolina
Phone: 492-5851

I have already been interviewed by you and Detective Brinson last Friday. I cannot think of any additional information.

000033/6

STATEMENT OF:

*
Annette Goldring
Black female, age 20
Room 605

Home address:

Box 261
Hughesville, Maryland
Phone: (301) 274-3794

*SAW suspect
left about 10:00
I heard about it
I heard suspect for
at the time I remember*

I was lying in bed in my room and heard screaming. I looked over to my roommate and we got to our door about the same time. I opened it and looked out and saw Helena standing in the hallway between the bathroom and her door. I overheard her crying, saying that she had been stabbed. I noticed that her gown was bloody. Her roommate was standing beside her.

About this time, I saw the exit door on the east side open and just caught a glimpse of a black male leaving via the exit door. He had a bushy Afro about 1" long. That's about all I can tell you.

I went to my bedroom window, opened it, and saw a security officer down below between Cheshire Dorm and Latham Dorm. I called down to him and shouted that the girl had just been stabbed and not to let anybody out of the dorm.

At this time I heard the security guard say, "Halt," to a subject. I thought they had caught the man.

Early Friday morning, I went to bed right after midnight. I did not see anyone around the dorm fitting the description of the suspect.

STATEMENT OF:

*
Joan Avent
Black female, age 21
Room 605

Home address:

Route 2, Box 482K
Roanoke Rapids
Phone: 537-7006

*exact time
of incident*

I heard the screaming, checked my clock, and at this time it was 6:11 a.m. I did not have my glasses on. I did not see anything.

000034

17

STATEMENT OF:

Priscilla Morris
Black female, age 19
Room 604

Home address:

Route 1, Box 295
Nesmith, South Carolina
Phone: (803) 382-8155

I came into our dorm, which is Latham Dorm, about 4:00 a.m. on Friday morning. I did not have to unlock the outside door with my key; it had already been unlocked or had been left unlocked. I then came on up and went to bed.

When I heard the screaming, I got up but I did not see the suspect. I have not seen any black male around the campus previously that resembles the composite or the red Darshica.

STATEMENT OF:

Priscilla Briggs
Black female, age 20
Room 604

Home address:

Route 1, Box 18
Nesmith, South Carolina
Phone: (803) 382-2062

I stayed in my dorm all evening, except to go down to the third floor and wash clothes. I went to bed about 1:00 a.m.

I was awakened by the sounds of someone screaming. I called my roommate but I was too scared to go outside. Ms. Morris went outside and I went outside later, but I did not see the suspect nor have I seen anyone close to the composite or anyone wearing the red Darshica that you have shown me here.

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INVESTIGATIVE NOTES:

This investigator went to Cheshire Dorm, which is the dorm south of Latham Dorm, to check for further leads. I found one female who had some information.

STATEMENT OF:

Kathy Sauls
Room 208, Cheshire Dorm

Home address:

702 North Reed Street
Wilson, North Carolina
Phone: 291-0167

Last Friday morning, I was awakened by the sound of a girl screaming. She was saying that a girl had been stabbed. I looked out my window and saw a black male running around back of Latham Dorm and headed into the woods. I did not see him well enough to be able to identify him or tell you what he had on. It seemed like he was wearing blue jeans.

STATEMENT OF:

Carolyn Amar
Room 204A, Cheshire Dorm

No information.

Chauntay Simms
Room 208, Cheshire Dorm

No information.

Juanita Jennings
Room 204B, Cheshire Dorm

No information.

000036

1.9

Kaces Proctor
Room 202, Cheshire Dorm

No information.

Dorothy Williams
Room 208, Cheshire Dorm

No information.

Joyce Clark
Room 202, Cheshire Dorm

No information.

Jennifer Thompson
Room 208, Cheshire Dorm

No information.

Thelma Johnakin
Room 202, Cheshire Dorm

No information.



D. C. Brinson
Investigative Division

L. K. Barbour
Investigative Division

mly/t8413
(10/2/79)

000037 

INVESTIGATIVE REPORT			
1 NUMBER 558471	3 CLASSIFICATION Knife	4 OFFICER J.H. Hardy	5 TIME & DATE OF REPORT 9/28/79
2 OFFENSE Assault	7 VICTIM'S ADDRESS Latham Hall Room 602 St. Augustines	8 DEPARTMENT RPD	
6 VICTIM Helena Payton	9 DEPARTMENT		

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On Friday 9/28/79 at 0805 hours, I received a request from the Raleigh Police Department to go to the above location in reference to an assault.

I arrived at the scene at 0820 hours, and met with security guard A.C. Holt. I was advised that one of the girls that live in this dormitory had been stabbed. Mr. Holt showed me a knife that was in the game room under a table. This knife was closed and appeared to have blood stain on it. I took photographs of this knife.

We then went up to the sixth floor where I met with Det. L.K. Barbour and D.C. Brinson. I observed what appeared to be blood stains leading from room 602 into the bathroom ~~into~~ ^{and} the first bathroom stall. There was a tennis shoe print in the blood. I took photographs of the blood stain in the complainant's room and the bathroom. I processed the bathroom stall for latent prints. Latent prints were developed from the outside and inside of the bathroom stall door. All latent prints and negatives will be on file with this Bureau.

I collected a Dashiki from Detective Brinson. This Dashiki was found in the woods behind the dormitory. It appeared to have blood stains on it.

The Dashiki and the knife will be submitted to the SBI lab for analysis.

I completed my investigation and left the scene at 0925 hours.

J.H. Hardy JHH
Identification Specialist

cb/1430
10/1/79

000054
38

INVESTIGATIVE REPORT			
1 NUMBER 558471	2 OFFENSE Assault	3 CLASSIFICATION With Deadly Weapon	4 OFFICER Ross J.H.
5 TIME & DATE OF REPORT 10/3/79		6 DEPARTMENT RPD	
7 VICTIM'S ADDRESS Helena Payton		8 VICTIM'S ADDRESS Latham Hall St. Augustines College	

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I returned to Latham hall at 1700 on 10/3/79. Upon arrival I talked with Chief Adams of the St. Augustines Security Force. We went to the sixth floor of Latham Hall where I measured the crime scene. I received from him at that time a copy of the floor plan. I also measured the outside of the building and a crime scene sketch will be made.

J.H. Ross *JHR*
Identification Specialist

cb/3082
10/4/79

000062 *40*

The Victim received a severe stab wound to the base of her neck and it was reported that she “lost a considerable amount of blood” at the scene. Once stabilized, the Victim was transported to the emergency department by EMS and her condition was stable. When police went to the ICC unit to interview Victim, police were told they could not speak with the Victim due to her condition. However, police spoke with the Victim’s mother, Ms. Payton, who reported that when her daughter was brought in the emergency department she spoke with her briefly and the Victim mentioned she did not know the person that attacked her. (RPD—DA, Bk. 1, 18). A follow-up interview with the Victim’s parents also indicated that the Victim had reported to her mother that she did not recognize the person that stabbed her and had never seen him before. (RPD—DA, Bk. 116). Although police attempted to speak with the Victim again several times, and it appeared initially that she was expected to survive, the Victim went into a coma following surgery and died on October 30, 1979.

The autopsy provided that the wound resulted in “massive hemorrhage, shock and irreversible brain damage.” The Victim survived for a period of weeks on a respirator but her brain was found to be “essentially completely necrotic.” Her immediate cause of death was “most likely septicemia.” (RPD—DA, Bk.1, 145-147).

Forensic Analysis

The bathroom stall was processed for latent prints, and latent prints were developed from outside and inside the bathroom stall door.¹⁰ Throughout the investigation, these prints were

¹⁰ Although the initial report indicates that latent prints were developed from outside and inside the bathroom stall door, all later reports and submissions for testing indicate that latent prints were only developed from the outside of the bathroom stall door.

compared to various individuals.¹¹ A search of the area uncovered a maroon dashiki with gold trim in the woods about 104 yards due west of the northwest corner of Cheshire Dorm. Police also recovered a large lock back pocket knife from the first floor of Latham Dorm. This knife was in the game room under a table. Testing on the knife and the dashiki shirt revealed the presence of human blood. Blood group analysis was also done.¹² There is no indication that any further laboratory testing was completed to determine whether the Victim matched the blood typing on these items, though in at least one later interview in the case police said that the dashiki had the Victim's blood on it.¹³

On November 1, 1979, pieces of carpet with what appeared to be blood stains were collected from room 616 of Latham Hall, but testing revealed that the stains were not blood. (RPD—DA, Bk. 1, 110, 114). The two students that resided in that room, Alfreda Hussey and Brenda Collins, had “left that room and quit college” after this event which led to the discovery of the stains and the testing.¹⁴ (RPD—DA, Bk. 1, 115). Pictures of the knife and dashiki recovered are provided below. In addition, the reports related to the testing described are provided here for review.¹⁵

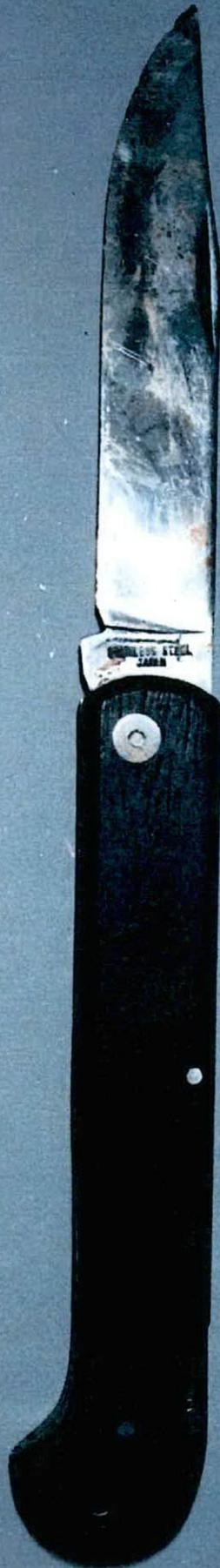
¹¹ Based on our review of the file it appears CCBI wrote the names some individuals CCBI compared to the prints collected at the scene on the back of the envelope containing the prints. This list on the envelope is under a heading “no ident.” There is also a list from CCBI of more individuals who appear to have been compared to the prints, though this list is not as clear as to the results of those comparison. Though there are some corresponding reports to the comparisons, not each name listed has such a corresponding report. Importantly, the handwritten list from CCBI only has corresponding reports for four individuals: Blackmon, Purvis, Rodriguez, and Lee. All the individuals listed on the envelope have corresponding reports save Washington. However, based on the review of both RPD and CCBI's files, it appears that no match was made during any police investigation to any of the prints at the crime scene.

¹² A chart is provided in the Appendices to the brief which outlines all testing completed in the case before the Commission's involvement.

¹³ This occurs in the 9/2/82 interview with Alfreda Hussey which is provided in Section B below.

¹⁴ Hussey returned to school a year later and completed her degree.

¹⁵ Throughout this brief, documents are attached for review. If the document has notations, underlines, highlights or other additions, those are not the additions of the Commission but were part of the document when received by the Commission.



000118
NCIC



000109
NCIC

North Carolina
STATE BUREAU OF INVESTIGATION
 Department of Justice
 Raleigh

LABORATORY REPORT

Officer J.H. Hardy City-County Bureau of ID P.O. Box 550 Raleigh, North Carolina 27602	SBI FILE NO.:	DATE: October 18, 1979
	AGENCY FILE NO.:	SBI LAB NO.:
	LOCATION:	EXAMINED BY:
SUBJECT(S):	Wake County	J.S. Taub
	TYPE OF CASE:	MATERIAL SUBMITTED BY:
		Addressee
VICTIM - HELENA PAYTON	Assault	DATE SUBMITTED: September 28, 1979

EVIDENCE SUBMITTED:

Item #1: Guardman 007 folding knife.
 Item #2: Black and red dashiki shirt.

TYPE ANALYSIS REQUESTED:

Examine for blood and group if possible.

RESULTS OF ANALYSIS:

Both items bore human blood. Item #2 gave reactions for groups ABO A, EAP B, PGM 1, and Hp 1. This occurs in about 2 percent of the population. Item #1 gave results for groups ABO A, EAP B, and PGM 1, but the Hp was inconclusive.

DISPOSITION OF EVIDENCE:

The evidence is being retained for pick-up.

JST/dns

I, Rufus L. Edmisten, Attorney General of the State of North Carolina, hereby certify that the form identified as: North Carolina State Bureau of Investigation, Department of Justice, Laboratory Report, is a form approved by me for the purpose stated in G.S. 90-95 (g) and approved by me in compliance with the said statute.

COPIES TO:

Mr. J.R. Riley, D.A.

THIS REPORT IS TO BE USED ONLY IN CONNECTION WITH AN OFFICIAL CRIMINAL INVESTIGATION.

Haywood Starling, Director

This report represents a true and accurate result of my analysis on the item(s) described.

J. Starling

SB

7910177

1. Manila envelope, tape, c: Folding knife w/ wood handle - seems to be stamped Guardman 007.
 Blade tip badly ~~is~~ nicked, slightly bent - $4\frac{1}{2} \times \frac{3}{4}$ " blood on blade, back, handle (thin)
 and in blade slot may initials near tip on rt. side

Phos: Pos Take: Pos Precip: ^{2-Human} Rabbit - ABO: A EAP: B PGM: 1 Hp: inc.

2. White paper bag, staples, c: Red dashiki w/ gold & black patterns. Blood on front, left sleeve

Phos: Pos Take: Pos Precip: ^{2-Human} Rabbit - ABO: A EAP: B PGM: 1 Hp: 1

40% 43% 58% 16.5% (EsD: 1) (80.5%)

- A 4f - f
- B - 4f 3f
- O - - 4f
- 1 4f - 3f
- 1 4f - 3f
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.0164604
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North Carolina
STATE BUREAU OF INVESTIGATION
Department of Justice
Raleigh

LABORATORY REPORT

ADDITIONAL REPORT

Mr. J. H. Hardy CCBI P. O. Box 550 Raleigh, NC 27602	SBI FILE NO.:	DATE: November 13, 1979
	AGENCY FILE NO.: 558471	SBI LAB NO.: RCL7910177
	LOCATION: Wake County	EXAMINED BY: J. S. Taub
SUBJECT(S): HELENA PAYTON-VICTIM	TYPE OF CASE: Homicide	MATERIAL SUBMITTED BY: Addressee
		DATE SUBMITTED: November 2, 1979

EVIDENCE SUBMITTED:

Item #A-3 - Three pieces of carpet.

TYPE ANALYSIS REQUESTED:

Examine for blood.

RESULTS OF ANALYSIS:

No blood was found.

DISPOSITION OF EVIDENCE:

The evidence is being returned via first-class mail.

JST:paj
Attachment

I, Rufus L. Edmisten, Attorney General of the State of North Carolina, hereby certify that the form identified as: North Carolina State Bureau of Investigation, Department of Justice, Laboratory Report, is a form approved by me for the purpose stated in G.S. 90-95 (g) and approved by me in compliance with the said statute.

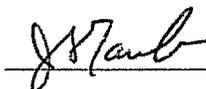
COPIES TO:

Mr. J. R. Riley, DA

THIS REPORT IS TO BE USED ONLY IN CONNECTION WITH AN OFFICIAL CRIMINAL INVESTIGATION.

Haywood Starling, Director

This report represents a true and accurate result of my analysis on the item(s) described.



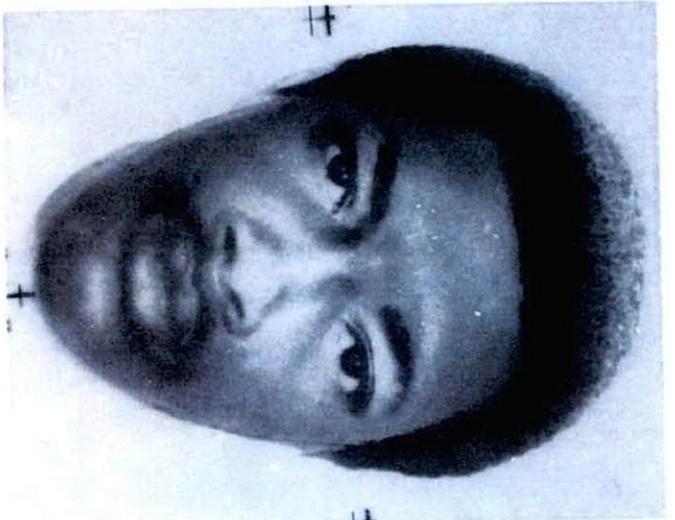


7910177

A-3: Manila envelope, tape, c: 3 pcs. ~ 1 1/2" sq. of blue-green tight-loop carpet w/ grey rubber backing

Phenol: Neg - all three

Police also took Turner and Kelly to review mug “books” but they made no identifications. Turner and Kelly also assisted in making a composite picture of the suspect in the case which is provided below:



\$5,000. REWARD OFFERED BY THE GOVERNOR OF STATE OF NORTH CAROLINA FOR INFORMATION LEADING TO THE ARREST AND CONVICTION OF THE PERSON RESPONSIBLE FOR THE ASSAULT AT ST. AUGUSTINE COLLEGE ON SEPT. 28, 1979. SUSPECT DESCRIPTION: BLACK MALE, 6 FT. TO 6 FT. 3 IN., 23 - 28 YEARS OLD. MEDIUM TO MEDIUM DARK COMPLEXTION. ATHLETIC BUILD, APPROX. 165 LBS. LAST SEEN ON ST. AUGUSTINE CAMPUS APPROX. 7 A.M. SEPT. 28, 1979. CONTACT INVESTIGATIVE DIVISION, RALEIGH PD., 755-6420.

000105
NCIIC

The case was in the news and the RPD file contained news articles from the time that outlined the story as it unfolded. Those articles contained pictures of the Victim and some articles contained the composite drawing that police created of the suspect. The picture of the Victim as provided in those newspaper articles is reproduced below:

Initial Suspects

On September 28, 1979, police received a call that someone “felt certain” that the composite drawing of the suspect on TV was an individual named Daryl that worked in the X-Ray department at Rex Hospital but had been fired either Monday or Tuesday September 23 or 24. (RPD—DA, Bk. 1, 19). There is nothing in the file to indicate any further investigation into “Daryl” from Rex Hospital. Police also used the composite photo and a picture of the dashiki recovered at the scene in questioning clothing store employees in and around downtown Raleigh that might lead them to the suspect. (RPD—DA, Bk. 1. 38-39).

On October 4, 1979, an anonymous male called and implicated Harold Moore in the crime. (RPD—PLS, Bk. 1, 28). Police later narrowed down a list of three Harold Moores and found a record of a Henry Earl Moore. Police located one Harold Moore, born 1955, black male. He cooperated and gave police a Polaroid of himself on 10/30/1979. (RPD—PLS, Bk. 1, 82-83). Police reports indicated his photo would be used in future lineups. (RPD—PLS, Bk. 1, 82-83). Based on the records available to Commission staff it does not appear he was included in a lineup or that any further investigation into him was completed. There is no further information about RPD searching for any other Harold Moore.

On October 6, 1979, some students called police from the Steak-Out on Tarboro Road in Raleigh, NC to report seeing an individual matching the description of the suspect. Police could not locate anyone there or any witnesses who could identify the suspect. Police stopped a suspect coming out of the restaurant later identified as Kenneth Council from Atkinson Hall at St. Augustine’s. Police told Council he was reported as fitting the description of the suspect in this case, and he told police he did not do it. After speaking to police a short while, he was told he

was free to go. He was described by police as 5'10-5'11 black male, 180-190 pounds, with a light mustache and goatee between 19-21 years old. Nothing in the records available to the Commission indicate that further investigation was done into Counci. (RPD—PLS, Bk. 1, p. 39-40).

On October 7, 1979, police were contacted by a security guard at the college who reported that Tommy Garrett came to the college asking questions about the murder. Police interviewed Garrett and Garrett's uncle. Garrett's uncle confirmed that Garrett was home with him at the time of the crime. Garrett had no criminal record and a comparison to the latent prints in the bathroom were negative. In addition, Garrett was placed in a lineup and shown to Kelly who was unable to make an identification. Garrett was wearing a yellow and black dashiki when police contacted him, but indicated that was his only dashiki. Investigators noted that it was a size small and the one found was a medium. (RPD—PLS, Bk. 1, p. 29-35). Garrett was eliminated as suspect on October 15, 1979 by police after being viewed in an in person by Kelly and Wilson. (RPD—PLS, Bk. 1, 62). Garrett's fingerprints were also compared with no positive identification made.

There was investigation into a man named Reggie Polk¹⁶ in early October 1979 after several witnesses reported they had seen him on campus and that he looked like the composite. Polk admitted to being on St. Augustine's campus but denied any involvement. Polk reported an arrest in July for robbery, but police could not find any record of the arrest. (RPD—PLS, Bk. 1, 44). When police went back to interview him again, they could not locate Polk. (RPD—PLS, Bk. 1, 55) He was eliminated as a suspect after a photo lineup. (RPD—PLS, Bk. 1, 62).

¹⁶ The record also refers to a "Reginald Pope." It appears that this is referring to the same individual because the same Raleigh address is associated with both names.

A female student at Shaw University accused Derry Washington¹⁷ of attacking her at the University after she rejected him romantically. He attempted to contact her repeatedly over a weekend and then showed up at her room on Monday. Washington told the female student that he had been questioned about the Victim, said that if she was asked she should tell police she was with him, and then he pushed her onto her bed and threatened to hang her out of the window. (RPD—PLS, Bk. 1, 55-57). Washington was included in various lineups without being positively identified and his fingerprints were compared with no identification made.

Marcellus McCloud was also investigated. McCloud was a cab driver who had reportedly made statements to one of his passengers, Glennie Coley, about the girls at St. Augustine's being "bitches" and expecting money without "giving it up." Coley informed police about these statements on October 12, 1979. Police took Kelly to view McCloud in person, and she said he was not the assailant. (RPD—DA, Bk. 1, 76-77).

Robert Lee Thacker was arrested on September 28, 1979 in Greensboro on two charges of rape. He also had an assault charge from "years earlier" based on an assault that occurred on Davie Street in Raleigh, NC. Police included Thacker in a photo lineup shown to Vivian Best, Jacqueline Kelly, and Carolyn Wilson. No positive identification was made. (RPD—PLS, Bk. 1, 60).

Blair Alexander was identified by Jacqueline Kelly as possibly being the suspect. Kelly told police that she had seen Alexander on campus on October 11, 1979, and she thought that he resembled the suspect she saw in Latham Hall. (RPD—PLS, Bk. 1, 63) He was interviewed on October 17, 1979 and said he did not recall where he was at 6:00 a.m. on the date of the crime

¹⁷ This particular report incorrectly says Washington's name is "Gary" not Derry. The brief uses his correct first name.

or when the crime occurred, but said he had two roommates and had heard talk about the case all over campus. He agreed to allow police to take his photograph to be shown to witnesses at a later date. There is nothing in the records available to the Commission to indicate that his photo was ever taken or shown to any witnesses. (RPD—PLS, Bk. 1, 71-72).

William Edward Poole was identified as a suspect around October 31, 1979 because he was arrested in April 1979 on North Carolina State University's campus for opening a shower curtain and masturbating in front of a student. The student reported that she screamed several times and that Poole "did not run from the bathroom. Instead he turned and casually walked out."

In addition, police were notified that an individual at the Wake County District Attorney's office, James Edward Foreman, had information on the case and this information also led to Poole. Foreman reported that "a young man he was friendly with" brought some clothes, including white pants and 4-5 shirts, to wash on September 29, 1979. He said that the pants appeared to have blood on them. Foreman also reported that this young man complained of losing a knife and reported that the knife "looked just like the one in the composite picture...it looks identical to it." Foreman indicated that this "young man" had a girlfriend at St. Augustin's College and that his "regular girlfriend" was named Mary Lee Evans and provided a phone number for Evans. Police matched the phone number to Mary Utley.

When interviewed, Utley reported that Poole had been wearing a dashiki six to eight weeks ago that was similar to the dashiki recovered in the woods at the college after the crime. However, she said she had not seen it recently. Poole was interviewed and said that he was with family at the time of the crime.

Poole was originally shown in a photo lineup to Turner, Wilson, Barbara Lee, and Underdue.

None positively identified him though Underdue identified Poole as being the most like the suspect. Poole agreed to an in person lineup. Kelly, Barbara Lee, and Underdue all separately viewed Poole from a 2 way mirror. Each indicated his facial features were similar to the suspect but that his body was not large enough and he was not tall enough. The arrest report from Poole's incident at NCSU says that he was 5'7" and 160 pounds. Poole was also reported as having been previously arrested for rape but was not convicted because he was declared mentally incompetent and sent to Dorothea Dix. Poole was noted as having more than one hospitalization at Dix. Poole's fingerprints were also compared with no identification made. (RPD-PLS, Bk. 1, 82-86 and Bk. 2, 174-177).

There were multiple other calls to police from the community regarding sightings of possible suspects. For example a call on October 7, 1979 reported seeing a person who looked like the composite in the Record Shop on Tarboro Road, but no additional information was provided to police. (RPD—PLS, Bk. 1, 41). Similarly, an unnamed female contacted police on October 10, 1979 to report that a black male approached her by the gym at St. Augustine's and asked her for her room number. (RPD—PLS, Bk. 1, 45). A man nicknamed "Shing-Ding" (real name Clifton Leonard Hobby) was reported as he looked like the composite, had been seen wearing dashikis and was known for robbing people in the Washington Terrace and Carver Street Area; though it does not appear any further investigation was done as to him. (RPD—PLS, Bk. 1, 52-53). A man named Ronnie Murphy was arrested for robbery and reported to look similar to the composite by an officer involved, though again no further investigation was completed into him. (RPD—PLS, Bk. 1, 54). Eddie Lee Barnes was investigated when an informant said that he looked like the composite and had been seen with a dashiki similar to the one recovered. Barnes reported to

work the morning of the crime between 6:45 am and 7:00 am. Though he had been to Latham Hall in the past, he had not been there for some years. He agreed to take a photo though it is not clear whether his photo was ever reviewed by any witnesses. (RPD—PLS, Bk. 1, p. 87-90). Barnes fingerprints were also compared with no positive identification.

An anonymous call from “C.R.T.” provided that the caller had information on the crime. The caller hung up, called back, and said that their name was Tee but they were “unable to give any information.” The agent who received the call looked up the nickname “Tee” which was connected to James A. Franklin. There is no indication that anything further was done related to this call. (RPD—PLS, Bk. 1, 79). On October 31, 1979, a man named McCall contacted police because he believed he had seen someone that matched the composite. Police determined the name of the subject was Andrew Dennis Williams and a Polaroid was taken. Police noted in the report that “this subject has a full beard and mustache which he has apparently had for some time.” Williams fingerprints were compared with no positive identification made. (RPD—PLS, Bk. 1, 76). An officer from Central Prison was investigated when an anonymous caller connected his vehicle to the crime. (RPD—PLS, Bk. 1, 89).

Police used both photo and in person lineups viewed by various different women from the college who had seen the suspect. It is not always clear from the records available to the Commission when these line-ups occurred. In addition, not all women who saw the suspect were shown each lineup.

Police showed a “preliminary picture lineup” of 11 photos to some women at St. Augustine’s College on or near October 4, 1979. Underdue picked out the photo of Timothy Paul Shields as

a “possible”.¹⁸ Lee picked out the photos of Derry Washington and Robert Lee Thacker, as “possibles” with a “less likely possibility” third photo of Timothy Paul Shields. Kelly picked out the photo of Derry Washington as a “possible.” Carolyn Wilson, resident on 6th Floor Latham, picked out the photos of Timothy Paul Shields and Derry Washington as “look alike” to the suspect.

Police noted that none of the people viewing the lineup felt that they had necessarily picked out the picture of the individual who committed the crime. Each person indicated that the pictures they picked out were very close to the suspect in physical features and strongly resembled the suspect. Some felt that they should see the individual picked out in person to eliminate them. At this point, Detective Brinson made requests for fingerprint comparisons in this case. (RPD—PLS, Bk. 1, 25).

Police then made arrangements for an in person viewing which included Washington, Garrett and Shields. Garrett was part of a line up conducted at the Wake County Jail with six unidentified inmates on October 7, 1979. (RPD—PLS, Bk. 1, p. 64). Turner and Wilson viewed these individuals and did not identify any of them. Police “positively eliminated” these suspects. (RPD—PLS, Bk. 1, 62). Police also assembled photo lineups of recently released inmates in the area for the women to review with no positive identifications. (RPD—PLS, Bk. 1, 68-70). No photo lineup or in person lineup ever resulted in any positive identification of the suspect of the crime.

The photos available in the file related to the lineups are provided below, though it is not clear what individuals are pictured in the photos. Photos labeled NCIC 3-5 are of the same lineup, but it is not clear who these individuals are, when this lineup occurred, or who viewed it. Photos

¹⁸ It is unclear why Shields was included in this lineup.

labeled NCIIC 7-10 are of the same line-up. It is also not clear who these individuals are, when this lineup occurred, or who viewed it. This lineup may correspond to the seven-person lineup conducted on October 7, 1979 in which Garrett was included with six other inmates at the Wake County Jail. It may also correspond to the seven-person lineup conducted on April 24, 1981 at Wake County Jail that included James Wallace Jackson. Although photos labeled NCIIC 3-5 include an unidentified man wearing a Dashiki and Garrett was noted to be wearing a Dashiki when police contacted him, Garrett was described as wearing a yellow and black Dashiki and being part of a seven-person lineup.



EXIT

SMITH ALCA
BEAR CACTUS
KARAOKE

SMITH ALCA
BEAR CACTUS
KARAOKE

1

2

3

4

5

6

7

8



NCIIC 4

EXIT

VISITING AREA
PLEASE CHECK IN
for registration

NO
SMOKING



EXIT

NO SMOKING

VISITOR AREA
PLEASE CHECK TUBES
FOR CONTAMINATION

- 1. A man with a large afro wearing a white t-shirt and maroon pants, holding a sign with the number 1.
- 2. A man with a large afro wearing a white t-shirt and dark blue pants, holding a sign with the number 2.
- 3. A man wearing a purple t-shirt and blue pants with rolled-up hems, holding a sign with the number 3.
- 4. A man with a large afro wearing a light green t-shirt and pink and white checkered pants, holding a sign with the number 4.
- 5. A man wearing a light blue jacket over a white shirt and blue jeans, holding a sign with the number 5.
- 6. A man wearing a white jacket over a white shirt and light blue pants, holding a sign with the number 6.
- 7. A man wearing a blue and orange patterned vest over a white shirt and brown pants, holding a sign with the number 7.
- 8. A man wearing a white t-shirt and white pants, holding a sign with the number 8.

NCHIC 5



1

2

3

4

5

6

7

VISITING AREA
PLEASE OBEY RULES
your co-operation
is requested

NO
SMOKING

IT TAKES
BALLUS
TO REPAIR THE TRIANGLE
68

NCIIC7



1

2

3

4

5

6

7

VISITING AREA
PLEASE OBEY RULES
your co-operation
requested

NO
SMOKING

THE TRIANGLE
BARBERS
TO TRAVEL THE TRIANGLE
BERNARD



NCIIC10

1

2

3

4

5

6

7

VISITING AREA
PLEASE OBEY RULES
your co-operation
requested

NO
SMOKING

IF TAKEN
OUTSIDE
TO TREAT THE TRIANGLE
BERMUDA

No investigation into any of these suspects resulted in any arrest and charge for this crime.

By mid-1980, police reported no further leads.

B. Renewed Investigative Efforts

Though the case was never truly “cold,” a report dated April 10, 1980 by Detective Brinson provided that there were no active leads in solving the murder. According to a report dated May 8, 1980, police stated that there were no definite suspects in the case at that time, but they planned to continue to show eyewitnesses photos of people who were considered to be “look-alikes” to the composite photo. (RPD—PLS, Bk. 1, 101-102). Police said that Jackie Kelly and Elvin Turner were their best witnesses and they showed them photos on May 9, 1980. No person was identified as a suspect from those photos. (RPD—PLS, Bk. 1, 102).

In early 1981, the case remained unsolved. On February 3, 1981, the major crimes task force met to discuss the case and returned to the scene of the crime. They also interviewed Detective Brinson, who was the lead detective on the original investigation. (RPD—PLS, Bk. 1, 105-108). While not initially involved in this renewed effort, Detectives Andrew Munday and James Holder began to appear as investigators and issued reports in the case in 1982 and at that point took the lead on the investigation.¹⁹

Based on the February 3, 1981 meeting, Johnny Carl Avery was identified as a “strong suspect” due to a 1980 conviction for a rape committed with a knife at North Carolina State University. (RPD—PLS, Bk. 1, 105-108). In following up on that theory, police interviewed Officer Judkins, who was the security officer at the security booth outside Latham Hall, on February 4,

¹⁹ Though there is a note in the RPD file that suggests Munday and Holder may have been involved earlier in the case, their names do not appear in interviews until 1982.

1981. On the day of the crime, Judkins heard a female yelling to “stop that man.” He described the man he saw after alert as around 6 foot tall, 170-180 pounds, medium build, fairly close afro, light “pencil thin” mustache and maybe a two or three day old beard growth. He recalled the red or maroon dashiki and jeans. He did not recall a hat, but did believe the man could have been wearing glasses and said that he believed the man to be in his mid-20s. Officer Judkins also indicated that he was “almost positive” he had seen him on campus before this incident. He recalled following the man, along with police who had just arrived, into the wooded area but did not “take time to search this area real good.” Officer Judkins believed he could recognize the person again if he saw him and police showed him a photo lineup. Although he recognized one individual (not Avery) as looking the most like the suspect, he did not identify any individuals shown to him as the suspect. Avery was included in the lineup shown to Judkins. After this lineup including his photo, there is no indication Avery was further investigated. There is also no indication in the file that Judkins was shown any other lineups or photos. Judkins’ statement is provided in full below:

RALEIGH POLICE DEPARTMENT
CONTINUATION SHEET

DATE/PAGE

558471

2/4/81 3

THE INFORMATION BELOW IS CONFIDENTIAL—FOR USE BY AUTHORIZED POLICE PERSONNEL ONLY

On the night, which was, I believe a Thursday night, in the morning hours, would have been Friday morning, I was working from 12:30 a.m., Friday morning, until 8:00 a.m., on the morning in question. I was coming from Cheshire Building, when I heard someone hollering, telling me to "Stop that man." This was around 6:00 to 6:30 a.m. This person hollered two or three times to stop the man. This person was either on the second or third floor hollering out a window on the southeast side of the building. I did not recognize this person, it was not quite light at this time. All I could tell, it was probably a dark skinned female. About this time, I saw a black male walk out the front door. I will try to describe him for you. I would say that he was 6' tall, maybe even taller, weight 170 to 180 lbs., medium build, had a fairly close afro, medium brown complexion, a light mustache, I would say pencil thin, no other facial hair that I could tell, maybe a two or three day old beard growth. I was thinking that he might have been wearing thin rim glasses, I am not for sure. He definitely had on a dashiki, maroon or red in color, and flowered. I think he had on jeans with brown or tan boots, but I'm not certain about the footwear. I would say this person was in his mid 20's. He was not wearing any type of hat. I have seen him before around campus. I do not know if he is a student, but I am almost positive I've seen him on campus before this incident.

When this person came out the front door, he turned immediately to the left and started walking toward the east side of Lathan Hall. About the time he got half way between the front door, and the corner, which would be the southeast corner of the building, I hollered, and told him to stop, I wanted to talk to him. At this point I was approximately 60 to 70 feet from him. He sped up and turned the corner. By the time I got up to the corner, which he had already turned, I could not see him down the east side of the building. I take it he turned left at the northeast corner of the building, because if he had kept going straight I would have been able to see him, or even if he had turned right, I would have been able to see him. About the time I got to the corner, Officer A. C. Holt had arrived, at which time we went around to the west side of the building, beside the parking lot. We did not see anyone in the parking lot. About this time someone hollered from the third floor of Cheshire Building stating, that "He went into the parking lot", we could not see anyone in the parking lot. I do not know who this person was that hollered from the third floor of Cheshire Building. We went into the woods looking for this suspect not knowing what he had done. We had been in the woods approximately

000126

106

CONTINUATION SHEET

558471

2/4/81 4

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED POLICE PERSONNEL ONLY

30 to 45 seconds when I heard a siren, and an ambulance approach Lathan Hall, at which time we left the wooded area, and went to Lathan Hall. The suspect could have still been in the wooded area at the time we left, we did not take time to search this area real good.

That's all I can tell you about what I saw and did on the morning in question. I do think I might be able to recognize this person, if I was to see him again, I'm not for sure.

INVESTIGATIVE NOTES:

After interviewing Officer Judkins, he was shown a photo lineup consisting of eight black males, they are as follows:

Timothy Carlos Dow, Larry Wayne Whitley, Douglas Ricky Street, Jerome Green, Charlie Reginald Battle, Gophus Garfield Evans, Jr., Johnny Carl Avery, and Harold Ninton.

Mr. Judkins viewed this photo lineup for some five minutes, at which time he advised us that Picture No. 4 (Harold Ninton) looked like the suspect in question, more so than the rest of the pictures, but this picture is not the picture of the suspect, but looks like the suspect.

After the interview of Officer Judkins, this investigator advised Judkins, that should he remember anything pertaining to this case please notify Major Crime Task Force.

S. J. Privette *KAP*
Investigative Division
Major Crime Task Force

12/73949

000127

107

Other Potential Suspects

Jackie Joseph Evans was interviewed around or on February 2, 1981 because he allegedly owned a dashiki similar to the one collected at the scene. (RPD—PLS, Bk. 1, 103-104). Evans fingerprints were compared with no positive identification made.

Based on an informant tip, on December 8, 1981 Police interviewed a former student from St. Augustine's College, Clay Anthony Blake, who attended from 1977 through May 1981. He had dated Mary Pledger during his sophomore or junior year. Mary Pledger lived in Room 607 at Latham hall in September 1979. Blake also knew some of the girls who lived on a different floor in Latham Hall. He stated he knew nothing about the murder and agreed to a polygraph. Police reports indicate that they were going to set up a polygraph at a future date, but there is no information in the RPD file that a polygraph was conducted or that Blake was contacted again regarding this investigation. (RPD—PLS, Bk. 1, 117-121).

James Wallace Jackson was arrested during this time period for the murder of a woman in the area but was eliminated as a suspect after Kelly and Turner did not positively identify him in a lineup which occurred on April 24, 1981 at the Wake County jail. (RPD—PLS, Bk. 1, 110). Police investigated David Williams, Jr. who was arrested in Nashville, NC for a "similar murder." Williams would have been 16 years old at the time of this case. He was eliminated in June of 1981 after police were advised he was "a local type" with only a bicycle for transportation and they determined he had no real connections to the Raleigh area. (RPD—PLS, Bk. 1, 111-115). Though Jackson is listed along with others on the list from CCBI that appears to show fingerprint comparisons made, it is not entirely clear from the records whether a comparison was done for Jackson and there is no corresponding report.

Derek Christopher Bland was investigated because a jacket with Derek C. Bland was found at the scene of an attempted rape case on St. Augustine's campus in January 1978. He was interviewed on March 4, 1982 and passed a Psychological Stress Evaluation test. He reported being at a basketball camp at St. Augustine's in 1973, but otherwise had not been on campus. He also reported that his leather jacket was stolen from him while he was a student at Sanderson High School. He had been arrested on drug charges at Georgia Tech University. He dropped out of Georgia Tech and joined the Navy. He had been in the Navy one year and four months at the time of the interview. Police did not further investigate Bland as and noted he was cooperative, straight forward, and passed a PSE test. (RPD—PLS, Bk. 1, 133-137).

The RPD investigation even included some indication that a psychic was involved in the investigation at one point in early 1982. The psychic also created a composite drawing and provided a description of what he believed was the suspect's car.²⁰ Police investigated a former student of St. Augustine's, Clemmon Woodard, who had been previously implicated in a sexual assault of a female student as he was identified as looking similar to the psychic's composite and because he drove a grey Buick Riviera which matched the psychic's description of the suspect's vehicle. (RPD—PLS, Bk. 1, 182-183). Clemmon Woodard's prints were compared and no identification was made. The recorded statement from the psychic also illustrated that the psychic's statements were inconsistent with many of the facts of the case. There is no further indication in the file that the psychic's statements or composite were used to create any further leads.

²⁰ Though the psychic reported information regarding a suspect's car, no car was ever described as being involved in the case by any witness.

Other Police Interviews

In 1982, police conducted further interviews of potential witnesses and the Victim's family. Police also questioned multiple witnesses during this time period regarding any connection to female students who attended St. Augustine's. The focus of some of these interviews appeared to be based on a suspicion by police that some of Victim's dorm-mates were involved in drugs, prostitution, or both, which lead to the Victim being mistakenly assaulted.

It is not entirely clear why law enforcement suspected Latham Hall students of being involved in prostitution and/or drugs. The first mention of prostitution in the RPD file was on October 12, 1979 when a woman named Glennie Coley reported to police that she talked about the murder with a cab driver, determined to be Marcellus McCloud, who said that "those bitches at St. Augustine's College are always expecting you to give them money but when it comes down to them giving it up (sex) they don't want to do anything." (RPD—PLS, Bk. 1, 58). Though in other interviews, police ask about whether prostitution was occurring at Latham Hall, no witness ever reported personal knowledge of any of the women living in Latham Hall participating in prostitution. In addition, at the same time RPD was questioning witnesses in this case about prostitution and drugs, RPD was also investigating the March 19, 1982 murder and mutilation of a Raleigh woman, Patricia Bridges, who they believed to be a prostitute. During their investigation of that case, RPD also questioned witnesses about any possible connection to this case.

In May 1982, police interviewed the Victim's mother, Daisy Ward Payton. She did not know whether the Victim had a boyfriend and was not familiar with any of the girls at the school. (RPD—DA, Bk. 1, 165-171). The Victim's sister, Linda Ward Payton, indicated that she did not

believe the Victim had a boyfriend. She recalled several of the girls reacting strongly at the funeral, indicating that some of them were even “more emotional” than the family was at the time. Her opinion was that “they knew something” but she did not have any further information to add on that point. Linda Ward Payton also recalled hearing from people, who she could not otherwise recall specifically except for St. Augustine’s Chaplain, Father Fox, that the Victim was killed mistakenly as the perpetrator intended to kill someone else. She also recalled that the Victim had scratches on both of her arms. The Victim’s sister also recalled that the Victim reported at the hospital that she did not know her attacker. (RPD—DA, Bk. 1, 172-188).

Police interviewed Perry Warren on June 15, 1982. Warren alleged to know some girls at St. Augustine’s (though not Latham Hall) and sell drugs to them. He also provided that some girls from St. Augustine’s stole drugs from a dealer in the area. He also alleged sexual activity between various girls from St. Augustine’s and men he knew in the area, but denied knowledge of any prostitution by any girls at the school. Warren knew Reggie Polk, one of the suspects investigated early on. He “heard” Reggie Polk’s name in connection with the college and reported that Polk “seemed worried” after police questioned him. (RPD—DA, Bk. 1, 189-194).

Police interviewed Vertabell Exum Lee on July 26, 1982. Lee was a registered nurse that worked at St. Augustine’s during the time of the crime. Though she was aware of some girls at the college having boyfriends to their dorm rooms and sexual “favors” with those boyfriends, she was not aware of anything else related to the crime. She had heard about a threatening phone call after the crime made to the 6th floor of Latham Hall, but she had no specific details. (RPD—DA, Bk. 1, 203-210).

Mrs. Whitaker, the Asst. Director of Latham Hall, was interviewed July 27, 1982. At the time

of the incident, she resided in the dorm but not on the 6th floor. She recalled Jackie Kelly alerting her between 6:15 am and 6:30 am that someone had been stabbed. She went to the 6th floor and remembered that the rescue squad arrived around 6:40 am. Whitaker also remembered a “meeting” being called the next morning after the stabbing and that at that meeting Jackie Kelly reported that the man who committed the crime was in the game room when Jackie Kelly came down to alert Whitaker about the attack. Whitaker stated it was “not unusual” to see a young man come out of a dormitory in the mornings, “you know, trying to go to his building or wherever he lives.” However, she did not see the man herself. Police asked about the two students who left school after this incident, Sarah Collins and Alfreda Hussey, but Whitaker did not know them personally or have any problems with them specifically. As to Jackie Kelly, Whitaker provided that there was a “rumor” that she was “into dope” but Whitaker did not have any personal knowledge of that fact. Whitaker said she heard rumors that some of the girls knew the man and that the wrong person was stabbed. Whitaker also reported that the door was left open by a “young lady” who was returning from her professor’s house. When she arrived back at the dorm, this young lady saw at least one couple in the lobby of the building and the male stood up. This young lady recalled unlocking the door when she came into the building, but did not lock it back because she believed that the young man was going out. Whitaker said that the young lady reported it was almost 6:00 then. She could not remember the name of the girl that told her that information, but thought it was a girl named Deborah Taylor who lived on the 5th floor.

Whitaker reported that at that time of the morning the only entrance was the front entrance. She also reported that the stairwell leading outside on the side of the building was locked. Whitaker recalled that the girl reported this to her “a long time” after the crime. Whitaker

reported that she heard the man chased a girl into the dormitory, but did not provide the source of this information. Whitaker also reported that Barbara Lee told her that Jackie Kelly knew the perpetrator. Whitaker said in her interview that Jackie Kelly “knows a lot more than she’s coming out with, Jackie seemed to have been the center of the whole affair, you know.” She also reported that Jackie Kelly lived with a friend of Whitaker’s after this incident, but that it did not work out because the friend believed Kelly was “dealing with dope.” (RPD—DA, Bk. 1, 211-224).

Pauline H. Latta, the Director of Latham Hall at the time of the crime, was interviewed July 27, 1982. Though she also did not have any direct knowledge, she opined that the Victim was not the intended subject of the crime. During the interview, police indicated that they had information regarding Jackie Kelly, Alfreda Hussey, and Sarah Collins that led them to believe that these three women knew more about the incident than they told. Director Latta stated she also believed Kelly knew “something” about the crime but did not have any personal knowledge to support that opinion, though she recalled a fight between Kelly, Hussey and Turner (the Victim’s roommate) that she “broke up” about a week after the incident which she understood to be somehow related to the incident. She did not provide any additional details about the argument. Kelly also reported to Director Latta that Kelly ran down the steps after the attacker yelling “help” and was planning to “beat him with her shoe heel.” Also, while Director Latta admitted that the “girls” would “sneak” men up, she also said other students in the dorm did not tolerate that behavior and she would not have tolerated it. (RPD—DA, Bk. 1, 225-233).

When police interviewed the Victim’s roommate, Elvin Turner, on July 29, 1982 she stated she got a good look at the suspect and described him as “tall, not skinny, but tall, medium built and a short afro.” She said he did not have any facial hair, though she later indicated he could

have had a “faint” mustache, and he was wearing a dashiki with tennis shoes and dark pants. She did not know the suspect and did not know why he was in the dorm or on her hall. Turner also reported that Kelly told Turner she saw the suspect coming out of Room 616 the morning of the incident before the assault. Room 616 was occupied by Alfredia Hussey and Sarah Collins. Turner also recounted the fight Director Latta had reported but said that it was because the “girls on the 6th floor” were accusing Turner and Kelly of implicating Hussey and Collins of being involved in the assault. Turner believed this incident happened “a few weeks” after the crime occurred. She also recalled “hearing about” a threatening phone call made to the 6th floor after Kelly was on TV by a man who said he had gotten the wrong girl and would be back. Ms. Turner’s full interview with police is provided below.

**P A T R I C K L E I G H P O L I C E D E P A R T M E N T
S U P P L E M E N T A R Y R E P O R T**

1. COMPLAINT NO. 558471	2. OFFENSE Homicide	3. CLASSIFICATION Murder	4. DATE/TIME OF THIS REPORT 7/29/82 1337	Page 1 of	
5. VICTIM (LAST, FIRST, MIDDLE) Peyton, Helena		6. ADDRESS St. Aug. College, Rm. 608, Latham Hall, City			
SOLVABILITY FACTOR CODES	A-TRACEABLE PROPERTY B-PHYSICAL EVIDENCE	C-WITNESS D-M.O.	E-NAMED SUSPECT F-LOCATED SUSPECT	G-DESCRIBED SUSPECT H-IDENTIFIED SUSPECT	I-VEHICLE I.D.
7. SOLVABILITY FACTORS FOR INVESTIGATION FROM CRIME INVESTIGATION REPORT					
8. ELIMINATED BY INVESTIGATION		9. DEVELOPED BY INVESTIGATION			

Q: Your first name is?

A: Elvin.

Q: E L V I N?

A: Uh, huh. (Yes)

Q: Yuvone Turner?

A: Uh, huh. (Yes)

Q: What's your address now?

A: 324 Cassin Street.

Q: And that's C A S S I N? Emploria, Virginia?

A: Yes sir.

Q: That's area code 804-634-9722?

A: Uh, huh. (Yes)

Q: What's your occupation now? What are you doing since you got out of school?

A: Part-time police dispatcher.

Q: Have you been in contact with any of the girls at all since this thing happened?

A: Not since I left school, no.

Q: I know you want to put this out of your mind, and this is something that you will probably never forget. Tell me again exactly what happened and what you observed?

A: Oh, God. Well that's been a long time.

Q: I know it's been a long time.

REPORTING OFFICER	NO.	DIV.	STATUS	ARREST-ADULT	REMAINING FOR INVESTIGATION
SUPERVISOR APPROVING			UNFOUNDED	ARREST-JUV.	
			PENDING	EXCEPT CLEAR	

000234

**RALEIGH POLICE DEPARTMENT
SUPPLEMENTARY REPORT**

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5. VICTIM (LAST, FIRST, MIDDLE) Peyton, Helena		6. ADDRESS St. Aug. College, Rm. 608, Latham Hall, City		
SOLVABILITY FACTOR CODES	A-TRACEABLE PROPERTY B-PHYSICAL EVIDENCE	C-WITNESS D-M.O.	E-NAMED SUSPECT F-LOCATED SUSPECT	G-DESCRIBED SUSPECT H-IDENTIFIED SUSPECT
7. SOLVABILITY FACTORS FOR INVESTIGATION FROM CRIME INVESTIGATION REPORT				
8. ELIMINATED BY INVESTIGATION		9. DEVELOPED BY INVESTIGATION		

A: Ah, let's see, it was about 6:00 o'clock, between 6:00 and 6:15, we got up to go to breakfast, this was a Friday morning, and Helena went in the bathroom before I did. I was still in my bed. I heard her scream so I went to the door. The first time she scream I didn't say anything, because you know, I knew it was her birthday and I figured they were having fun with her in the bathroom. So the second time she screamed I went to the door and that's when I met her coming out of the bathroom and you know, she was bleeding all over the place and I asked her what was wrong and she said she had been stabbed. At least she said he stabbed me, she said that twice. And then, ah, she told me to call her mother and she passed out, she didn't say anything else to me.

Q: Did you see the guy at all?

A: I got a good look at him.

Q: Where did you see him coming from?

A: Let's see, the elevator is over here, he was coming around this part of the dorm towards the elevator. Like the elevator is facing the stairs, he could have gone either way but he took the stairs.

Q: And when you heard her scream, and you thought somebody was playing a joke on her since it was her birthday, you opened the door and went out of the room?

A: Uh, huh. (Yes) I stepped out in the hallway.

Q: Stepped out in the hallway? And you saw her?

A: Uh, huh. (Yes)

Q: Did you see him right after that?

A: I saw him just when she said he stabbed me and I said, "Who stabbed you?" and she said, "He stabbed me". And that's when I looked to my left and he was standing there, you know, by the elevator.

Q: He was already there?

REPORTING OFFICER	NO.	DIV.	STATUS	ARREST-ADULT	REMAINING FOR INVESTIGATION					
			UNFOUNDED	ARREST-JUV.	000235					
SUPERVISOR APPROVING			PENDING	EXCEPT. CLEAR						
			INACTIVE							

**RALEIGH POLICE DEPARTMENT
SUPPLEMENTARY REPORT**

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5. VICTIM (LAST, FIRST, MIDDLE) Peyton, Helena		6. ADDRESS St. Aug. College, Rm. 608, Latham Hall, City		
SOLVABILITY FACTOR CODES	A-TRACEABLE PROPERTY B-PHYSICAL EVIDENCE	C-WITNESS D-M.O.	E-NAMED SUSPECT F-LOCATED SUSPECT	G-DESCRIBED SUSPECT H-IDENTIFIED SUSPECT
7. SOLVABILITY FACTORS FOR INVESTIGATION FROM CRIME INVESTIGATION REPORT				
8. ELIMINATED BY INVESTIGATION		9. DEVELOPED BY INVESTIGATION		

A: Uh, huh. (Yes) I don't know how long he's been there but he was there.

Q: Okay.

A: And that's when I tried to pull her in the room cause I didn't know what else he was going to try to do.

Q: What did he look like to you? Can you describe him for me?

A: He was tall, not skinny, but tall, medium built and a short afro. He didn't have any, you know, any facial or nothing and he was wearing ah, dishika that morning with tennis shoes and dark pants. But he kept his hands in his pocket, his left hand in his pocket, all the whole while.

Q: Kept his left hand in his pocket?

A: Uh. Huh. (Yes)

Q: Did he ever say anything?

A: Huh, uh. (No) But we made eye contact. I know he knew I saw him. Cause he looked at me.

Q: Then what did he do?

A: He opened the exit door and went on down. I didn't see him anymore.

Q: After this happened, I know that you and the girls, probably discussed, the situation. What was the feelings of the girls upstairs. I know they were frightened?

A: Everybody just wondered, you know, why he was up there or where he came from.

Q: Do you know why he was up there?

A: No, I don't.

REPORTING OFFICER	NO.	DIV.	STATUS	ARREST-ADULT	REMAINING FOR 000236
SUPERVISOR APPROVING			UNFOUNDED	ARREST-JUV.	
			PENDING	EXCEPT. CLEAR	

**MALDEN POLICE DEPARTMENT
SUPPLEMENTARY REPORT**

1. COMPLAINT NO. 558471		2. OFFENSE Homicide		3. CLASSIFICATION Murder		4. DATE/TIME OF THIS REPORT 7/29/82 1337		Page 4 of	
5. VICTIM (LAST, FIRST, MIDDLE) Peyton, Helena				6. ADDRESS St. Aug. College, Rm. 608, Latham Hall, City					
SOLVABILITY FACTOR CODES		A-TRACEABLE PROPERTY B-PHYSICAL EVIDENCE		C-WITNESS D-M.O.		E-NAMED SUSPECT F-LOCATED SUSPECT		G-DESCRIBED SUSPECT H-IDENTIFIED SUSPECT	
7. SOLVABILITY FACTORS FOR INVESTIGATION FROM CRIME INVESTIGATION REPORT									
8. ELIMINATED BY INVESTIGATION				9. DEVELOPED BY INVESTIGATION					

Q: Do you have any idea?

A: Nope. Cause men were not allowed in that dorm. Not after a certain hour anyway. And then we don't have coed visitation or anything like that. So they have to see you in the lobby. There was no reason for him to be upstairs at that hour anyway.

Q: Well, what is your impression? Do you think he was invited up there? Do you think he was up there to see someone?

A: He could have been. But he wasn't there to see anybody in my room.

Q: Okay, I'm not saying that.

A: He could have been. He could have come up with some girl during night, stayed up there, and you know, she made him made or something.

Q: I think, that stands to reason. I understand from your record, that you have finished St. Aug. and you went back and you finished. What kind of rumors were going around about this stabbing then?

A: Some people had it out that it was her boyfriend and what else, somebody else had it out that he was visiting a girl across the hall. Mostly everybody thought it was her boyfriend.

Q: Was there any other names mentioned, of any girls, that he might have been visiting up there?

A: You know, just a girl that lives across the hall from Jackie. Jackie mentioned her name. Cause that's the room Jackie saw him come out of that morning?

Q: What room was that, do you recall?

A: Um...616 or 614. The last room before you get to the exit on that side.

Q: And Jackie saw him come out of Room 616. Jackie told you she saw this man come out of Room 616?

REPORTING OFFICER	NO.	DIV.	STATUS	ARREST-ADULT	REMAINING FOR INVESTIGATION				
			<input type="checkbox"/> UNFOUNDED	ARREST-JUV.	000237				
SUPERVISOR APPROVING			<input type="checkbox"/> PENDING	EXCEPT. CLEAR					
			<input type="checkbox"/> INACTIVE	SERVICE CLEAR					

**RALEIGH POLICE DEPARTMENT
SUPPLEMENTARY REPORT**

1. COMPLAINT NO. 558471	2. OFFENSE Homicide	3. CLASSIFICATION Murder	4. DATE/TIME OF THIS REPORT 7/29/82 1337	Page 5 of
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SOLVABILITY FACTOR CODES	A-TRACEABLE PROPERTY B-PHYSICAL EVIDENCE	C-WITNESS D-M.O.	E-NAMED SUSPECT F-LOCATED SUSPECT	G-DESCRIBED SUSPECT H-IDENTIFIED SUSPECT
7. SOLVABILITY FACTORS FOR INVESTIGATION FROM CRIME INVESTIGATION REPORT				
8. ELIMINATED BY INVESTIGATION		9. DEVELOPED BY INVESTIGATION		

A: Uh, Huh. (Yes)

Q: Is that correct?

A: That's what Jackie said.

Q: Is that Jackie Kelly?

A: Uh, Huh. (Yes)

Q: Have you talked with Jackie Kelly recently?

A: Not since we left school. I don't have her address.

Q: What else did she have to say about it, anything at all?

A: Not much. She just said she'd go to court rather and say that she saw him come out of that room.

Q: Out of Room 616? Now I gather from what you're saying, he walked out of that room?

A: He came out of that room.

Q: And this was before the stabbing or after the stabbing?

A: Before the stabbing. Jackie had gotten up to go to the restroom and she saw this guy come out. Five minutes later the girl got stabbed.

Q: So all of this happened prior to the stabbing, that she saw him come out of that room?

A: Yeah.

Q: Do you know who occupied that room?

A: Ah, I think it was Alfredia and Sarah somebody.

Q: Alfredia Hussey and Sarah Collins?

REPORTING OFFICER	NO.	DIV.	STATUS	ARREST-ADULT	REMAINING FOR INVESTIGATION				
SUPERVISOR APPROVING			<input type="checkbox"/> UNFOUNDED	<input type="checkbox"/> ARREST-JUV.	000238				
			<input type="checkbox"/> PENDING	<input type="checkbox"/> EXCEPT. CLEAR					
			<input type="checkbox"/> INACTIVE	<input type="checkbox"/> SERVICE CLEAR					

**RALEIGH POLICE DEPARTMENT
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1. COMPLAINT NO. 558471	2. OFFENSE Homicide	3. CLASSIFICATION Murder	4. DATE/TIME OF THIS REPORT 7/29/82 1337	Page 6 of
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SOLVABILITY FACTOR CODES	A-TRACEABLE PROPERTY B-PHYSICAL EVIDENCE	C-WITNESS D-M.O.	E-NAMED SUSPECT F-LOCATED SUSPECT	G-DESCRIBED SUSPECT H-IDENTIFIED SUSPECT
7. SOLVABILITY FACTORS FOR INVESTIGATION FROM CRIME INVESTIGATION REPORT				
8. ELIMINATED BY INVESTIGATION		9. DEVELOPED BY INVESTIGATION		

A: Right.

Q: Do you know what they did after the stabbing took place?

A: They left school. They didn't come back. Alfredia came back year before last, before I left. But, you know, like all the girls went home that Friday when it happened. She went home and she didn't come back. Neither one of them.

Q: Sarah...Okay. You know it's obvious that somebody up there knows something, some of those girls. Nobody says anything. We were getting information that Jackie Kelly for instances had been threatening. Had you heard that?

A: Not recently.

Q: So she didn't tell you she had been threatened, that if she didn't keep her mouth shut, she would be next...?

A: I have not heard her say that.

Q: How about Sarah Collins?

A: I never talked to Sarah. Just say Hi...I didn't know her personal.

Q: Did you know Alfredia?

A: I know her now. I mean, you know, she came back to school.

Q: Did you talk to her after she came back to school about this?

A: I never mentioned it.

Q: And she never mentioned it to you?

A: Huh, uh. (No) I didn't want to talk about it. I figured she didn't. But I didn't bring it up, because you know, they had tried, the girls had tried to fight one time.

Q: Who?

REPORTING OFFICER	NO.	DIV.	STATUS	ARREST-ADULT	REMAINING FOR INVESTIGATION					
			<input type="checkbox"/> UNFOUNDED	ARREST-JUV.	006239					
SUPERVISOR APPROVING			<input type="checkbox"/> PENDING	EXCEPT. CLEAR						

**PALEIGH POLICE DEPARTMENT
SUPPLEMENTARY REPORT**

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SOLVABILITY FACTOR CODES	A-TRACEABLE PROPERTY B-PHYSICAL EVIDENCE	C-WITNESS D-M.O.	E-NAMED SUSPECT F-LOCATED SUSPECT	G-DESCRIBED SUSPECT H-IDENTIFIED SUSPECT
7. SOLVABILITY FACTORS FOR INVESTIGATION FROM CRIME INVESTIGATION REPORT				
8. ELIMINATED BY INVESTIGATION		9. DEVELOPED BY INVESTIGATION		

A: The girls on the 6th floor. They were accusing me and Jackie of saying they had something to do with it and all. It was one night the house mother had to stop them from fighting and there was actually a fight up there.

Q: This was after the stabbing?

A: Uh, huh. (Yes)

Q: The house mother, what was her name?

A: Ms. Latta.

Q: Ms. Latta?

A: And Ms. Whitaker.

Q: And Ms. Whitaker? And what happened again, now?

A: It was one night we were all up there, we were talking about it. And ah, the girls were getting mad, saying we had accused Sarah and Alfredia of having something to do with it. And they were actually going to fight us that night.

Q: Who?

A: Me and Jackie.

Q: Alright, who was going to fight you?

A: It was ah, Venessa Murrell. She and Alfredia were from the same town. And Venessa was taking up for Alfredia that night. Everybody was taking sides and that left me and Jackie by ourselves.

Q: You and Jackie Kelly? Do you think Jackie would be honest with me if I talked to her?

A: She probably would.

REPORTING OFFICER	NO.	DIV.	STATUS	ARREST-ADULT	REMAINING FOR INVESTIGATION
SUPERVISOR APPROVING			<input type="checkbox"/> UNFOUNDED	<input type="checkbox"/> ARREST-JUV.	000240
			<input type="checkbox"/> PENDING	<input type="checkbox"/> EXCEPT. CLEAR	

**RALEIGH POLICE DEPARTMENT
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SOLVABILITY FACTOR CODES	A-TRACEABLE PROPERTY B-PHYSICAL EVIDENCE	C-WITNESS D-M.O.	E-NAMED SUSPECT F-LOCATED SUSPECT	G-DESCRIBED SUSPECT H-IDENTIFIED SUSPECT
7. SOLVABILITY FACTORS FOR INVESTIGATION FROM CRIME INVESTIGATION REPORT				
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Q: How long after the stabbing was this little fight?

A: Um...long time. I...Helena hadn't died then. It was a couple of weeks after.

Q: Did you go to the funeral?

A: Yes sir.

Q: Anything unusual?

A: Not really. Most of the girls on that floor went.

Q: Okay. Sarah Collins and Alfredia Hussy, had been dealing with some street people quite a bit, down on the block, down around St. Aug. and different areas of Raleigh, but mainly around Hill and Oakwood and that area, and that they had been pulling some favors for sex, sexual favors, on these street people, but, sometime they wouldn't carry these out. A lot of times they would have the individual come up, to the room.

A: Right.

Q: And once this individual came up, possibly could have been two of them, they took his money, they had him standing in the hallway, and they took his money. And they shut the door. Locked him out. Made him mad, and he stayed up there waiting, for one of the girls to come out. And he was waiting when Helena came out. And Helena had got into the bathroom, into the stall, when he thought it was one of them and jerked it opened. Helena was stabbed because she screamed.

A: I don't know.

Q: Now what do you think?

A: It could have been. But he had no reason to stab her.

Q: That's the reason she was stabbed she started screaming and he had to shut her up. Now what do you think about that?

REPORTING OFFICER	NO.	DIV.	STATUS	ARREST-ADULT	REMAINING FOR INVESTIGATION
SUPERVISOR APPROVING			<input type="checkbox"/> UNFOUNDED	<input type="checkbox"/> ARREST-JUV.	000241
			<input type="checkbox"/> PENDING	<input type="checkbox"/> EXCEPT. CLEAR	
			<input type="checkbox"/> INACTIVE		

**RALEIGH POLICE DEPARTMENT
SUPPLEMENTARY REPORT**

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SOLVABILITY FACTOR CODES	A-TRACEABLE PROPERTY B-PHYSICAL EVIDENCE	C-WITNESS D-M.O.	E-NAMED SUSPECT F-LOCATED SUSPECT
7. SOLVABILITY FACTORS FOR INVESTIGATION FROM CRIME INVESTIGATION REPORT		G-DESCRIBED SUSPECT H-IDENTIFIED SUSPECT	
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A: Sounds reasonable. It could have been...

Q: If you were me, you know the people better than I do, and you were working this case, where would you start at? Who could I talk to, that would level with me, tell me like it was?

A: Besides me?

Q: Besides you. That's the reason I chose you to come up here.

A: Maybe, if not Jackie, Carolyn Carolyn Wilson...

Q: Carolyn Wilson? *209 HAWKINS DR. HENDERSON, NC. 27536*

A: She was pretty honest.

Q: Does she know what happened?

A: She was up that morning. She said, you know she got a glimpse of the guy, that morning.

Q: Where does she stay?

A: She was staying in Henderson, North Carolina. I don't know where she is now.

Q: What room was she in?

A: She was in 603.

Q: Room 603?

A: Right next to Jackie's room.

Q: That information that you just gave earlier, about Jackie Kelly seeing the man come out Room 616. That was Collins and Hussey's room. Do you think Jackie would tell me the same thing?

A: She probably would. If she had been threatened, she might change her story.

REPORTING OFFICER	NO.	DIV.	STATUS	ARREST-ADULT	REMAINING FOR INVESTIGATION
SUPERVISOR APPROVING			<input type="checkbox"/> UNFOUNDED	<input type="checkbox"/> ARREST-JUV.	000242
			<input type="checkbox"/> PENDING	<input type="checkbox"/> EXCEPT. CLEAR	

**HALEIGH POLICE DEPARTMENT
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7. SOLVABILITY FACTORS FOR INVESTIGATION FROM CRIME INVESTIGATION REPORT				
8. ELIMINATED BY INVESTIGATION		9. DEVELOPED BY INVESTIGATION		

Q: Did she tell you that that same morning?

A: She told me that same morning and she told other, you know, the other two detectives, the same thing.

Q: That she saw the perpetrator come out of their room prior to the stabbing?

A: That's right.

Q: Did you ever talk to any of the girls, that morning, after Helena was taken away?

A: I really don't have time because they took me down to police headquarters.

Q: The Detectives took you down?

A: Me and Carolyn.

Q: After the stabbing, a man went down the stairway?

A: Right.

Q: And when he got down the stairway, the knife that he had, he threw this over in a little lounge area, up under a table. He did this because one of the security guards was checking the building across the way and apparently he saw him. He went out the front door, he took a left, he went back behind Latham Hall and went in the wooded area. He took the bloody dishika off and just threw it over in the woods. About thirty minutes after this thing sort of settle down a little bit, after the stabbing, one of the girls, upstairs, saw a man walk out the woods, toward Oakwood Avenue. And then he disappeared on down State Street. Did you hear anything about this?

A: I've heard it, Viola Underdue was at the bus stop and she said she saw a guy a walk by her but she didn't know anything had happened. She was waiting for the bus.

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SUPERVISOR APPROVING			<input type="checkbox"/> UNFOUNDED <input type="checkbox"/> PENDING		000243

**RALEIGH POLICE DEPARTMENT
SUPPLEMENTARY REPORT**

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5. VICTIM (LAST, FIRST, MIDDLE) Peyton, Helena		6. ADDRESS St. Aug. College, Rm. 608, Latham Hall, City		
SOLVABILITY FACTOR CODES	A-TRACEABLE PROPERTY B-PHYSICAL EVIDENCE	C-WITNESS D-M.O.	E-NAMED SUSPECT F-LOCATED SUSPECT	G-DESCRIBED SUSPECT H-IDENTIFIED SUSPECT
7. SOLVABILITY FACTORS FOR INVESTIGATION FROM CRIME INVESTIGATION REPORT				
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Q: So she had been there since before the stabbing?

A: She wasn't in the building. She didn't know anything had happened when the guy came by.

Q: Did you hear anything regarding any of the girls upstairs involved in drugs or inviting men up to their rooms, anything like this? It was going on. It had been pretty common knowledge that some of the girls were doing this. Anyone other than Collins and Hussey?

A: I can't think of...the girls knew the men were not allowed in the dorm, in the room. The girls knew that.

Q: But we all know that they did go up after hours, you know.

A: That was the risk they had to take.

Q: Tell me about Helena. What kind of girl was she?

A: Quiet. Real quiet. She always mind her own business, and as far as friends was, she only talked to me and Patricia and ah, Susie Patricia, they live right down the hall from us, two doors.

Q: But Helena didn't have any boyfriends that you knew of, no steadies or anything?

A: Not that I know of...no.

Q: A lot of the girl up there, after this thing happened, made the comment that the guy looked familiar, and some of the girls say that they thought they had seen him on campus before. Did you get that impression when you saw the individual?

A: I have seen him on campus but he could have been off campus..

Q: But he did look familiar?

A: He looked a little too old to be in college. He could have been off campus. He didn't have to stay on campus.

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SUPERVISOR APPROVING			<input type="checkbox"/> UNFOUNDED <input type="checkbox"/> PENDING		000244

**PALEIGH POLICE DEPARTMENT
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SOLVABILITY FACTOR CODES	A-TRACEABLE PROPERTY B-PHYSICAL EVIDENCE	C-WITNESS D-M.O.	E-NAMED SUSPECT F-LOCATED SUSPECT	G-DESCRIBED SUSPECT H-IDENTIFIED SUSPECT
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Q: He looked a little too old?

A: Maybe, you know, twenty five, twenty six...unless you are on campus.

Q: You say the eyes are the eyes?

A: The eyes are the eyes. His nose is to.

Q: How about the lips?

A: Can't really get the lips. He's got a mustache. He didn't have a mustache, that man.

Q: You're sure?

A: Unless it was fine. It could have been a fine one. It was not heavy though. If he had one, I couldn't see it, but, there are the eyes.

Q: You and he both made eye contact?

A: We made eye contact. That's how I know he saw me. He looking right at me.

Q: Could that be the man.

A: It looks like him. It looks a whole lot like him.

Q: So a more recent photograph or a physical line-up would help you, wouldn't it?

A: Uh, huh. (Yes)

Q: You told me that prior to the stabbing of your roommate, Helena Peyton, that Jackie Kelly told you she saw this same individual that you saw, going down the stairway, after the stabbing, with his left hand in his pocket, coming out of Room 616, which we know was occupied by Sarah Collins and Alfredia Hussey?

A: Yes.

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SUPERVISOR APPROVING			<input type="checkbox"/> UNFOUNDED <input type="checkbox"/> PENDING		

**RALEIGH POLICE DEPARTMENT
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Q: And she told you about this when?

A: That morning when we were down at headquarters.

Q: Did she tell the police that?

A: I don't know. They didn't tell me what she said. They didn't tell her what I said.

Q: Well, that's normal. Wonder what brought this up?

A: We were just talking about what happened in general. Trying to figure out why it had happened.

Q: And you were talking where?

A: Up, you know, thirteenth floor, twelveth floor...

Q: At the police station? Did you tell the police about this?

A: I told them after, you know, she had told me. They talked to me first and we come out and switched.

Q: And then they talked with Jackie and then when they came back out, did you tell them?

A: They talked to me again, I think it was the next day, and I told them.

Q: Do you recall which one of the investigator's you told?

A: I don't remember their names now. Tall guy. Real tall.

Q: And older fellow?

A: Older, the very first one...

Q: Silver hair?

REPORTING OFFICER	NO.	DIV.	STATUS	ARREST-ADULT	REMAINING FOR INVESTIGATION
SUPERVISOR APPROVING			<input type="checkbox"/> UNFOUNDED	<input type="checkbox"/> ARREST-JUV.	000246
			<input type="checkbox"/> PENDING	<input type="checkbox"/> EXCEPT. CLEAR	

**PALEIGH POLICE DEPARTMENT
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SOLVABILITY FACTOR CODES	A-TRACEABLE PROPERTY B-PHYSICAL EVIDENCE	C-WITNESS D-M.O.	E-NAMED SUSPECT F-LOCATED SUSPECT	G-DESCRIBED SUSPECT H-IDENTIFIED SUSPECT
7. SOLVABILITY FACTORS FOR INVESTIGATION FROM CRIME INVESTIGATION REPORT				
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A: Kind of. The one before was a short black guy and another guy. I don't remember who they were either.

Q: And who was the other girl in 616?

A: Venessa Murrell.

Q: And that's the girl that?

A: Was going to fight us that night.

Q: She was good friends with Alfredia?

A: They came from the same home town.

Q: Helena was stabbed on...

A: Friday morning.

Q: So sometime that weekend you were not there?

A: True.

Q: You heard from Jackie Kelly or someone else?

A: Uh, huh. (Yes)

Q: What was it that you heard?

A: That a man had called and said he knew he had gotten the wrong girl but he would be back.

Q: Had called who?

A: He just called the 6th floor and I guess he just talked to whoever answered the phone.

Q: You don't know who answered the phone though?

A: I wasn't there.

REPORTING OFFICER	NO.	DIV.	STATUS	ARREST-ADULT	REMAINING FOR INFORMATION
SUPERVISOR APPROVING			UNFOUNDED	ARREST-JUV.	
			PENDING	EXCEPT. CLEAR	

**PALEIGH POLICE DEPARTMENT
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7. SOLVABILITY FACTORS FOR INVESTIGATION FROM CRIME INVESTIGATION REPORT				
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Q: When did Jackie Kelly go on T.V?

A: That Friday afternoon. She was on the 6:00 o'clock news, and when I got back to school, the girls were telling me that she had been threatening cause she had been on T.V. Cause the house mother told me not, she said, Vonnie don't go on T.V. whatever you do, don't show your face on T.V.

Q: And that was Ms. Latta?

A: That was Ms. Whitaker talking.

Q: Ms. Whitaker? You talked with Jackie about it?

A: She said it didn't bother her because she really wasn't scared. She didn't really get scared until the rest of us got scared.

Q: And of course she didn't know who threatened her, did she?

A: Naw.

Q: You got a look at the guy and how would you summarize how he looked?

A: Looked like somebody I had seen going down Hillsborough Street. When we drive down Hillsborough Street just looking weird. Something about him that just didn't look right. You know, like no normal person.

Q: He didn't look like a student?

A: No. That morning he just look like he was spaced out on something. That he had known he had hurt somebody like that. I thought maybe he had been running but he didn't run. He just took his time and went down the stairs. I couldn't understand it.

Q: And you say he was too old to be a student?

A: He looked between twenty five and twenty six.

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SUPERVISOR APPROVING			<input type="checkbox"/> UNFOUNDED	<input type="checkbox"/> ARREST-JUV.	000248 ON
			<input type="checkbox"/> PENDING	<input type="checkbox"/> EXCEPT. CLEAR	

**HALEIGH POLICE DEPARTMENT
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SOLVABILITY FACTOR CODES	A-TRACEABLE PROPERTY B-PHYSICAL EVIDENCE	C-WITNESS D-M.O.	E-NAMED SUSPECT F-LOCATED SUSPECT	G-DESCRIBED SUSPECT H-IDENTIFIED SUSPECT
7. SOLVABILITY FACTORS FOR INVESTIGATION FROM CRIME INVESTIGATION REPORT				
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Q: Did he fit in with the college area?

A: No. We had some weird people but not that weird. He was dressed out of date, you know.

Q: His dress was out of date?

A: He had...

Q: He had dark pants, tennis shoes, and a dishika?

A: You don't wear that anymore.

Q: Even back then in '79 the dishika on the campus?

A: Huh, uh. (No) The Africans wore it but you could look at him and see that he wasn't a African.

Q: But the dishika fad it was out dated then?

A: Un, huh. (Yes)

Q: Ms. Turner, Father Fox, you had him for Ethics?

A: Ethics class.

Q: Ethics class and Helena Peyton worked...

A: She worked under Ms. Fox.

Q: For Ms. Fox, under Ms. Fox in the library. Any other people?

A: Not that I know of.

Q: You say, there was blood on the doornob on that exit, as he went down. Did you see the blood on that?

A: It was on the doornob and it was on the door too.

Q: You saw that?

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SUPERVISOR APPROVING			<input type="checkbox"/> UNFOUNDED <input type="checkbox"/> PENDING		000249

**PALEIGH POLICE DEPARTMENT
SUPPLEMENTARY REPORT**

1. COMPLAINT NO. 558471	2. OFFENSE Homicide	3. CLASSIFICATION Murder	4. DATE/TIME OF THIS REPORT 7/29/82 1337
5. VICTIM (LAST, FIRST, MIDDLE) Peyton, Helena		6. ADDRESS St. Aug. College, Rm. 608, Latham Hall, City	
SOLVABILITY FACTOR CODES	A-TRACEABLE PROPERTY B-PHYSICAL EVIDENCE	C-WITNESS D-M.O.	E-NAMED SUSPECT F-LOCATED SUSPECT
7. SOLVABILITY FACTORS FOR INVESTIGATION FROM CRIME INVESTIGATION REPORT		G-DESCRIBED SUSPECT H-IDENTIFIED SUSPECT	
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A: Uh, huh. (Yes)

Q: Helena that morning, did she have any curlers in her hair?

A: I don't remember, she could have.

Q: Ms. Turner you said that you and Helena became friends with the guy that was a male student that lived off campus?

A: Uh, huh. (Yes)

Q: You had been together that night before?

A: Uh, huh. (Yes)

Q: You went out and got a pizza?

A: I did. She was in the room.

Q: And what was his name?

A: Elvis Freeman.

Q: Was he from Raleigh?

A: Stay on Linden Avenue. 213 Linden Avenue.

Q: Did you talk to him after this?

A: He called and he had heard that somebody had gotten stabbed and he wanted to know who it was and I told him it was Helena. But he couldn't...he didn't want to believe it really. He was at the funeral and all.

Q: Have you seen him since?

A: He had stopped school then, anyway, but we were still friends...

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SUPERVISOR APPROVING			— UNFOUNDED	— ARREST-JUV.	
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**RALEIGH POLICE DEPARTMENT
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SOLVABILITY FACTOR CODES	A-TRACEABLE PROPERTY B-PHYSICAL EVIDENCE	C-WITNESS D-M.O.	E-NAMED SUSPECT F-LOCATED SUSPECT	G-DESCRIBED SUSPECT H-IDENTIFIED SUSPECT
7. SOLVABILITY FACTORS FOR INVESTIGATION FROM CRIME INVESTIGATION REPORT				
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This concludes the interview with Ms. Turner.

J. C. Holder
Investigative Division
Raleigh Police Department
Career Criminal Unit

sgt./STUa2
(7/27/82)

REPORTING OFFICER	NO.	DIV.	STATUS	ARREST-ADULT	REMAINING FOR INVESTIGATION															
			<input type="checkbox"/> UNFOUNDED	<input type="checkbox"/> ARREST-JUV.	000251															
SUPERVISOR APPROVING			<input type="checkbox"/> PENDING	<input type="checkbox"/> EXCEPT. CLEAR																

An interview with Kelly's roommate, Barbara Lee, on August 6, 1982, suggested that Kelly never brought men into the dorm, that Kelly was not threatened, and Lee knew nothing to suggest that Hussey and Collins were involved in the crime. Lee reported that she was the one who called 911 and that Kelly ran down the stairs at some point to get the dorm director. In addition, Lee's account of the crime does not suggest that Kelly could have seen a man coming from another room before the Victim was assaulted. Lee's full interview is provided below.

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VICTIM (LAST, FIRST, MIDDLE) Peyton, Helena		8. ADDRESS 603 Latham Dorm, Raleigh, NC		
OLVABILITY	A-TRACEABLE PROPERTY	C-WITNESS	E-NAMED SUSPECT	G-DESCRIBED SUSPECT
ACTOR CODES	B-PHYSICAL EVIDENCE	D-M.O.	F-LOCATED SUSPECT	H-IDENTIFIED SUSPECT
SOLVABILITY FACTORS FOR INVESTIGATION FROM CRIME INVESTIGATION REPORT				
ELIMINATED BY INVESTIGATION		9. DEVELOPED BY INVESTIGATION		

This will be an interview conducted by Detective A. C. Munday of the Raleigh Police Department. The person interviewed will be Barbara A. Lee, 195 Nagle Avenue, Apartment 3F, New York, NY 10034, phone number is (212) 942-5056.

Q: Barbara, if you would, would you kind of just kind of let's move back to the time when this incident happened to the very day of September 29th on Friday morning and tell me in your own words if you could exactly what you remember happened?

A: Okay, I guess it was around 5:00 o'clock or 5:30. I remember setting my clock for six and it hadn't gone off yet. I was lying in bed and I heard a scream. I said "Jackie, what is that, did you hear that?" She said "No I didn't hear it." Then I heard the scream again. When I heard it, she heard it also. We both jumped out of bed. I didn't have any clothes on. I didn't have my glasses on. She stopped me and said "Put some clothes on first" cause we thought it was a seducer or somebody in the hallway. She had reached the door first. By the time I got to the door she already had it opened and I saw this man come out of the second door on the bathroom headed toward our room. Before he got to our room he cut across the lobby. There's a little lobby there. He went down the exit door. Before he went, he turned around and he looked at it. I can't remember his face cause I didn't have my glasses on. It was early in the morning and I wasn't quite awake. Jackie started to run after the man downstairs. I yelled at her. I said "Stupid, don't run down the stairs. Let's take the elevator down and get Ms., I think, it wasn't Ms., it was Ms. Whitaker. Ms. Whitaker was the dorm matron that night.

Q: At this time did you know what had happened?

A: Yeah.

Q: Okay.

A: Well, we went to the bathroom and saw Helena in the bathroom.

Q: So you went to the bathroom and saw Helena and then you left....

A: Then we left and took the elevator downstairs.

Q: Who went downstairs on the elevator?

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			<input type="checkbox"/> PENDING	<input type="checkbox"/> EXCEPT. CLEAR					

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SOLVABILITY FACTOR CODES		A-TRACEABLE PROPERTY B-PHYSICAL EVIDENCE	C-WITNESS D-M.O.	E-NAMED SUSPECT F-LOCATED SUSPECT	G-DESCRIBED SUSPECT H-IDENTIFIED SUSPECT	I-VEHICLE I.D.		
7. SOLVABILITY FACTORS FOR INVESTIGATION FROM CRIME INVESTIGATION REPORT								
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A: Me and Jackie went downstairs on the elevator.

Q: Okay.

A: It seemed like everybody woke up in the dorm at the same time because it kept stopping on the floor and we kept telling people to let the elevator go, let the elevator go. Finally I just got off the elevator and tried to get off, I think it was either the second or third floor and I called a ambulance and told them to come to the dorm, somebody had been stabbed. Jackie continued on downstairs to the lobby.

Q: How did she go down?

A: The elevator, no she ran this time. She ran down the stairs like a dummy. She ran down the stairs and I got back on the elevator and I went downstairs and I woke Ms. Whitaker up. She was, she wasn't even out of the bed yet. I don't think she was up. I woke her up and told her what happened. I waited downstairs for the ambulance to come. The ambulance got there. I went back upstairs and I sat by the elevator and I cried. After that I just packed my clothes and I left. I left the dorm. The bus, my grandparents, my grandparents live in North Carolina. They live in a small town called Kelford, not too far from Ahoskie. The buses leaving there didn't start until 1:00 o'clock and it was still early in the morning. I called a girlfriend who stayed off campus and asked her to come and pick me up and I could stay at her house until the bus left. I left.

Q: So you're the one that actually called the ambulance?

A: Yeah. They didn't understand me. They didn't understand me. I kept telling them send the police or ambulance or somebody or give me, they were asking for so much information and I just wasn't up to it.

Q: The ambulance came and picked Helena up. Do you know anything else about anybody seeing this guy any time after that?

A: Somebody said that they saw somebody running. I don't know who it was, but I think it was a girl. She said that she saw somebody running, you know, toward the back of the dorm. That's the only way he could go out. I don't, what I don't understand is why did that man come all the way to the 6th floor. I've

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SOLVABILITY FACTORS FOR INVESTIGATION FROM CRIME INVESTIGATION REPORT				
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never been able to put that together. Why would he come to the 6th floor?

Q: That's kind of a big question in my mind too, you know. Why would a guy come all the way to the 6th floor. If he was there for, you know, some idea of just peeping in at the girls, looking at them in the shower or something like that....

A: The easiest place would be the first floor.

Q: Sure, he could have stopped at any floor before he got to the sixth floor.

A: The easiest is the first floor, because the first floor has two exits. He could either come out this way or this way. The sixth floor doesn't have that many exits.

Q: Let me ask you this Barbara. What does that mean to you?

A: That he must have, I was talking it over with my aunt last night after choir rehearsal. She said he must have been after somebody. I couldn't think of who it could be. I knew all the girls on the sixth floor. We were tight. You know, we always hung out in the lobby and had little parties. We even had, one time we had an exercise club just on the sixth floor. Nobody in the whole building, just on the sixth floor. We were always tight. I couldn't think of anybody that, you know....

Q: Well what kind of girl was Helena?

A: Helena was quiet. Helena, you wouldn't know she was there if you didn't know her. The night before it happened, we were all sitting in the lobby playing cards. Helena doesn't even play cards. She was just sitting there watching her roommate play cards. We stayed up until about, I had an early class that morning. I was up until about 1:00 o'clock, 1:00 o'clock sitting in the lobby playing cards. Everybody, after 1:00 o'clock everybody went to bed. I had set my clock early because I had to get up and take a shower and plus I had wanted to go to breakfast. Breakfast usually starts about 7:00 or 7:30. I had an 8:00 o'clock class Friday morning. I wanted, you know, to do that.

Q: Did you ever hear anything about of the girls being threatened after this happened?

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SOLVABILITY FACTOR CODES	A-TRACEABLE PROPERTY B-PHYSICAL EVIDENCE	C-WITNESS D-M.O.	E-NAMED SUSPECT F-LOCATED SUSPECT	G-DESCRIBED SUSPECT H-IDENTIFIED SUSPECT
SOLVABILITY FACTORS FOR INVESTIGATION FROM CRIME INVESTIGATION REPORT				
ELIMINATED BY INVESTIGATION		9. DEVELOPED BY INVESTIGATION		

A: Yes I did.

Q: Tell me about that?

A: Just that they received phone calls, I think somebody received a phone call on the 5th floor. It never, I don't think anybody on the 6th floor was threatened. It was on the 5th floor. I don't remember anybody on the 6th floor being threatened. You know, they received. I don't even believe that, you know.

Q: What about Jackie, was Jackie ever threatened?

A: No. As far as I know Jackie wasn't threatened.

Q: You know, she was on TV that evening.

A: Yeah, cause I, by the time I got to my grandparents, you know, the News was on and I saw her standing there on the News. I was watching her.

Q: To your knowledge, you don't know that she was ever threatened herself?

A: No, no. Jackie would have mentioned it. She would have said something.

Q: When did you come back to school?

A: I came back for class Monday.

Q: Okay, Jackie was there then?

A: She, in fact she stayed the whole weekend.

Q: Most likely if she had been threatened she most likely would have told you about it?

A: Yeah, but she called me a chicken. I didn't appreciate that.

Q: For leaving?

A: Yeah. I was scared.

Q: What kind of girl was Jackie?

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A: Oh, Jackie, she was wild, not really wild. She was outgoing. She knew everybody and everybody knew Jackie. In fact they used to call her Big Red, cause she was light skin, she was red skin and she had red hair. You would always see her. She was in ROTC. You would always see her running around the campus. She was an exercise freak. She was trying to loose weight really. She would run around the campus and stuff. She was loud and rowdy.

Q: Let me ask you this Barbara. We've gotten some information and this, this is just one way of trying to check it out. Did you ever hear Jackie say anything about seeing this guy?

A: On the street....

Q: Coming out of anybody's room prior to the stabbing?

A: Coming out someone's room, no. She said that he probably could have come out of someone's room and Helena surprised him.

Q: I see. How about, do you know Sarah Collins and Alfreda Hussy?

A: Yeah, those are the two girls that left. They left.

Q: Okay, what kind of girls were they?

A: I don't even know. I didn't really know them well. I believe they were from South Carolina. That's about all I knew. I think they were. I'm not even sure.

Q: Their room was pretty close to yours and Jackie?

A: Okay, yeah, cause our room was right here and then there was another room. Then there was an exit door. I believe. Theirs was the first room after the exit door.

Q: That's right.

A: They were by the bathroom.

Q: What was the talk among the girls after that happened as far as Sarah Collins and Alfreda Hussy were concerned?

A: They just said they left. They got scared. After that, we had some of the guys that volunteered to keep watch on our floor for

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SOLVABILITY FACTORS FOR INVESTIGATION FROM CRIME INVESTIGATION REPORT				
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a couple of weeks. You know, took their own time and stayed up and always got up with us, really patrol the dorm.

Q: Well, the guys that were doing that....

A: Those were guys that we knew well.

Q: Okay, where were they patrol at?

A: They mostly stayed on the sixth floor. Every once in a while they would go up and down from floor to floor. A lot of people were still scared. It was a comfort having them there even if they couldn't do anything. We knew somebody was there.

Q: Did you ever hear the rumor or the talk going around that Sarah and Alfreda were like meeting guys out on the street, picking them up and bringing them back up to the room for sexual favors, anything like that?

A: No. I did hear something about there was blood in their room at one time. It was a rumor. Their carpet was checked, but I don't know if anything ever came out of it.

Q: There was some blood in that room. Of course there was a great possibility it could have been, you know, somebody walked in the blood in the bathroom and just walked back in that room.

A: Well, how could that have happened?

Q: Well, as I understand it, the girls were really all over the place after it happened. There was blood all over the bathroom, right on out into the hallway to where Helena was, went back to her room.....

A: Okay, that could have been because they ran, they ran toward the elevator, cause Helena's room is headed toward the elevator.

Q: You never heard any rumor about any of the girls....

A: No....

Q: Meeting Johns or pulling any tricks like that?

A: No, not any that I know of, no.

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Q: To your knowledge, did Jackie ever use drugs or anything that you know about?

A: She smoked a little reefer. Now I ain't, anything more than that, no. I don't think so. I would have known. I was her roommate for a year.

Q: Sure, I would think so. To your knowledge, did she ever go out and meet guys?

A: Yes. That's how she mostly met her guys, yeah. Yeah.

Q: Did she bring them back to her room?

A: No. That's one thing she didn't do. That's one thing she didn't do. I can say that about Jackie. Our room was clean.

Q: You never heard anyone say anything about accusing Sarah or Alfreda of being involved in this incident in any way?

A: No. They just packed up and left. They were the only ones that did leave, really.

Q: Did you hear anything at any time about some of the girls after the stabbing had occurred, maybe a week or so later, some of the girls almost getting in a fight on the sixth floor about Alfreda and Sarah being involved in it in some way?

A: No.

Q: You didn't hear anything about that. You say that you don't really think that you could identify this person again because you didn't have your glasses on?

A: I can't give a definite ID, no. I don't think I can. I may, right now I don't think I can.

Q: When was the last time that you talked to or communicated with Jackie Kelly?

A: That was the summer of '81. She had to repeat a course in order for her to get her, not commission, but to get her papers so she could go into the service because she was in ROTC. She had failed a course.

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SOLVABILITY A-TRACEABLE PROPERTY	C-WITNESS	E-NAMED SUSPECT	G-DESCRIBED SUSPECT	I-VEHICLE I.D.
ACTOR CODES B-PHYSICAL EVIDENCE	D-M.O.	F-LOCATED SUSPECT	H-IDENTIFIED SUSPECT	
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Q: You say Jackie had to go to summer school?

A: Yeah, so she stayed with me and my roommate cause we had an apartment. After we finished school we had, before that. We had gotten the apartment in May, in the summer of '80, me and my roommate Glenda got an apartment.

Q: What was your roommate's name?

A: Glenda Delaney.

Q: And you all had an apartment where?

A: Out at Oakwood Villa. We got the apartment.....

Q: What was that address out there?

A: I think it's 3303 Apartment 103.

Q: In Oakwood Villa?

A: Uh-huh, or is it 103? 103....

Q: And Jackie stayed with you all there?

A: Uh-huh, she stayed with us.

Q: She had a course to make up?

A: Uh-huh.

Q: When did you graduate?

A: May of '81.

Q: Okay, did Jackie not graduate at that same time?

A: No, she didn't even show up for graduation because she knew she had to go to summer school. She didn't even show up. She just showed up when time to go to school for the summer.

Q: Okay, how long did she stay with you when she came back?

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A: Oh, she stayed on and off really. Me and Jackie really never got along as roommates. I don't know why. We just didn't get along some time.

Q: Why was that?

A: I really don't understand.

Q: What kind of problems did you all have?

A: I think it was a personality clash. Jackie, she wasn't, I was called a neat pin I like things in their place, places for each thing. I would always have my stuff together and she would come in and she would have five or six pocketbooks on her bed and all this other stuff. I'd come in there and see that....

Q: You kind of like everything to be neat and straight?

A: Yeah.

Q: Jackie won't quite that tidy?

A: No she wasn't. She wasn't quite that tidy. I think she resented it also, because like my roommate Glenda Delaney, she was suppose to have been Jackie's roommate. Her, Glenda and Jackie were good friends. I didn't know neither one of them even though they had gone to school with me four years. I still didn't know them. They were in my class. I didn't know them. What happened was that I came to school early. Before I left I didn't register for a room. Glenda came to school late and her room was vacant and she hadn't notified the school that she was going to be late, so they just stuck me in there in with Jackie. I think she resented that fact cause Glenda had to get another room.

Q: So originally Jackie was set up to be roommates with....

A: Glenda.

Q: And Glenda's last name was....

A: Delaney.

Q: Okay, is that the same girl that you had the apartment with later?

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A: Uh-huh. We became friends. Her and Jackie had a falling out and they weren't hanging out anymore. Glenda didn't have anybody to hang with and I had been hanging with them too so I knew them. We started hanging out and then he suggested an apartment. I said "Sure", because I was ready to move off campus anyway.

Q: At the time of this stabbing, where was Glenda staying?

A: She was staying on the 5th floor.

Q: On the 5th floor?

A: Uh-huh.

Q: I see.

A: I think she was staying in five. We were staying at 602, three, four. I think seven, either 507 or 508.

Q: Did you go to Helena's funeral?

A: No, I went to the Memorial service that they held in the gym. My grandmother told me not to go the funeral cause I had gotten upset at the Memorial service and they wanted to sedate me give me some pills. It was alright if they had given me a shot. I don't take any kind of pills. I have this thing. I can't swallow even aspirin.

Q: Did you visit Helena at the hospital or her family any?

A: No sir.

Q: Do you know of any of the girls that did or if they did?

A: I believe some did but I wouldn't know who they were.

Q: I see. Do you know if any of the officials from the school visited the family?

A: Probably so, probably Dr. Roundtree and other administrators.

Q: Did you know Father Fox?

A: I didn't know him that well. I didn't know him as well as I knew the, his predecessor. I knew him in passing. I'm not

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Episcopalian. I am a Baptist. I really didn't attend his services. I usually go off campus.

Q: You never really had any kind of personal contact with Father Fox in any way?

A: No I didn't, in passing, you know, hi.

Q: Did any of the officials from the school come out with any new policies or anything after this incident happened?

A: Yeah. They built this little booth. I still don't know the purpose for it. They built this little booth right on the corner of Latham Hall...

Q: Outside?

A: Yeah, outside, right, you know, you know how you go around the curve. They built that right there. I think, because of that they finally cut down all those trees back there and widened the road. It could have been already in the process. I don't know, but it did happen after that.

Q: What was the purpose of the booth?

A: It was suppose to have been a security guard sitting there so that he could see anybody coming in or out of the dorm at all times of the night.

Q: How common was it for guys to come up in the dorm?

A: I've never seen. I've never seen nobody come to the sixth floor. I can't say that they didn't.

Q: I mean, we both understand there's a lot of girls there....

A: I would say, every night, somebody was coming in the dorm as I was coming in the dorm.

Q: It would have been fairly easy for a guy to get in the dorm then?

A: I ain't going to say that....

Q: Would it not?

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		B-PHYSICAL EVIDENCE	D-M.O.	F-LOCATED SUSPECT	H-IDENTIFIED SUSPECT			
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A: Not unless he was accompanied by a girl or he was to call her and say, well meet me, I'm coming on my way and she would come downstairs and unlock the door in the lobby. Ms. Latta and Ms. Whitaker used to always fuss at us about keeping the lobby door locked.

Q: How about the side doors?

A: Side doors?

Q: Like the stairway of the side doors?

A: I've never seen anybody use that.

Q: I see. Do you know how those doors locked?

A: How they're locked, no.

Q: Okay, if those doors locked automatically, I mean you could go out of them but you couldn't come in them, you understand that?

A: Yeah.

Q: And say, if a girl wanted a guy to come up, she could maybe leave that door.....

A: But doesn't that door also have an alarm on it. I don't know anything about the emergency door. I've never used it. I thought they had one of those alarms like some doors....

Q: I don't think....

A: If you open the door it will alarm if it's not suppose to have been open.

Q: I don't believe that was working at the time. Let me ask you this, did you hear anything about a guy chasing two girls in the dorm earlier that morning before this happened?

A: A guy chasing two girls?

Q: In the dorm before 6:00 o'clock in the morning?

A: No. That's a new one.

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Q: We've gotten some information that a guy chased two girls in the dorm and that there were two girls sitting in the lobby that morning and saw it. You don't know anything about that?

A: No. I was asleep in my bed.

Q: Okay. Everything that you have told me so far about Jackie, as far as you know, she was a pretty legitimate type girl?

A: Uh-huh.

Q: She was not turning any tricks or anything of her own that you know about?

A: That I know about, no.

Q: Do you think it's possible that she could have been doing it and you didn't know about it?

A: I think she was dating someone at the time.

Q: Who was she dating?

A: I've never seen Jackie's boyfriend except for one, except for one time. That's the only time I saw her with him.

Q: Let me ask you this. Do you think Jackie would be the kind of girl that might would go out and make some contacts like that, bring a guy back and.....

A: No, because I hung out with her a couple of times, no.

Q: And take money for maybe sexual favors or either just take his money and never....

A: No I don't think so.....

Q: Give him any kind of sexual favor. You don't think she'd do anything like that?

A: I don't know.

Q: Well, you and Jackie were roommates, you all were....

A: Yeah, but I don't think she would do anything.....

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Q: You all were pretty tight weren't you?

A: No, we weren't pretty tight.

Q: You were not pretty tight?

A: No. She didn't like the things, people I used to hang with, things I used to do. Before I even came to St. Augustine, I came for a visit. While I came for a visit, I got to meet people. I knew them before I even came to school and besides that, my girlfriend who was in the next building from me, she was already in school. She was already down there. When I came for a visit I knew people. I didn't get right into my classmates. I hung with the people that I knew. They were upper classmen. You know, they were upper classmen. Therefore, I had more contacts than I would have if I had stayed, met my classmates, which I didn't do. I didn't meet them until everybody left. That was my junior year. All my friends had graduated.

Q: Okay, so what you're saying is that you and Jackie were roommates, yet you all didn't hang around together with the same groups?

A: No, because she didn't like my friends.....

Q: Out in the street, or out in, wherever, the people you all hung with?

A: By the time I knew Jackie, my friends were working and they had their own apartments. That's, I didn't stay on campus that much at all. You know, I really didn't socialize with the people on campus until my senior year I became active in certain groups and I got to know my classmates.

Q: At the time of this stabbing, what year were you?

A: My junior year.

Q: Junior year?

A: Uh-huh. I wasn't on campus that much, really. I would get off every chance I got, mostly on the weekends.

Q: Do you think if I talk with Jackie that she would be truthful with me?

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A: Yeah, I think so. She was a pretty straight forward person, yeah. I think she's stationed in Virginia. That's the last I heard. I don't know.

Q: What branch of service is she in?

A: The army. She's a second lieutenant. I don't think she's been promoted since then. Knowing Jackie she could have gotten demoted, cause she's, she is so, she doesn't really care for authority. Jackie doesn't really care for authority. She would, how would you say it. She's a rebel.

Q: Anti-authority?

A: Yeah.

Q: She was just against any authority?

A: Yeah.

Q: Okay. So you can't remember anything really about Sarah Collins and Alfreda Hussy, anything special or unusual about them at all that stands out in your mind?

A: No. I never really got to know them. I can remember vaguely what they looked like. I know they were slim and dark skinned. I believe they had medium or long hair. I believe they spoke with an accent. I think they're from South Carolina. I'm not sure. I didn't really know them. I'm trying to see who did know them. They always had another girl staying in the room with them. It was like she always stayed in the room with them. I don't know who she was, because it was a room for two. It seemed like she just lived there.

Q: Let me ask you this. Do you think that some of the girls up there know more than they're telling about this incident?

A: Well who would know?

Q: The reason I asked you that is this. It's because you've been up there. I've never. I was not up there. You know how the climate was, how the talk was up there after this happened. You got the feel for it, you know.

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VICTIM (LAST, FIRST, MIDDLE) Peyton, Helena		6. ADDRESS 603 Latham Dorm, Raleigh, NC		
OLVABILITY ACTOR CODES	A-TRACEABLE PROPERTY B-PHYSICAL EVIDENCE	C-WITNESS D-M.O.	E-NAMED SUSPECT F-LOCATED SUSPECT	G-DESCRIBED SUSPECT H-IDENTIFIED SUSPECT
SOLVABILITY FACTORS FOR INVESTIGATION FROM CRIME INVESTIGATION REPORT				
ELIMINATED BY INVESTIGATION		9. DEVELOPED BY INVESTIGATION		

A: I didn't talk about it. To tell you the truth, I tried to avoid it. It really scared me.

Q: But still that was a hot item. That was a hot subject. It had to have been talked about for a long time after it happened.

A: It was.

Q: What I'm asking you was there a feeling that somebody on the floor knew more than they were telling?

A: Knew why he was there, yeah. There was a feeling that, why would he come to the sixth floor. You know, why he didn't stop on the other floors. What was he doing up there. There was some questions.

Q: Okay, well keep in mind. I'll talk right now. Everything that we're saying is a confidential talk. You won't have to worry about me going back and saying Barbara said this and Barbara said that, you know. Was the talk ever directed toward anyone that you know of?

A: Not anyone specific, no.

Q: Any group. Were there any indications pointing toward anyone, and again, you know, this is, we're looking at everything we can to try to clear this case. This is a real bad thing that happened. I'm satisfied that Helena had nothing whatsoever to do about it. Was there any indication toward anybody?

A: I can't remember everybody on that floor.

Q: Well, next door to you.....

A: I know Carol and.....

Q: The Wilson girl?

A: Wilson?

Q: In 603?

A: Wilson, I think she was dark skinned and she was rowdy. She didn't stay on campus that much. She stayed off campus with the other girl.

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SUPPLEMENTARY REPORT

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SOLVABILITY FACTOR CODES	A-TRACEABLE PROPERTY B-PHYSICAL EVIDENCE	C-WITNESS D-M.O.	E-NAMED SUSPECT F-LOCATED SUSPECT	G-DESCRIBED SUSPECT H-IDENTIFIED SUSPECT	I-VEHICLE I.D.
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Q: Vivian Best....

A: Vivian Best, yeah I remember her. She stayed in 603. Okay, Wilson, when you say Wilson, are you talking about Carolyn Wilson?

Q: Uh huh.

A: She stayed, yeah, she was a light skinned girl she stayed next door to me but I don't remember her roommate. She quit. I think she quit one year and had a baby and came back and finished. I'm not for sure.

Q: How about Helena's roommate?

A: Vonnie, Vonnie Turner. Now Vonnie I've known since my freshman year. When I was a freshman she was a sophomore. We stayed in the same dorm in the same suite. We stayed in Baker Hall in the Q suite. That was one of the baddest suite's there was. She stayed next door to me and I was staying right here. I knew her since my freshman year and she, no she wouldn't do that. No, she wouldn't bring anybody upstairs. She wasn't that type.

Q: Well you sound like you are real sure about her, but some of the others you're not?

A: Carol...okay if you can give me the names I can tell you who I know and who I don't know anything about. Okay, Carolyn Wilson, she wouldn't bring, Carolyn, she was so funny. I don't think she would bring anybody upstairs and Gaylar. She was talking to Vernon I think at the time. She was hardly there in the dorm except to change her clothes. Carolyn, I can't recall her last name, but I used to hang out with Carolyn a lot. She was talking to this guy and he was the guy I was talking to best friend, not best friend, but they know each other. We were always together. We used to double date a lot. I don't know. Okay, now Hazel Broadwell, she lived around the corner. I've known her since my freshman year and she had been talking with the same guy for almost four years...

Q: Let me ask you this?

A: Some people I can tell you right off on that floor.

Q: Let me ask you this one question again. Do you believe, do you

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SOLVABILITY FACTORS FOR INVESTIGATION FROM CRIME INVESTIGATION REPORT				
ELIMINATED BY INVESTIGATION		9. DEVELOPED BY INVESTIGATION		

think that Jackie is telling everything that she knows about it. I mean, you were her roommate....

A: Yeah, but you don't....

Q: And you know her.

A: Right, but you don't know people. You can only know so much about one person.

Q: Sure, but you still can have a better feeling for them, I can, since I don't know her.

A: She seems so eager, I guess she would be telling all she knew. Why would she stay there that weekend. She could have gone home, any place. Yeah, I think she was. She wasn't afraid. I guess she was telling everything. I don't know. I'm trying to sit here and think. I've been thinking about this thing every since you called me. It's been worrying me. Do I think that Jackie is telling everything that she knows? Do I think, Jackie is telling everything she knows? Yeah, I think so. We were discussing that time she was staying with us, that summer, May of '81. We were discussing it and she didn't mention anything different then. I think, you know, the way she was going on she would have mentioned something different. We were sitting there drinking and carrying on. She didn't mention anything. She got drunk she would have had a loose tongue.

Q But you never heard Jackie say anything about seeing this guy come out of somebody's room before?

A: No I don't remember her saying see anybody. I think when she was questioned by the police before she, I think she did mention that. I'm not sure. I do recall her saying that she thought that she saw him come out of someone's room. Now I don't know if she told anyone else.

Q: Okay, let me tell you this Barbara. We've got a witness that is willing to testify in court that Jackie told her that morning about five minutes before the stabbing occurred that she saw this guy come out of one of the girl's room?

A: Five minutes before the stabbing occurred?

Q: Before the stabbing occurred.

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A: Now how could that be. Well, I was sleep. But still, when Helena first screamed Jackie didn't react like I did, cause I woke right up because it was a loud scream. I asked her. I said "Jackie, what was that." She says "I don't know." Then she screamed again. That's when we both got out of bed and she told me to put some clothes on and she went to the door first. She went to the door first and opened the door. I was putting some clothes on. She didn't go out the door. She waited until I had some clothes on and then we both saw him come out of the bathroom. I'm trying to think whether she had the door open, I don't think she had the door open while I was putting my clothes on. She couldn't have been, because we were both standing in the door together when we first saw him come out of the bathroom. She couldn't have had the door open or she would have been standing there.

Q: Let me ask you this Barbara. If the need should ever arise, would you be willing to submit and take a lie detector test of any of the stuff that we've talked about this morning?

A: Sure. At one time, Jackie suggested that they put me under hypnosis because she said I blocked everything out. I don't know. She thought I was doing it deliberately. It's not deliberate. When I found out what really happened, when I really got myself, you know, really thought about what happened, I sat by the elevator and I cried and I cried and then they took me in to someone's room, 603, took me to 603 and sat me down until I had calmed down. Once I had calmed down I called my grandmother and told her. I didn't even tell her what happened. I just told her I was coming home. She said "Okay, call me back and let me know what time the bus is coming in so someone can meet you at the bus stop." I said "Okay." I called the bus stop, bus station and they told me the next bus wasn't leaving until 1:00 o'clock. That's when I called my girlfriend and told her to come pick me up.

Q: Well, let me ask you this. Would you, if we were to decide it would be necessary some time later or maybe helpful, would you consider submitting to a hypnotic interview?

A: Yeah. I've never said I didn't want to be hypnotized. I think that the reason the police didn't really consider Jackie's idea was because she was so hoisted up about this thing. She was so gung ho. You know, get this man and, you know, I wasn't really, you know, I had wanted to let it slide really. I felt bad

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VICTIM (LAST, FIRST, MIDDLE) Peyton, Helena		6. ADDRESS 603 Latham Dorm, Raleigh, NC	
OLVABILITY ACTOR CODES	A-TRACEABLE PROPERTY B-PHYSICAL EVIDENCE	C-WITNESS D-M.O.	E-NAMED SUSPECT F-LOCATED SUSPECT
SOLVABILITY FACTORS FOR INVESTIGATION FROM CRIME INVESTIGATION REPORT		G-DESCRIBED SUSPECT H-IDENTIFIED SUSPECT	
ELIMINATED BY INVESTIGATION		9. DEVELOPED BY INVESTIGATION	

because she was stabbed, but I didn't want. I really didn't want to get involved at the time.

Q: But, Barbara there is nothing that you can tell me about Sarah Collins and Alfreda Hussy?

A: No. I didn't know them.

Q: About what kind of girls they were or what kind of friends they had?

A: In fact. I don't believe they ever sat out in the hallway and played cards with us, you know, really done anything that we used to do on the floor.

Q: Okay....

A: I never really held a conversation with them.

Q: Is there anything else that you can think of that might interest me about this that I haven't asked you any questions about?

A: They said he had a knife. I don't remember seeing a knife in his hand. I don't remember him wearing a dashiki. I remember he had on a light colored shirt.

Q: You don't remember a dashiki?

A: No. I never said he had a dashiki on. That was Jackie's description. Jackie gave you all the facial features and all the clothes he had on, I can just give you a general outline of this man.

Q: Okay, well the clothing description is backed up by several other witnesses, plus the dashiki and the knife were recovered. The knife had Helena's blood on it and so did the dashiki. Obviously he was wearing a dashiki.

A: Right. Now the dashiki, cause one time they had said it had to be somebody on the campus. Nobody on the campus, you would never see anyone on campus with a dashiki on.

Q: Is that right?

A: Right. Dashiki's had been out of style for so long, that you

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SOLVABILITY FACTOR CODES	A-TRACEABLE PROPERTY B-PHYSICAL EVIDENCE	C-WITNESS D-M.O.	E-NAMED SUSPECT F-LOCATED SUSPECT	G-DESCRIBED SUSPECT H-IDENTIFIED SUSPECT
SOLVABILITY FACTORS FOR INVESTIGATION FROM CRIME INVESTIGATION REPORT				
ELIMINATED BY INVESTIGATION		9. DEVELOPED BY INVESTIGATION		

wouldn't see too many people wearing it. It had to be somebody off the street.

Q: With what you can remember about this person, did he look like he was a college age person or older or younger or what?

A: He looked to be in his 20's. Yes, I would say he, no he wasn't, well everybody on campus is not neat. Yeah, I would say he could have been, you know, in college. It didn't look like anybody I recognized from school.

Q: Do you remember where his hands were when you saw him?

A: One was on the door. The other one I guess was, I think, I guess it was at his side, cause he opened the door with this hand, his left hand like he was getting ready to go out. He turned around and looked at me and Jackie. Cause we hadn't moved from the doorway. We were still standing this, this man ran past us.

Q: Okay, the time he came past you, do you remember where his hands were?

A: No, I don't. The thing was, I don't understand now, this man must have known or must have been up there before because he didn't go to the first exit door, the exit door right there by them. He didn't go there. He went over that way to that exit door. Most people would have went to the first exit door they see. He must have known that exit door was broke.

Q: Was it broke?

A: Yeah. It's hard to get open. It was hard to get that door open and closed. You know, if you didn't know, most people who come to the sixth floor and want to run down stairs, they'll go to that exit door first. You know, it's hard to get opened and closed.

Q: Okay...

A: It was something wrong with the thing. It would squeak loud and you could hear it and stuff. He went to the other one.

Q: Barbara, I'm satisfied that the guy was up there to see somebody. He knew somebody up there. There's no real doubt in my mind that he was up there for that reason.

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COMPLAINT NO. 558471	2. OFFENSE Homicide	3. CLASSIFICATION Murder	4. DATE/TIME OF THIS REPORT 8/6/82 0930	Page 22 of 22
VICTIM (LAST, FIRST, MIDDLE) Peyton, Helena		6. ADDRESS 603 Latham Dorm, Raleigh, NC		
SOLVABILITY FACTOR CODES	A-TRACEABLE PROPERTY B-PHYSICAL EVIDENCE	C-WITNESS D-M.O.	E-NAMED SUSPECT F-LOCATED SUSPECT	G-DESCRIBED SUSPECT H-IDENTIFIED SUSPECT
SOLVABILITY FACTORS FOR INVESTIGATION FROM CRIME INVESTIGATION REPORT				
ELIMINATED BY INVESTIGATION		9. DEVELOPED BY INVESTIGATION		

A: He had to be.

Q: He had been invited up there by somebody on that sixth floor and somebody up there knows about this and is just not telling it. That's why me and my partner are working on this case. You know, we're trying to find out. We owe it to Helena to solve this case, and we owe it to her family.

A: That's right, cause it's been a long time.

This will conclude the interview between this investigator and Barbara Lee.

A. C. Munday
Major Crimes Task Force
Investigative Division

hb/hmon

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Police interviewed Debra Moore, a student who lived on the 5th floor of Latham Hall at the time of the incident. Moore did not know anything specific about the crime. Police questioned her about her knowledge of Jackie Kelly, prostitution, and drugs, but while Moore confirmed hearing some rumors about prostitution and drugs, she did not have any specific knowledge concerning those activities. Moore's analysis of the college was that security was "lacking." She had not been at Latham Hall long before this incident, but described her previous stay in Baker Hall, another all-female college dorm, as having a frequent issue with men being in the dorm regularly. As to Latham Hall, she indicated that it was "getting pretty bad" as it related to guys being in the dorm. (RPD—DA, Bk. 1, 333-354).

Police also interviewed Alfreda Hussey on September 2, 1982 and her roommate Sarah Collins on October 7, 1982. Police administered "psychological stress evaluations" on both women, with Hussey's administered the day after her interview and Collins' administered several days after her interview. The tests for both women determined that they "lacked distress" and "believed the answers...to be truthful." Both women provided that no man had been in their room the night before or the morning of the murder. While both agreed that they had heard that Kelly accused them of being somehow involved, they did not have any direct communication with Kelly. Both women provided that they believed the rumors about them started circulating because they both left school very shortly after this attack. Both women indicated that they tried to come back to school a week or so after the incident, but simply could not continue and at the urging of their families stayed home for the remainder of that semester. Both women recounted hearing the screams, but staying in their room because they were afraid and only allowing their next door neighbor to enter. They left for home the same day of the assault. They did not have

any information about the suspect. As to accusations about drug use and prostitution in the dorm, neither woman knew of any such activity or saw any such activity. The interviews of both women and the “psychological stress evaluations” are provided in full below²¹.

²¹ The interview of Collins had a repeat page. Page 82 was a repeat of Page 81 and as such was not included.

ALFREDA HUSSEY

SUPPLEMENTARY REPORT

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VICTIM (LAST, FIRST, MIDDLE) Peyton, Helena		6. ADDRESS 608 Latham Hall, St. Aug. College		
SOLVABILITY	A-TRACEABLE PROPERTY	C-WITNESS	E-NAMED SUSPECT	G-DESCRIBED SUSPECT
ACTOR CODES	B-PHYSICAL EVIDENCE	D-M.O.	F-LOCATED SUSPECT	H-IDENTIFIED SUSPECT
SOLVABILITY FACTORS FOR INVESTIGATION FROM CRIME INVESTIGATION REPORT		9. DEVELOPED BY INVESTIGATION		

INVESTIGATIVE NOTES:

This immediate interview is with Alfreda Louise Hussey. Persons at the interview were the principal, J.C. Holder, A.C. Munday and W. M. Parker Jr. PSE Test were given by W. M. Parker, Jr. (See PSE report).

STATEMENT OF WITNESS:

Alfreda Louise Hussey
 8th Street - PO Box 237
 Pinetops, North Carolina
 Home telephone number: Area code, (919) 827-5390
 Social Security Number: [REDACTED]
 DOB: 4/10/59

This interview is conducted at the Pinetops, North Carolina Police Department.

Q: I want you to go back, if you would please, to September 28, 1979, the morning this happened. Let's go back even further than that. Let's start, maybe, the day before.

A: The day before?

Q: Yes. What events can you recall that happened prior to that particular morning that the stabbing happened, as far as your classes or on campus activities?

This would have been on a Thursday, the day before.

All right, let's do this. Who was your roommate?

A: Sarah Collins.

Q: And you stay in which room?

A: 616.

Q: 616? Describe to me, where is that located in reference to the, where Helena was stabbed?

A: It's located on the back side, next to the stairway.

Q: Would that be the west side of the building?

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			<input type="checkbox"/> INACTIVE	RESERVED CLEAR					

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7. SOLVABILITY FACTORS FOR INVESTIGATION FROM CRIME INVESTIGATION REPORT	A-TRACEABLE PROPERTY B-PHYSICAL EVIDENCE	C-WITNESS D-M.O.	E-NAMED SUSPECT F-LOCATED SUSPECT	G-DESCRIBED SUSPECT H-IDENTIFIED SUSPECT
8. ELIMINATED BY INVESTIGATION	9. DEVELOPED BY INVESTIGATION			

A: I don't anything about directions.

Q: Did you know Helena?

A: Not personally. I knew her from seeing her around campus.

Q: I think she lives not too far from you.

A: Yeah.

Q: So you didn't know her prior to going to St. Augustine's?

A: Huh, uh. (No)

Q: And what year were you in at St. Augustine's?

A: Junior.

Q: You were a Junior?

A: Uh, huh. (Yes)

Q: Was it your first year in Latham Hall?

A: Uh, huh. (Yes)

Q: So, in Latham Hall on the sixth floor, in that particular room, Sarah Collins the only roommate that you had?

A: Uh, huh. (Yes)

Q: If you would, describe to me, what you were doing or what you and your roommate were doing on that particular morning also let's start back the day before.

A: Yeah.

Q: Thursday evening, before Helena was stabbed what happened as far as you and Collins are concerned. Did you have classes that Thursday?

A: I'm pretty sure I did. If I can remember...I do remember earlier that night, we went out to Krispy Creme and got some donuts, but that in the earlier part of the night. About 8:00 o'clock.

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SUPPLEMENTARY REPORT

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VICTIM (LAST, FIRST, MIDDLE) Peyton, Helena		8. ADDRESS 608 Latham Hall, St. Aug. College	
OLVABILITY	A-TRACEABLE PROPERTY	C-WITNESS	E-NAMED SUSPECT
ACTOR CODES	B-PHYSICAL EVIDENCE	D-M.O.	F-LOCATED SUSPECT
SOLVABILITY FACTORS FOR INVESTIGATION FROM CRIME INVESTIGATION REPORT		G-DESCRIBED SUSPECT	
ELIMINATED BY INVESTIGATION		H-IDENTIFIED SUSPECT	
		9. DEVELOPED BY INVESTIGATION	

Q: You and who?

A: Was me and the girl next door, Vanessa Murrell and ah, Sarah.

Q: How did you get there?

A: I had a car.

Q: What kind of car did you have?

A: A '75 Monte Carlo.

Q: Which Krispy Creme did you go to?

A: Was that Peace Street?

Q: Peace and Person.

A: Yeah, uh, huh. (Yes)

Q: All right and then you got back home, back to the dorm...

A: And I was studying for an exam the next morning.

Q: What exam did you have?

A: African Civilization.

Q: Who was your teacher?

A: Dr...an, Mr. Bridges.

Q: Bridges?

A: Uh, huh. (Yes)

Q: Start from there and tell me what happened. You were studying for exams. How late did you study?

A: About 10:00 or 11:00. My roommate had gone to bed and then about 11:30 I went to bed and it was next morning early I heard a lot of screaming. So I thought I was dreaming, so I sat up in bed. I called my roommate. So she got up and turned on the light and we stood at the door. We could hear a lot of running around, so I knocked on my wall and I got my other... Venessa up and so, ah, my

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VICTIM (LAST, FIRST, MIDDLE) Peyton, Helena		6. ADDRESS 608 Latham Hall, St. Aug. College	
5. SOLVABILITY FACTORS FOR INVESTIGATION FROM CRIME INVESTIGATION REPORT	A-TRACEABLE PROPERTY C-WITNESS E-NAMED SUSPECT G-DESCRIBED SUSPECT I-VEHICLE I.D. B-PHYSICAL EVIDENCE D-M.O. F-LOCATED SUSPECT H-IDENTIFIED SUSPECT		
ELIMINATED BY INVESTIGATION	9. DEVELOPED BY INVESTIGATION		

roommate opened the door and we let Venessa in. So, we stayed in the room about forty five minutes before we decided to go out cause we didn't know what was going on and she had told us when she come in that we had seen some girls running around here and somebody said somebody got stabbed. So we stayed in there and I didn't go out of my room now, cause I went home and so I called my mother on my way out and told her I was on my way home.

Q: So you had a car there so you can drive home?

A: Uh, huh. (Yes) All three of us came home because my she was from New Bern and she came to my house and we took her to Greenville to the bus station and she went on home.

Q: Who is she?

A: Venessa Murrell.

Q: So, you, Venessa...

A: And Sarah...

Q: Left in your car and went where?

A: Pinetops.

Q: What time did you leave campus?

A: It was about 7:00 or 7:30. It was light.

Q: Why did you leave?

A: Because we heard somebody had got stabbed so we just picked up our bags and left. Cause I had already planned to go home. I came home every weekend anyway.

Q: And after you got home to Pinetops, I know, being the three girls together, driving from Raleigh, to Pinetops, you probably discussed what happened, or why did it happen...

A: Yeah...

Q: Tell me about the conversation that the three of you had?

A: I don't know but I'm pretty sure we discussed it. Cause I

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was wondering how the man could get up on the 6th floor and just stab someone anyway.

Q: You got back to Pinetops, Venessa, what happened to her? How long did she stay with you?

A: About fifteen minutes because my sister got up out of bed, she was dressing so she went to the bus station in Greenville.

Q: In Greenville?

A: Uh, huh.

Q: Now what did Collins, what did she do?

A: She went with me and then when we got back I took her on home.

Q: Where did Collins live?

A: She use to live down in this place called Dodge city, right outside of Pinetops, but she's in Georgia now.

Q: She is?

A: Uh, huh. (Yes)

Q: Where in Georgia?

A: Hinesville.

Q: What's she doing there?

A: She's married and her husband is in service.

Q: She married a man from here, from Pinetops?

A: No, from Apex.

Q: From Apex?

A: One of my friends brother.

Q: What was his name?

A: Larry Ray.

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Q: Larry Ray?

A: Uh, huh. (Yes)

Q: Do they have any children now?

A: Uh, huh. (Yes)

Q: They do?

A: Uh, huh. (Yes)

Q: How many?

A: One (1)

Q: One? Boy? Girl?

A: Girl.

Q: Have you been talking to Sarah?

A: Not since Christmas.

Q: How's she doing, okay?

A: Uh, huh. (Yes)

Q: You have asked some of the same questions that we have asked. We have talked to a number of students that was on the sixth floor at that time. And we, ourselves, have asked, why did the guy chose the sixth floor. And I'm sure you have asked the same. You, Venessa, Sarah. Do you have an answer? Do you have any idea why this individual choose the sixth floor?

A: Naw. I heard a lot of rumors.

Q: But you, yourself, do not know of any reason why this individual choose the sixth floor?

A: No.

Q: What rumors have you heard. We also have heard a lot of rumors.

A: Yeah, I heard a lot of rumors about myself.

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Q: Did you?

A: Uh, huh. (Yes)

Q: What did they consist of?

A: They said that ah, me and my roommate have brought some dope or something from the guy and he came up looking for his money and then I heard that ah, there was something a rust spot on our carpet in the room, and I heard that some police cut this carpet out and found out what they thought was blood in the room. And I heard that it was a girl living there named Jackie Kelley that he was up there after her. And that's all.

Q: You heard that he was up there after Jackie Kelley?

A: Jackie Kelley. Uh, huh. (Yes)

Q: The individual, I'm convinced, did not really intend on killing her. The reason she was stabbed was because she screamed and he really didn't intentionally stab her to kill her. Helena lived for what, 30 days, after she went into a coma, and then she died and that's a shame, it really is. That this individual is still walking, somewhere. That's the reason we have you here today is to clear up some of these rumors, some of these question marks that we have and hopefully we can work together as a team. A lot of students we've talked to are married. They have a family and a lot of these young ladies that we've talked to are very very concerned about this particular incident and also about other young black females becoming victims and end up as a murdered victim and yet, nobody really wants to become involved. Everybody wants to stay back. Everything we talk and discuss here, is confidential between the four of us, and will not go anywhere. So anything that you might say or any ideas that you might have, whether it be rumor or fact, we would appreciate you relating to us and if you have any questions feel free to ask. We are going to lay the cards on the table. Mr. Parker is a PSE Operator, which is a Psychological Stress Evaluation, and I'm going to let him explain to you what his machine can do. We're hear rumors about you and Sarah Collins. We want to clear this rumor. We've also heard rumors about other students on the sixth floor that we've got to clear. So, you are not unique. We've got to eliminate these question marks that we have now and they will continue to exist until we solve this case. I'm going to let Mr. Parker explain to you what this machine can do.

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Q: Do you know Jackie Kelley?

A: Not personally. I know her, being around campus.

Q: How did you and Jackie Kelley get along?

A: I mean, I mean we just spoke.

Q: You didn't socialized together, didn't date together?

A: Huh, uh. (No)

Q: Do you have any idea why they choose you and Collins to start this rumor on?

A: I think because we are the only two that left.

Q: How soon was this rumor started after the stabbing happened?

A: About a week or so, I guess because we went back. My mother told me that I wasn't going back and then Sarah decided that she wasn't going back and so I went up there to get my things.

Q: Did you ever reapply for re-admission?

A: Oh, yeah, I went back.

Q: About a year later?

A: Uh, huh. (Yes)

Q: Did you ever have any problems with the re-application to the University. Did any of the administration have anything to say to you about why you left, and why, you didn't come back?

A: No.

Q: Who do you think started rumor Alfreda?

A: I was told Jackie.

Q: And why do you think she would start that rumor?

A: I don't know. I guess to get the people off of her back.

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Q: What kind of...a female student is Jackie Kelley, Describe her, you know her better than we do.

A: Ever time I saw her she was by herself and she would walk around a night by herself and she associated with these, with about four girls and I thought she was sort of wild.

Q: What four girls did she associate with?

A: I didn't know them.

Q: Are they students there?

A: Uh, huh. (Yes)

Q: In Latham Hall?

A: Uh, huh. (Yes)

Q: On the sixth floor?

A: Oh! I don't know about the sixth floor, but I think they were around Baker and Latham, cause I lived with Jackie when I was in Gould Hall cause she was in Gould Hall too.

Q: This was...

A: Freshman year.

Q: Her Freshman year?

A: Uh, huh. (Yes)

Q: Do you think, that Jackie is involved in this?

A: I never really thought about it. But, they said she kept changing her story about what happened and what she saw...

Q: Did you ever talk with Jackie after this happened?

A: No.

Q: You did not?

A: No.

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Q: I'm sure you and Sarah have talked, about this. And she's probably upset at Jackie...

A: Uh, huh. (Yes) So is my sister.

Q: Who was your sister?

A: Katherine Hussey.

Q: Katherine Hussey? Is she a student up there?

A: No. Huh, uh. (No)

Q: Is she here?

A: Uh, huh. (Yes) With us.

Q: How old is she?

A: Twenty seven.

Q: Does she work?

A: Uh, huh. (Yes) Telephone Company in Rocky Mount.

Q: But she didn't have any association with the college at all?

A: No.

Q: How did she know about Jackie?

A: Cause my girlfriend would call me and tell me Jackie is telling all these rumors about us.

Q: Who is your girlfriend that told you?

A: Marida Ray.

Q: Marida Ray? Was she a student?

A: Uh, huh. (Yes) She was living over in Baker at the time.

Q: In Baker?

A: Uh, huh. (Yes)

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Q: Was she a Junior, Freshman?

A: She was a Junior.

Q: Junior?

A: Uh, huh. (Yes)

Q: So she knew Jackie apparently?

A: Yeah.

Q: And Jackie probably told her, right?

A: Probably or it just got around to her.

Q: When you were interviewed by the police, originally, in Raleigh. Where were you interviewed?

A: In my room.

Q: In your room?

A: Uh, huh. (Yes)

Q: And you were only interviewed that one time?

A: And some man came to the house about three months after it happened. I can't remember his name. I think he was with the FBI.

Q: What did he look like?

A: He was a tall man, white hair.

Q: Came to your house?

A: Uh, huh. (Yes)

A: I can't remember his name. He was on his way to Helena's house, so he stopped by my house.

Q: You know the University and the campus, better than we do, what do you think happened and why? We're asking your opinion that's all.

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A: I always thought he was up there after someone that he knew that lived up there.

Q: We think that too.

A: Yeah, cause he came all the way up to the sixth floor.

Q: Do you have any idea, at all, who he might have been after?

A: No cause we were only in school about two weeks and I really didn't know the girls that was up there.

Q: And so you really just started the school year?

A: Uh, huh. (Yes)

Q: Like you say, he was up there to see someone. And that time of morning, why would he be up there? Why would a man be up there in the early morning hours. Do you have any idea, any thoughts about that.

A: He knew a girl or something to get up there.

Q: A lot of girls stayed on the sixth floor.

A: Yeah.

Q: But yet, here's this guy, upstairs, in a bathroom. We've even heard and thought about the probability of him being in a room with a girl and maybe they had engaged in sexual intercourse and he got up and went to the bathroom to clean himself. I'm sure you had men upstairs. On the sixth floor. That went on. Are you aware of that?

A: No. I have seen then went I went back to school, on the floor.

Q: When Helena was assaulted were you aware of that happening.

A: No, because we had just got over there, about two weeks.

Q: It was told to us that drugs were involved. A rip-off. I tend to maybe lean a little bit toward that because the use of marijuana was frequent in Latham Hall, on the sixth floor. Not only on the sixth floor but on other floors too and also in Baker Hall. I'm sure you are aware of the smoking of reefer and soforth.

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A: Yeah.

Q: We are beginning to get more information and lean toward that particular aspect of it, as a rip-off, for drugs and money. You were there for two weeks. And you spent time on the sixth floor in Latham Hall.

A: I always thought he was up there after someone that he knew. But for what reason, I don't know.

Q: Are you saying that you have never seen men up there on that floor?

A: Not on the sixth floor.

Q: In that two weeks?

A: No.

Q: When did you move into your room. You and Collins?

A: When I went back to school. It was the 20...29th.

Q: Of what?

A: August.

Q: On the 29th of August you moved into your room?

A: Uh, huh. (Yes)

Q: And the stabbing happened the 28th of September.

A: Just about three weeks.

Q: About three weeks and you were there.

Prior to that year, where were you?

A: Baker Hall.

Q: Baker Hall?

A: Uh, huh. (Yes)

Q: So this was your first time in Latham Hall?

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A: Uh, huh. (Yes)

Q: Now Baker Hall was wild.

Do you think there could be a sort of run over from the girls that were once in Baker Hall carrying over into Latham Hall?

A: I never thought of that.

Q: Do you think that could be. You were in Baker Hall before you came to Latham?

A: Uh, huh. (Yes)

Q: So you were a Junior when this happened?

A: Uh, huh. (Yes)

Q: So the year prior to that you were a Sophomore?

A: Sophomore, right.

Q: And you were in Baker?

A: Uh, huh. (Yes)

Q: Were there any other girls, other than yourself, that occupied a room in Baker Hall and then were transferred over to Latham Hall?

A: Uh, huh. (Yes) The girls that lived next door to me Vanessa Murrell and Olivia Boyd we were roommates. There were four in a room at Baker so we decided to get rooms together right beside each other.

Q: Who else. Anyone else you can think of?

A: On that floor? Genevia Dottery and misheard Bennett.

Q: Dottery and Bennett?

A: Uh, huh. (Yes)

Q: Where do they stay?

A: They live in South Carolina.

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Q: Okay but they stayed in which room?

A: I don't know. They were on the sixth floor.

Q: They were on the sixth floor?

A: I don't know what room.

Q: And they are from South Carolina?

A: Uh, huh. (Yes)

Q: Was Sarah Collins from Baker Hall too?

A: Uh, huh. (Yes) We were roommates. All four of us were roommates.

Q: I see. How about Jackie Kelley. Where did she come from? Was she in Baker?

A: I don't remember. I don't remember.

Q: But you had remembered having been in a dorm with her when you first got there as a freshman, right. What hall was that in?

A: Goold Hall.

Q: Goold Hall.

Jackie Kelley, was she doing drugs?

A: I don't know.

Q: You don't know?

A: I always thought she was but I don't know for sure.

Q: How do you feel about her being a suspect? I mean she was the only one that spoke up.

A: Spoke up, right.

Q: And she's the only one that went on T.V. about it. She's the only one that even bothered to come forward, very strongly, voluntary. What does that tell you? What does that represent to you?

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A: I don't know, cause I always thought that she had something to do with so, I might be prejudice about it.

Q: But why do you think that way, Alfreda.

A: I don't know, cause I always seen Jackie. She was always by herself and they told me she carried a knife all the time. And I just thought she was sort of wild.

Q: In what ways was she wild?

A: I mean hanging out by herself. I don't walk the campus alone by myself and anyway, like I said, I would see her going to the store and she be out walking by herself.

Q: Did she have boyfriends that you knew about?

A: Not that I know of.

Q: Did she associate with the people on campus, mostly, that you know of?

A: There were just certain girls, but I don't know who they were. I always seen her talking to them.

Q: Do you know whether she had friends off campus that she associated with?

A: I have no idea.

Q: What kind of girl was Sarah Collins?

A: She was quiet, we are both from here at Pinetops. She was sort of the reason that I went to St. Aug. she said that she was going so we could go together.

Q: Was Sarah a nervous type person?

A: Yeah. And everything we done, we would stick together.

Q: Tell me about the physical argument that the girls had?

A: The physical scuffle?

Q: Yes. I understand Jackie Kelley...was it Venessa, taking up for

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you and Sarah?

A: Venessa.

Q: Didn't they get into a little bit of a scuffle up there...

A: I think it was conversation wise.

Q: Kind of heated verbal as you know.

A: Yes.

Q: Did she tell you about it?

A: Jackie was trying to put out his name on is.

Q: Jackie Kelley. How old was she? Was she older than you?

A: I don't know.

Q: Alfreda, why Helena. Why her?

A: I always thought that too. Cause I thought she was quiet. That's the impression that I got of her.

Q: Did you know her roommate, Yvonne Turner?

A: Not personally. But after I went back to school, you know, I knew here then. Cause she, I use to buy Avon from her.

Q: What kind of person was Helena and her roommate, as recognized by you?

A: Kind and understanding.

Q: Helena was on the sixth floor, rooming with Yvonne Turner. How would you describe them other than being just quiet?

A: Well, I've never really saw them except in the bathroom and taking showers and going to the toilet. That was about it.

Q: Now the way the bathrooms were arranged, these toilets were on one side and the showers were on the opposite side and Helena went into the first stall. Why do you think the man went into the bathroom? Do you have any thoughts on that at all?

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You do not?

The man that stabbed Helena was wearing a dishiki, dark pants and tennis shoes. He had fairly close hair cut. What do you make of that?

A: Well, I always thought it was a African. They told me that he looked like he was a African. And I don't know.

Q: Did you see many dishiki's during that period time that you were there for two weeks, right?

A: Yeah, the African's wore them.

Q: The Africans wore them up there?

A: Uh, huh. (Yes)

Q: Have you ever seen any men at all on the hall up there?

A: Huh, uh. (No)

Q: Did you see men downstairs, in the lobby?

A: Oh!, uh, huh. (Yes)

Q: Did you ever see any men downstairs, wearing a dishiki in those three weeks period that you were there?

A: Not that I can remember. I mean I could have but I couldn't say "Yes" or "No".

Q: Were you a member of any religious group on campus?

A: Huh, uh. (No)

Q: You were not?

A: No.

Q: September 28, 1979, or prior to that date, the three weeks that you were there. Did you have a boyfriend?

A: No.

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Q: You did not?

A: Huh, uh. (No) I didn't have a boyfriend the entire time I was up there.

Q: You did not?

A: I had male friends, but no boyfriends.

Q: The male friend that you had, did he have any contact with other girls on the sixth floor?

A: Not that I know of.

Q: Were they students?

A: They were. Some of them had graduated the year before.

Q: Some of them graduated the year before?

A: Uh, huh. (Yes)

Q: But they were around campus?

A: Uh, huh. (Yes)

Q: Doing what?

A: I mean, they come visit me.

Q: Oh, come visit you?

A: Uh, huh. (Yes)

Q: Did any of your friends wear dishikis?

A: No.

Q: They did not?

Do you think we are looking for a student?

A: You could be. I don't know.

Q: How do you feel about it?

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A: I always wondered how did he get in the building.

Q: How would you have to get into Latham Hall when you came in?

A: I had a key.

Q: Did ever girl have a key?

A: Uh, huh. (Yes) The room key fitted the door.

Q: Which door were you required to come into?

A: The front door.

Q: And then what were you required to do, when you came in?

A: Anything you wanted.

Q: Did you have to lock the door back or is it a automatic?

A: They put a lock on it. Back then when you first came in you were suppose to unlock it and you are suppose to lock it back.

Q: From the inside?

A: Uh, huh. (Yes) And then after it happened they put a turn lock on it.

Q: You were there for only three weeks, and you can separate in different groups, in different levels, some of the girls, it did not take you long to spot Jackie Kelley.

A: Right.

Q: We have been given some names of girls that were prostituting, on the sixth floor.

A: The time that I was there?

Q: Is there anybody other than Jackie Kelley that you got bad vibes about?

A: No. I did not really know.

Q: As far as you are concerned everything on the sixth floor, was just

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fine?

A: Fine. Right. But I knew about Jackie from the freshman year. I had meet her before.

Q: How did you know about her? You said your freshman year, you knew about her before. Tell me about her before?

A: The way she would walk around on campus by herself. She was always by herself, you know, Jackie had red hair and she was real bright so you can't miss her. I mean but notice her.

Q: What does that mean?

A: I mean, if you see her in a crowd then, among other people, then you are just going to spot her. You're going to remember her. In the way she looked. That's the way I did.

Q: A group of young black ladies?

A: Uh. huh. (Yes)

Q: You got a girl that stands out in the group, like Jackie Kelley, that's been described as wild. Is that the reason Jackie Kelley did not get along with the majority of the girls.

A: Its a piece of the reason. I really don't know.

Q: You really don't know.

A: Uh, huh. (Yes)

Q: Well what does that mean to you, as I have described Jackie Kelley dyeing her hair. What does that telegraph to you, without even knowing who she is?

A: I mean I didn't associate with her.

Q: Okay, but you see a girl, like Jackie Kelley, at St. Augustine's College, and out of the group, you have one that dyed her hair red. What does this mean to you? What does this tell you about this individual?

A: I don't know.

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Q: You don't know?

A: I don't understand.

Q: Does it indicate to you that she's cheap, that she's fast? She's a drug dealer? She's a prostitute? What does this indicate to you, and the rest of the girls, but I'm asking you because we're talking to you. Most of the black young ladies, like yourself, at St. Augustine's College, have natural black hair. You have got one girl, out of this group, on the sixth floor, that's got dyed red hair. Now this tells you something. What does this tell you? Obviously, it paints a different picture for you.

A: I mean, I always thought she was wild and she would do anything, go anywhere.

Q: And you mentioned the knife that she carried with her?

A: I don't know that for a fact but I was told.

Q: Who told you that?

A: I don't remember. I mean it was just talk. Don't remember in particular who said it. Sit around talking.

Q: Have you ever exceeded?

The conversation about Jackie Kelley having a knife. Was that mention before the stabbing or after the stabbing?

A: After.

Q: After the stabbing?

A: Uh, huh. (Yes)

Q: Do you recall how long after the stabbing?

A: Well I was only there, it happened on a Friday, and so that Monday I went back. And that Monday night we stayed in the room. Guys were living in the dorm at that time. Staying in the room with us so it just came up in a conversation and the conversation was that ah, when I got back, you know, they are talking about it. They said that she always carried a knife.

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Q: But you really don't know why Helena was chosen and became the victim. Do you know a Glenda Delaney?

A: Uh, huh. (Yes) Yeah.

Q: What can you tell me about Glenda?

A: She was ah, Jackie Kelley's friend and she was my friend's roommate the year that I went back.

Q: What can you tell me about her. Is she and Jackie, real close?

A: I would think so. They had their problems but ah...

Q: Do you know what kind of problems?

A: No.

Q: Barbara Lee, she was staying with Jackie. What about her?

A: I don't know that much about her either.

Q: Now, your friend was Venessa...?

A: Sarah and Olivia.

Q: Venessa, does she spend a lot of time in your room and Collins' room?

A: Uh, huh. (Yes) Yeah.

Q: Did she ever sleep over there?

A: No.

Q: After the stabbing, you and Collins left why?

A: Why we picked up and left? I was scared.

Q: Scared of what?

A: I don't know. I wondered why the man come all the way up to the sixth floor, just to stab someone.

Q: What were you scared of?

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A: It could have been me, if I had been in the bathroom at that time. I could have gotten it.

Q: You had never seen a man of the sixth floor, before, in those three weeks. All of a sudden you have a girl on the sixth floor, that you don't see very often, on the other side of the hallway, stabbed. And you become so afraid, at that moment, that you leave, leaving the school, your future, everything behind. You just picked up, you go home, and you don't return.

A: I returned. I went back that Monday. And then my mother...

Q: And got your things.

A: I stayed that night.

Q: You did stay that night?

A: Uh, huh. (Yes) I stayed that Monday night and then I called my mother and she told me that she wanted me to come home. They did not want me to go back.

Q: Is that the reason you left is because of your mother?

A: the reason I left school, uh, huh.

Q: But you did come back on that Monday and spent the night?

A: Uh, huh. (Yes)

Q: Were you intentions when you came back on Monday to stay there?

A: To stay there, right. And then everybody was so tense up on the sixth floor, everything was so quiet and the boys was living up there, staying up on the sixth floor at that time, and so I couldn't get any sleep and so I told...I called my mother and she told me that she really wanted me to come home and get my things together, you know, so I went back.

Q: And you did not get yourself together, until how long after that?

A: I stayed out the whole semester and then I went back the next semester.

Q: What month did you go back?

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A: January.

Q: January of?

A: '80.

Q: January of '80? How long did you stay that time?

A: I stayed, I went that semester and then I dropped out cause I didn't get any grants, and then when I got the money I went back and I'm having the same problem again.

Q: But you left...after Helena was stabbed. You came back in January.

A: Right.

Q: You stayed for a...

A: Semester.

Q: Okay, what month did you leave?

A: In May.

Q: In May?

A: Uh, huh. (Yes)

Q: And then you stayed gone and returned...

A: I left in ah, '79 and went back in January of '80 and I went out in May and then I came back in January of '81 and I stayed until May of '81. I haven't been back since.

Q: But you did not finish?

A: Nope.

Q: Are your plans to go back?

A: Yeah. My mother is trying to get me to transfer to Wesleyan.

Q: How many hours do you like?

A: Twenty nine. So it's a whole year.

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Q: During that period of time after Helena was stabbed, it was made public to the people on campus and to the newspapers that Helena was going to live and she was going to surgery that day. There was no indication that she was going to die. Which just made it a stabbing, not a murder. I feel like, maybe, was there something more to it than that, that made you get yourself together and get out of there. Was it rumored at that time, after the stabbing that Helena was dead?

A: Uh, huh. (Yes)

Q: The door down the hall, the exit as I understand had a bad door, it squeaked very loud as people come and go.

A: That door wasn't used very often.

Q: Is was not used very often?

A: Uh, huh. (Yes)

Q: Why?

A: I don't know. I always used the elevator. I never took the stairs.

Q: You haven't really told us anything new, but the fact remains, that the girls in that dorm, after the stabbing happened, and even before the stabbing happened, they knew what was going on. A lot of them knew what was going on up there. And they discussed it among themselves, not with anybody else. Do you know of anyone that we should talk to, that maybe could help us even more, along the lines of, what happened and why?

A: Nobody that I know of.

Q: Okay. I've got a few photographs I want to show you. Do you know a girl by the name of Jackie Poole?

A: No.

Q: You don't know her?

A: Huh, uh. (No)

Q: Did you ever see a photograph of the composite that was done of the

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guy that stabbed Helena?

A: Yeah.

Q: Do you know who was involved in making that composite?

A: No.

Q: I'm going to let you look at it again and also keep in mind, this is not a photograph. It is just a composite. The dishiki had Helena's blood on it and this was of course found in the wooded area, outside of Latham Hall. Does that composite do anything for your recall, anybody that you might have seen on campus or in Latham Hall?

A: No.

Q: You're shaking your head, I guess that just doesn't do anything at all, right?

A: Huh, uh. (No)

Q: But there again, I'm emphasizing that you were only there three weeks, right?

A: Right.

Q: In Latham Hall?

A: Uh, huh. (Yes)

Q: And on campus, I guess?

A: Back to campus.

Q: I want you to look at these photographs and see if you have seen any of these individuals on campus or visiting any of the girls, on the sixth floor in Latham Hall?

A: Okay.

Q: So these photographs have not helped you at all?

A: No.

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Q: If you knew anything about it, would you tell us?

A: Yeah.

Q: And why would you tell us?

A: Well, cause I really thought the case had been closed cause I hadn't heard anything from it. I'm glad you'll still working on it.

Q: You want to see this person apprehended?

A: Right.

Q: Does it bother you that Jackie Kelley has told others that you people are the ones responsible?

A: No, it doesn't bother me.

Q: You had a man in the room. As a matter of fact, she saw a man.

A: She saw a man...

Q: Come out of your room...

A: I didn't know that...

Q: Didn't know that?

A: I ain't heard that.

Q: Does that surprise you?

A: Not from Jackie. Cause I think she started all the rumors.

Q: Is she smart enough and street wise enough and gets around enough to put the blame on you people. I mean she took the opportunity to put the finger on you and Sarah Collins. Is she that smart?

A: I think so.

Q: And she's that wise?

A: I don't think she really thought we was coming back to school. I guess she thought that would be the end of it.

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ACTOR CODES	B-PHYSICAL EVIDENCE	D-M.O.	F-LOCATED SUSPECT
SOLVABILITY FACTORS FOR INVESTIGATION FROM CRIME INVESTIGATION REPORT		G-DESCRIBED SUSPECT	
ELIMINATED BY INVESTIGATION		H-IDENTIFIED SUSPECT	
9. DEVELOPED BY INVESTIGATION		I-VEHICLE I.D.	

Page 29 of ...

Q: Did you see her when you returned back to school?

A: Yes.

Q: Did she say anything to you?

A: No. I didn't say anything to her either.

Q: She never spoke to you?

She didn't say, "Hi", "Hello".

A: I mean could have, cause I don't remember cause when I went back, my friend was Glenda's roommate. Her and Glenda had got alone together cause I was being back and forth in the room.

Q: When you went back where did you stay?

A: On the third floor in Latham.

Q: On the third floor in Latham?

A: Uh, huh. (Yes)

Q: And where was Jackie staying. Do you remember?

A: I don't know. I don't know if she was living in Latham Hall.

Q: Did you say that you would see her in the rooms sometimes?

A: 'Uh, huh. (Yes)

Q: You would be in the same room together?

A: Uh, huh. (Yes)

Q: No conversation about this incident ever came up?

A: No.

Q: When you go back to the University, if you hear any talk about this, will you make contact with one of us.

A: Okay.

REPORTING OFFICER	NO.	DIV.	STATUS	ARREST-ADULT	REMAINING FOR INVESTIGATION				
SUPERVISOR APPROVING			<input type="checkbox"/> UNFOUNDED	<input type="checkbox"/> ARREST-JUV.					
			<input type="checkbox"/> PENDING	<input type="checkbox"/> EXCEPT. CLEAR					
			<input type="checkbox"/> INACTIVE	<input type="checkbox"/> SERVICE CLEAR					

SUPPLEMENTARY REPORT

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5. VICTIM (LAST, FIRST, MIDDLE) Peyton, Helena		6. ADDRESS 608 Latham Hall, St. Aug. College		
SOLVABILITY FACTOR CODES	A-TRACEABLE PROPERTY B-PHYSICAL EVIDENCE	C-WITNESS D-M.O.	E-NAMED SUSPECT F-LOCATED SUSPECT	G-DESCRIBED SUSPECT H-IDENTIFIED SUSPECT
7. SOLVABILITY FACTORS FOR INVESTIGATION FROM CRIME INVESTIGATION REPORT				
8. ELIMINATED BY INVESTIGATION		9. DEVELOPED BY INVESTIGATION		

This concludes the interview with Alfreda Louise Hussey.

J. C. Holder
Investigative Division
Raleigh Police Department - Career Criminal Unit

sqt/SWa4
(9/8/82)

REPORTING OFFICER	NO.	DIV.	STATUS	ARREST-ADULT	REMAINING FOR INVESTIGATION				
SUPERVISOR APPROVING			<input type="checkbox"/> UNFOUNDED	<input type="checkbox"/> ARREST-JUV.	000058				
			<input type="checkbox"/> PENDING	<input type="checkbox"/> EXCEPT. CLEAR					
			<input type="checkbox"/> INACTIVE	<input type="checkbox"/> SERVICE CLEAR					

**RALEIGH POLICE DEPARTMENT
SUPPLEMENTARY REPORT**

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5. VICTIM (LAST, FIRST, MIDDLE) Peyton, Helena		6. ADDRESS 603 Larham Dorm., Raleigh, NC			
SOLVABILITY FACTOR CODES	A-TRACEABLE PROPERTY B-PHYSICAL EVIDENCE	C-WITNESS D-M.O.	E-NAMED SUSPECT F-LOCATED SUSPECT	G-DESCRIBED SUSPECT H-IDENTIFIED SUSPECT	I-VEHICLE I.D.
7. SOLVABILITY FACTORS FOR INVESTIGATION FROM CRIME INVESTIGATION REPORT					
8. ELIMINATED BY INVESTIGATION		9. DEVELOPED BY INVESTIGATION			

SYNOPSIS:

This report will contain the details of a psychological stress evaluation test administered on 9/2/82 at the request of Detective J. C. Holder and A. C. Munday. The examination was given in the Pine Top, North Carolina Police Department on 9/2/82 at 11:39 a.m. The witness tested Alfreda Louise Hussey, white female, 23 years old, dob: 4/10/59, P. O. Box 237, 8th Street, Pine Top, NC, SSN: 223-96-7743, home telephone number 827-5390.

INVESTIGATIVE NOTES:

On 9/3/82 at 11:39 a.m., I advised Alfreda Hussey of her constitutional rights. After she signed her rights form and a psychological stress evaluation release form, then she was given copies of both forms. She was then given a psychological stress evaluation test. The PSE examination consisted of two phases. The first phase was a modified ZOC test and the second phase was a truth verses lie test.

It is the opinion of this investigator based on the state of the art, the amount of time allotted for the test and the lack of distress shown on the two charts, Alfreda Hussey believed the answers that she gave us to the relevant questions to be truthful.

The following relevant questions were asked on the PSE examination:

Question No. 1

Q. Are you afraid I'm going to ask you a question we have not discuss?

A. No.

Question No. 2

Q. Was there a man in your room just prior to the time Helena Peyton was stabbed?

A. No.

Question No. 3

Q. Do you know who stabbed Helena Peyton?

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			<input type="checkbox"/> UNFOUNDED	<input type="checkbox"/> ARREST-JUV.	000032															
SUPERVISOR APPROVING			<input type="checkbox"/> PENDING	<input type="checkbox"/> EXCEPT. CLEAR																
			<input type="checkbox"/> INACTIVE	<input type="checkbox"/> SERVICE CLEAR																

**RALEIGH POLICE DEPARTMENT
SUPPLEMENTARY REPORT**

1. COMPLAINT NO. 556471	2. OFFENSE Homicide	3. CLASSIFICATION Murder	4. DATE/TIME OF THIS REPORT 9/3/82 0908	Page 2 of	
5. VICTIM (LAST, FIRST, MIDDLE) Peyton, Helena		6. ADDRESS 603 Latham Dorm., Raleigh, NC			
SOLVABILITY FACTOR CODES	A-TRACEABLE PROPERTY B-PHYSICAL EVIDENCE	C-WITNESS D-M.O.	E-NAMED SUSPECT F-LOCATED SUSPECT	G-DESCRIBED SUSPECT H-IDENTIFIED SUSPECT	I-VEHICLE I.D.
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A. No.

Question No. 4

Q. Did you see the person who stabbed Helena Peyton?

A. No.

Question No. 5

Q. Have you ever had a man to spend the night with you in your dormitory room?

A. No.

Question No. 6

Q. Did Sarah Collins have a man in her room on the morning Helena Peyton was stabbed?

A. No.

Question No. 7

Q. Do you suspect someone of stabbing Helena Peyton?

A. No.

Question No. 8

Q. Do you know for sure who stabbed Helena Peyton?

A. No.

Question No. 9

Q. Did any of your friends tell you they knew who stabbed Helena Peyton?

A. No.

Question No. 10

Q. Do you know why Helena Peyton was stabbed?

REPORTING OFFICER	NO.	DIV.	STATUS	ARREST-ADULT	REMAINING FOR INVESTIGATION									
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			<input type="checkbox"/> PENDING	<input type="checkbox"/> EXCEPT. CLEAR										
SUPERVISOR APPROVING			<input type="checkbox"/> INACTIVE	<input type="checkbox"/> SERVICE CLEAR										

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5. VICTIM (LAST, FIRST, MIDDLE) Peyton, Helena		6. ADDRESS 603 Latham Dorm., Raleigh, NC			
SOLVABILITY FACTOR CODES	A-TRACEABLE PROPERTY B-PHYSICAL EVIDENCE	C-WITNESS D-M.O.	E-NAMED SUSPECT F-LOCATED SUSPECT	G-DESCRIBED SUSPECT H-IDENTIFIED SUSPECT	I-VEHICLE I.D.
7. SOLVABILITY FACTORS FOR INVESTIGATION FROM CRIME INVESTIGATION REPORT					
8. ELIMINATED BY INVESTIGATION		9. DEVELOPED BY INVESTIGATION			

A. No.

Question No. 11

O. Are you convinced that I will not ask you a question we have not discuss?

A. No.

W. M. Parker, Jr.
Major Crimes Task Force
Investigative Division

gg/ll

REPORTING OFFICER W. M. Parker, Jr.	NO. 15	DIV. IC-2	STATUS <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> PENDING <input type="checkbox"/> INACTIVE	ARREST-ADULT ARREST-JUV. EXCEPT. CLEAR SERVICE CLEAR	REMAINING FOR INVESTIGATION 000034
SUPERVISOR APPROVING					

SARAH COLLINS

**RALEIGH POLICE DEPARTMENT
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VICTIM (LAST, FIRST, MIDDLE) Peyton, Helena		6. ADDRESS 608 Latham Dorm, Raleigh, NC		
OLVABILITY ACTOR CODES	A-TRACEABLE PROPERTY B-PHYSICAL EVIDENCE	C-WITNESS D-M.O.	E-NAMED SUSPECT F-LOCATED SUSPECT	G-DESCRIBED SUSPECT H-IDENTIFIED SUSPECT I-VEHICLE I.D.
SOLVABILITY FACTORS FOR INVESTIGATION FROM CRIME INVESTIGATION REPORT				
ELIMINATED BY INVESTIGATION		9. DEVELOPED BY INVESTIGATION		

SYNOPSIS:

This will be an interview conducted by Detectives A. C. Munday and J. C. Holder of the Raleigh Police Dept.; the person interviewed will be Sarah Collins Ray. Her present address is 605 First Street, Apex, NC. Her home telephone number there is 362-7693. Sarah is presently unemployed. She has been living in the Raleigh area approximately one week. Sarah's husband's name is Larry Ray. He is a Specialist E-4 in the United States Army. He has just recently been transferred to Fort Bragg, NC.

Q. Sarah, if you would tell us when you first started at St. Augustine College.

A. June of 1977.

Q. What was your major when you were going there?

A. Business Administration.

Q. You did know Helena Peyton, didn't you?

A. Yes.

Q. She stayed in the same dorm that you were in?

A. Right.

Q. Were you very close friends with Helena?

A. No.

Q. How well did you know her?

A. Always from seeing her in an elevator and in her room.

Q. How long had you roomed in the same dorm with her?

A. Just one semester.

Q. What year student were you at that time?

A. I was a Junior then.

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SUPERVISOR APPROVING			<input type="checkbox"/> PENDING	EXCEPT CLEAR					

**RALEIGH POLICE DEPARTMENT
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ELIMINATED BY INVESTIGATION				

Q. Do you remember the night, September 28th, which was on a Thursday?

A. Vaguely.

Q. This was the night before Helena was stabbed the next day. Do you remember what you did that day and that night?

A. Not really.

Q. Can you think back anything up to that evening, after you finished classes? Do you remember what your activities were that evening?

A. Usually we did the same thing anyway, we probably did our homework, and visit next door Vanessa's, and then came back to our room, watched TV and went to bed.

Q. Do you have any idea about what time you went to bed that night?

A. Probably before 11:00 or around 11:00.

Q. Your roommate was...

A. Alfreda Hussey.

Q. Was Alfreda in the room with you that night when you all went to bed?

A. I would say she was probably.

Q. What room are we talking about? What's the room number?

A. Is it 615 or is it 616, something like that on the sixth floor.

Q. What was the first thing that you remembered the next day after hearing about this?

A. Called my brother to come pick me up.

Q. Were you awake when this happened or what?

A. Well, we heard her screaming, but both of us thought we were dreaming. Alfreda, I think she woke me up. One of us woke the

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SUPERVISOR APPROVING			<input type="checkbox"/> UNFOUNDED <input type="checkbox"/> PENDING		000060

SUPPLEMENTARY REPORT

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OLVABILITY ACTOR CODES	A-TRACEABLE PROPERTY B-PHYSICAL EVIDENCE	C-WITNESS D-M.O.	E-NAMED SUSPECT F-LOCATED SUSPECT	G-DESCRIBED SUSPECT H-IDENTIFIED SUSPECT
SOLVABILITY FACTORS FOR INVESTIGATION FROM CRIME INVESTIGATION REPORT				
ELIMINATED BY INVESTIGATION		9. DEVELOPED BY INVESTIGATION		

other one up and said "Do you hear that?" We got up, but everything. I said everything was over.

Q. About what time was that?

A. I have no idea.

Q. You don't have any idea whatsoever what time it was?

A. No. We didn't usually get up that early in the morning.

Q. Was it before 8:00?

A. Evidently, because it was still dark.

Q. When you heard the noise, what happened, the screaming?

A. At the beginning, we just waited in there, then we both got up, she kept screaming; and then in a few minutes we--no, Vanessa knocked on the wall, and she said "Joyce and Alfreda, do you all hear that?" And we all got up, but nobody wanted to go out yet, so we, I guess we waited a few minutes and then opened the door, and people was all in the hall and everything. Everybody was standing in their doors.

Q. When you got up, did you go outside?

A. No.

Q. You never did go outside your room?

A. No. I stood in the doorway.

Q. What could you see?

A. All the girls.

Q. Did you ever see the man that stabbed Helena?

A. No.

Q. You didn't see the back of him as he was leaving?

A. No.

REPORTING OFFICER	NO.	DIV.	STATUS	ARREST-ADULT	REMAINING FOR INVESTIGATION
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SOLVABILITY FACTOR CODES	A-TRACEABLE PROPERTY B-PHYSICAL EVIDENCE	C-WITNESS D-M.O.	E-NAMED SUSPECT F-LOCATED SUSPECT	G-DESCRIBED SUSPECT H-IDENTIFIED SUSPECT
SOLVABILITY FACTORS FOR INVESTIGATION FROM CRIME INVESTIGATION REPORT		9. DEVELOPED BY INVESTIGATION		
ELIMINATED BY INVESTIGATION				

Q. You do, I guess, recall, I believe you called your brother, and then what happened? What was your brother's name?

A. Ronnie.

Q. Where was he living?

A. At the time I think he was living on Garner Road.

Q. You said his name was Ronnie Calvin?

A. Yes.

Q. What did he do after you called him?

A. I don't think I ever called him, because they talked me into not going to the phone.

Q. What did you do then?

A. We went back in our room and locked the door. We couldn't find anything to use as a weapon, and we just stayed in our room.

Q. Who was in the room with you?

A. Alfreda, Vanessa, Olivia.

Q. What happened next?

A. When it did finally get light outside, we packed up our things and went home.

Q. Who is "we"?

A. Alfreda--I think we did take Vanessa to Greenville, put her on a bus. I don't know what happened. I don't even remember if she was there. I know Alfreda and I went home.

Q. How did you get home?

A. Alfreda had her mother's car.

Q. At school?

A. Uh-huh.

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SUPERVISOR APPROVING			<input type="checkbox"/> UNFOUNDED	<input type="checkbox"/> ARREST-JUV.	000062				
			<input type="checkbox"/> PENDING	<input type="checkbox"/> EXCEPT. CLEAR					

**RALEIGH POLICE DEPARTMENT
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5. VICTIM (LAST, FIRST, MIDDLE) Peyton, Helena		6. ADDRESS 608 Latham Dorm, Raleigh, NC		
SOLVABILITY FACTOR CODES	A-TRACEABLE PROPERTY B-PHYSICAL EVIDENCE	C-WITNESS D-M.O.	E-NAMED SUSPECT F-LOCATED SUSPECT	G-DESCRIBED SUSPECT H-IDENTIFIED SUSPECT
7. SOLVABILITY FACTORS FOR INVESTIGATION FROM CRIME INVESTIGATION REPORT		8. ELIMINATED BY INVESTIGATION		
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Q. On the way home to Pinetops, it's quite a good little drive, you two had some time together. What did you talk about on the way to Pinetops? I know you had to talk a little bit about, you know, wonder why. Let me back up. When you left Latham Hall going home to Pinetops, did you know who the victim was at that time?

A. Yes, I knew it was a Helena, but I thought it was a different Helena.

Q. Who did you think it was?

A. Helena or something from Atlanta. I don't know her last name. She was sort of big.

Q. Did she live on the same floor?

A. Yes, she lived over near the telephone, right beside the phone.

Q. Did you talk about the stabbing, wondered why it happened, or anything like that?

A. Yes.

Q. What was said?

A. We were just trying to figure out why somebody was on our floor, why on our floor, not on any others, not the lower floors, anyway. We were trying to figure who could it have been.

Q. Did you ever come to any decision as to who it might have been?

A. No.

Q. Did you ever come to a decision as to why he was on the sixth floor?

A. No.

Q. Why do you think he was on the sixth floor?

A. I have no idea.

Q. After you got to Pinetops, where did you go?

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			<input type="checkbox"/> UNFOUNDED	ARREST-JUV.	000063					
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**RALEIGH POLICE DEPARTMENT
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5. VICTIM (LAST, FIRST, MIDDLE) Peyton, Helena		6. ADDRESS 608 Latham Dorm, Raleigh, NC		
7. SOLVABILITY FACTOR CODES A-TRACEABLE PROPERTY B-PHYSICAL EVIDENCE		C-WITNESS D-M.O.		E-NAMED SUSPECT F-LOCATED SUSPECT
8. SOLVABILITY FACTORS FOR INVESTIGATION FROM CRIME INVESTIGATION REPORT		G-DESCRIBED SUSPECT H-IDENTIFIED SUSPECT		
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A. To my father's house.

Q. What address was that?

A. Route 1, Box 1, Pinetops.

Q. Does he have a phone number?

A. I don't think so.

Q. How long did you stay there?

A. I think we stayed just that weekend and we came back to school.

Q. On what day of the week would it have been? Monday?

A. Monday.

Q. And who is "we" came back to school?

A. Alfreda and I.

Q. How did you get back from Pinetops to St. Aug's?

A. If I'm not mistaken, I think somebody in Alfreda's family brought us.

Q. What happened after you got back?

A. We tried to go to classes, I remember that. We tried either one or two days, for two days we tried to go to classes, but I guess we were paranoid. We just couldn't do it.

Q. Then what happened?

A. I withdrew, we both withdrew. I left and went to Washington.

Q. And what did Alfreda do?

A. I don't know. I think she went back to Pinetops.

Q. How soon was it that you left and went to Washington after you went back on the Monday?

A. I'm not sure, I think it was about 2 or 3 days later.

REPORTING OFFICER	NO.	DIV.	STATUS <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> PENDING	ARREST-ADULT <input type="checkbox"/> ARREST-JUV. <input type="checkbox"/> EXCEPT. CLEAR	REMAINING FOR INVESTIGATION <div style="text-align: right; font-size: 1.2em; font-weight: bold;">000064</div>
SUPERVISOR APPROVING					

**RALEIGH POLICE DEPARTMENT
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5. VICTIM (LAST, FIRST, MIDDLE) Peyton, Helena		6. ADDRESS 608 Latham Dorm, Raleigh, NC		
7. SOLVABILITY FACTORS FOR INVESTIGATION FROM CRIME INVESTIGATION REPORT		8. DEVELOPED BY INVESTIGATION		
A-TRACEABLE PROPERTY B-PHYSICAL EVIDENCE		C-WITNESS D-M.O.	E-NAMED SUSPECT F-LOCATED SUSPECT	G-DESCRIBED SUSPECT H-IDENTIFIED SUSPECT I-VEHICLE I.D.

Q. How did you go to Washington?

A. Bus.

Q. And when you went to Washington, who did you stay with?

A. My mother.

Q. That was the address, I think, 1735, huh?

A. No, that's where I worked. We live at 1515 17th Street.

Q. Washington, D.C.?

A. Right.

Q. When you got back to St. Aug. after this thing happened and you tried to make a go of it, I would imagine there was quite a bit of discussion going on. At that particular time, did you learn that the victim was Helena Peyton instead of the other Helena, or did you hear about her identity from the news media? Or how did you find out it was Helena Peyton?

A. From other people, other classmates.

Q. When you came back that Monday?

A. Right.

Q. So that morning, when you left, only thing you knew was a first name, Helena. You just didn't know which one?

A. Right.

Q. You did not know it was Helena Peyton until you returned the Monday after you left for the weekend?

A. Right.

Q. What was the talk when you got back on that Monday that you and Alfreda got back and tried to make a go of it?

A. Somebody's boyfriend had gotten up on the sixth floor and he was looking for his girl's room, and she came in at the wrong time.

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SUPERVISOR APPROVING			<input type="checkbox"/> UNFOUNDED	<input type="checkbox"/> ARREST-JUV.	000065				
			<input type="checkbox"/> PENDING	<input type="checkbox"/> EXCEPT CLEAR					

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5. VICTIM (LAST, FIRST, MIDDLE) Peyton, Helena		6. ADDRESS 608 Latham Dorm, Raleigh, NC		
SOLVABILITY FACTOR CODES A-TRACEABLE PROPERTY B-PHYSICAL EVIDENCE		C-WITNESS D-M.O.	E-NAMED SUSPECT F-LOCATED SUSPECT	G-DESCRIBED SUSPECT H-IDENTIFIED SUSPECT
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Helena came in at the wrong time. And that he was probably scared and frightened; he just stabbed her.

Q. Does it make sense to you?

A. No.

Q. What does make sense to you?

A. Nothing I've heard so far.

Q. You know Latham Hall better than we do. You knew the sixth floor better than we do. We asked the same question, why the sixth floor, why not the other floors that are lower. Why did the man use the bathroom. A number of unanswered questions. Were you aware of any activities going on, on the sixth floor that you really did not approve of, that you knew was going on and you just didn't want to get involved?

A. Yes. I had seen guys up there before.

Q. And I'm sure probably you questioned that, but you just made it none of your business, and you didn't get involved in it at that time. Could you tell me the name of some of the girls that these boys paid the visits to?

A. I think Olivia Boyd had a visitor up there one time. I don't know the girls names in the end room.

Q. In the end room?

A. Yes, on the far end from where we were rooming.

Q. Would a list help you? Would you recognize the name if you were to see it on the list?

A. I think so. It was somebody in Denise Hatter's room.

Q. What room number was that?

A. 614. That's as much as I can remember about that.

Q. Anyone else?

A. No.

REPORTING OFFICER	NO.	DIV.	STATUS	ARREST-ADULT	REMAINING FOR INVESTIGATION					
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SUPERVISOR APPROVING			<input type="checkbox"/> PENDING	<input type="checkbox"/> EXCEPT. CLEAR						

**RALEIGH POLICE DEPARTMENT
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5. VICTIM (LAST, FIRST, MIDDLE) Peyton, Helena		6. ADDRESS 608 Latham Dorm, Raleigh, NC		
SOLVABILITY FACTOR CODES	A-TRACEABLE PROPERTY B-PHYSICAL EVIDENCE	C-WITNESS D-M.O.	E-NAMED SUSPECT F-LOCATED SUSPECT	G-DESCRIBED SUSPECT H-IDENTIFIED SUSPECT
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Q. About a week to two weeks before Helena was stabbed on the sixth floor, you saw a male visit who?

A. Olivia.

Q. What time was this? Was this at night time?

A. No, it was afternoon.

Q. Still daylight, I guess?

A. Yes.

Q. Any other activities happening upstairs on the sixth floor that you knew were going on, that we might need to know about?

A. No.

Q. You do know that Jackie Kelly has put the finger on you?

A. Yes.

Q. And Alfreda.

A. Yes.

Q. And does that surprise you?

A. It did, in the beginning.

Q. But it doesn't now?

A. No.

Q. Why?

A. Well, she was the type person you'd expect anything from.

Q. Do you think Jackie Kelly is involved in this?

A. I had heard that in the beginning, but I'm not willing to say.

Q. I'm just asking your opinion. What we discuss here, we're laying the cards on the table, and it's confidential between the three of us, and it doesn't go into anyone else's view, so we'd like

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OLVABILITY ACTOR CODES	A-TRACEABLE PROPERTY B-PHYSICAL EVIDENCE	C-WITNESS D-M.O.	E-NAMED SUSPECT F-LOCATED SUSPECT	G-DESCRIBED SUSPECT H-IDENTIFIED SUSPECT I-VEHICLE I.D.
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for you to be as open and honest with us as you possibly can be. We also have received that information, and you are not unique in saying that. But I'd like you to explain to me why and what you heard about Jackie Kelly.

A. I heard that the guy was her boyfriend, and he was looking for her, but Helena came at the wrong time, and she was the one that got stabbed.

Q. Why would he be looking for her? Did you hear anything about that?

A. No.

Q. Nothing about drugs or anything?

A. No.

Q. Nothing about prostituting?

A. No.

Q. Have you ever heard any rumors at all about any prostitution in any way on the sixth floor?

A. No.

Q. What kind of person was Jackie?

A. When _____, she was the _____ type. She went to a bad girl, as far as I'm concerned.

Q. Did she get along well with people on the sixth floor?

A. Yes, cause nobody had anything to say to her.

Q. Did you see Jackie Kelly at all after this thing happened?

A. Yes. I saw her standing in the hall.

Q. Did you talk to her?

A. No.

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**RALEIGH POLICE DEPARTMENT
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Q. Give me your opinion of why the thing has happened, and here we've got one student, Jackie Kelly, has put the finger on you and Alfreda, I guess, because you left like you did, didn't stay around. Jackie's the only one that really spoke up publicly about this stabbing, and she tried, well, she does put the blame on you and Alfreda. Why? We are talking about murder.

A. I know. I don't know, cause she didn't know us that well. I don't think I even had any classes with her. But I did hear another rumor there was some kind of stain on the floor in our room, but I heard that that proved to be an iron burn; so I don't know why she tried to put the blame on us. It was a stain on the rug in our room, but it turned out to be where somebody had burned it with an iron, not blood.

Q. Had you at any time had any guys up to your room?

A. No.

Q. During your entire time on the sixth floor, you never had any guys up there?

A. Never.

Q. How about Alfreda?

A. No.

Q. Have you talked since to Alfreda and maybe some of the other students?

A. I talked to Alfreda. Well, Maria, she didn't even live in Latham Hall.

Q. What do you think happened? Obviously you discussed it among yourselves.

A. What happened with the murder?

Q. Yes.

A. I just think Helena at the time was in the wrong place at the wrong time. This guy he was probably up there to see somebody else, but he didn't mean to stab anybody, I don't think. And we

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just happened to be the ones they blame because we were the first ones to leave. But I don't think that's right.

Q. You don't think what's right?

A. People blaming it on us, you can't prove anything without, well, we didn't do it. That's all I can say. We didn't even know the guy I don't think, not from the pictures, anyway.

Q. Was there any smoking of marihuana at all up there on the sixth floor?

A. Not that I know of.

Q. You stated that you heard Alfreda scream a couple of times, is that right?

A. Helena, yes.

Q. When this man left after stabbing Helena, he walked by your room, didn't he?

A. That's what they say.

Q. And he went down the stairwell?

A. I've heard it two different ways. I've heard that he went down the stairs beside our room, and I also heard that he went all the way around back to the elevator.

Q. That is the way he went.

A. To the elevator?

Q. Yes, back out that stairway. So you really actually never got a look at him at all?

A. No.

Q. Helena was from Winterville, which is not too awful far from Pinetops. Have you talked to her parents or anything?

A. No.

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Q. You haven't heard any rumor or anything since you left there about this particular stabbing?

A. Except what I heard about myself, no.

Q. What do you make of--all the other students are keeping pretty quiet with the exception of Jackie Kelly. She even went on the 6:00 news regarding that case.

A. I thought she must have had something to do with this.

Q. Why a man could get on the sixth floor. Was it very easy?

A. Yes.

Q. How easy was it?

A. The dorm mothers, they kept our room door closed most of the time. So all they had to do was come in and go right up the stairs beside their room.

Q. How could he get in downstairs?

A. The door was never locked.

Q. It was never locked?

A. Until after it happened.

Q. Didn't all the girls have a key to the door?

A. Yes.

Q. But they didn't ever lock it?

A. No.

Q. Did you ever talk to any of the administration over there at the university? Did they ever ask you why you left?

A. Yes.

Q. Who asked you that?

A. Mr. Poindexter.

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Q. How soon was this after you left?

A. It wasn't after I left. When I was trying to clear from school, get out of it, I think it was sometime in October.

Q. Did you ever try to come back to St. Aug?

A. No.

Q. Helena Peyton's major was in Early Childhood. Her roommate, do you remember who she was?

A. I don't know her name, but I remember her.

Q. Her last name was Turner? Did you say that you knew her?

A. No.

Q. You did not know her?

A. No.

Q. I think they called her Vonnie Turner.

A. I can remember her face, but I never had anything to do with her.

Q. So really you don't know a whole lot about what happened, cause you didn't look out the door until a little bit later.

A. Right.

Q. There was not a man coming to visit either you or Alfreda that morning, was there?

A. No.

Q. You didn't hear somebody knock on your door prior to the stabbing of Helena, did you?

A. No, but we were both asleep.

Q. But if someone knocked on the door, you probably would have heard that, wouldn't you?

A. Yes.

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Q. Jackie Kelly said that there was a man at your door prior to Helena being stabbed.

A. She lied. Unless I was in a big sleep, I didn't hear it, and I don't think I sleep that deep.

Q. Do you feel like it was a girl had invited a guy upstairs and for some reason, he hides in the bathroom?

A. Yes.

Q. Why would he stab the girl when she came in?

A. She probably scared him when she came in.

Q. The clothing that the man was wearing, and I see you looking at the wall over there, that is the dashiki that had Helena's blood on it. That is the murder knife that had her blood on it. Does that mean anything to you?

A. No.

Q. Does the dashiki, during that period of time back the 28th of September, 1979, was that a popular garment to wear?

A. By Africans, they were the only ones I saw wearing them.

Q. But only the Africans?

A. Yes.

Q. How about if you put a pair of dark pants with that and a pair of tennis shoes, and put a head on it like you see that composite over there. Do they go together?

A. For him, yes.

Q. But looking at that composite, you would not say definitely that he was not an African?

A. He does sort of look like one.

Q. Do you know of anyone on the sixth floor that dated any Africans at all?

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A. No.

Q. What was the penalty for being caught on the sixth floor, if a man were up there?

A. I never knew of anybody getting caught with it.

Q. But during orientation didn't they tell you ladies about that? Did they not warn you about having a man on the sixth floor?

A. No.

Q. Did they tell you what the penalty was for it if you were caught?

A.

Q. Have you done anything to Jackie Kelly to make her mad at you or Alfreda?

A. No.

Q. Were you aware that there was a little bit of a verbal argument and also a little physical there, when Kelly was talking to some other students regarding you and Alfreda, and some sides were taken on that?

A. I heard about that.

Q. And that your friend Vanessa, she took up for you and also for Alfreda?

A. Yes.

Q. There was a scuffle. Wonder who started that? What did you hear about that?

A. I don't think Vanessa started it. I heard that Jackie was spreading rumors about us, and Vanessa didn't have a thing to do with it. She took our side.

Q. What you're telling us now is that you don't know who the guy is, you really don't have an independent view as to why he was up there or who was up there, too, see?

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A. Not as to who he was up there to see. I do think he was up there to see somebody.

Q. Why would he be up there to see somebody? For sex?

A. Yes.

Q. You'd say more for sex than for drugs?

A. Yes.

Q. And you don't know of any student up there that might have been having men come up there and pay them for the sex?

A. No.

Q. Would Jackie Kelly, in your opinion, qualify as a person that might would do something like that?

A. Yes.

Q. Does anyone else up there have that reputation that might qualify as a person that would be doing something like that?

A. No.

Q. Have you ever seen a man go to Jackie Kelly's room?

A. No.

Q. Did Jackie date a lot of guys, that you know of?

A. No. I heard that she didn't really date guys, to tell you the truth. She was more like a man herself.

Q. Had you heard that she dated women then? Is that what you're saying?

A. Right.

Q. Do you know of anyone that can back that up or verify that as actually being true? Or is that just a rumor that you heard?

A. That was just a rumor.

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Q. Did you know Jackie's roommate very well?

A. Who was her roommate?

Q. Barbara Lee.

A. Not like a close friend, but I knew her.

Q. Did you know her better than you knew Jackie?

A. Yes.

Q. How did Barbara and Jackie get along?

A. As far as I knew, they were okay.

Q. Do you think some of the girls up there actually know what was going on? If so...do you?

A. Yes.

Q. Who?

A. I think Jackie does know what was going on.

Q. Anyone else?

A. No.

Q. Well, I must agree with you, because Jackie was mighty quick to respond to the whole situation. But you haven't seen Jackie since you left and came back and left again.

A. No.

Q. When you girls on the sixth floor were going to the sixth floor and going downstairs, you all normally used the elevator?

A. Yes.

Q. Was it pretty well marked at that time if you used the stairway coming up to the different floor levels? Were they marked pretty well on the door?

A. Yes.

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Q. Were you aware that a guy fitting the description that killed, that did the stabbing of Helena Peyton, was seen about 30 minutes after it happened, in the woods beside of Latham?

A. I heard that.

Q. You heard that from whom?

A. Different people talking. Nobody in particular.

Q. Did you talk to anyone at all that saw the man?

A. No. From what I heard, nobody saw him, nobody but, I mean, Jackie was the only one that said anything.

Q. There is something else that puzzles me, is that hear of this girl's scream, and if some of you girls on the sixth floor don't look out of the room, others do; and this guy was in no hurry. He came out the back side of the bathroom, not the nearest way. Helena went towards her room. He went the opposite direction and walked all the way down the hallway, turned, came all the way back around and went out where the elevator's located. And apparently nobody even recognized him. What does that tell you?

A. That they were like her, they were too scared to open the door.

Q. Sarah, if you did know anything that would help us, you would tell us, wouldn't you?

A. Yes.

Q. Why?

A. I feel like anytime somebody kills somebody, they should be put away.

Q. We feel that same way. Does it bother you that he hasn't been caught?

A. Yes.

Q. The key is upstairs on the sixth floor. We've talked to a number of students up there, and it's obvious that some of them were not involved at all in this situation. Do you have any suggestions, anybody we should talk to?

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A. No.

Q. Does the name Sam Lee do anything for you?

A. No.

Q. Do you know a girl named Jackie Poole?

A. No.

Q. You were staying in Latham Hall on the sixth floor for the very first time, is that right?

A. I was up there during Freshman orientation.

Q. So then actually you were only there a very short time with Helena Peyton?

A. Yes.

Q. And you really didn't know Helena Peyton that well?

A. Right.

Q. What did Alfreda have to say when Jackie Kelly was accusing you and her of being responsible?

A. I never talked to her about this.

Q. You never did?

A. No.

Q. Why not?

A. She probably feels like I do. Jackie's a little off in the head and you just look over people like that.

Q. You certainly got some thick skin, you know, somebody putting the finger on you like that, and I would hope I could handle it as well.

A. Well, there wasn't anything more to do.

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Q. But you do not know who stabbed Helena Peyton? You don't have any idea?

A. No.

Q. And you don't have any idea of any particular young ladies on the sixth floor that might know the identity of this guy, other than Jackie Kelly?

A. No.

Q. Do you like Jackie Kelly?

A. Well, I don't have anything against her. Like I said, I never had anything to say to her.

Q. She stayed how far from you?

A. Up to the corner and then down, she was three or four rooms from us.

Q. Do you recall how you found out about Jackie starting over on you, from whom?

A. No. I heard about it when I came back to clear my classes, and I told her.

Q. Who told you that?

A. If I'm not mistaken, it was Annette.

Q. Can you tell me anything about Baker Hall?

A. Not much.

Q. That was behind you wasn't it?

A. Yes.

Q. What kind of a reputation do they have over at Baker? You were there at St. Aug for three years.

A. That was also one of those dorms where the guys would walk up in, any time they got ready. The guys stayed in girls' rooms.

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Q. Did you meet any of the girls that were transferred from Baker Hall over to Latham Hall?

A. No.

Q. Did you have a regular boyfriend at that time, when you were going to school? Did you have a boyfriend at all?

A. No.

Q. No boyfriend. Whom were you seeing?

A. Not that year, no.

Q. Were you seeing anyone?

A. No.

Q. Were you a member of any religious group on campus?

A. No.

Q. Were you familiar with the religious groups on campus?

A. Yes.

Q. Did any of this religious group wear dashikis like this?

A. No.

Q. Does that composite that you see on the board, does that look like anyone that you'd have seen on campus, either employed there or a student? Does that do anything at all for you?

A. No.

Q. Does it resemble anyone that you know of?

A. No.

Q. Let me ask you this. If you would, and we have, as an investigative tool, what we call the PSE, the psychological stress evaluator; it requires no attachment of wires, and it's just an investigative tool that we use--I feel very confident that you have told us everything and that you have been truthful

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with us. I'm not saying that you haven't. So what I'd like for you to do, Sarah, if you would, and it won't take that long, would be to ask you a few questions and let you answer these questions, and by the sound and tone of voice, the pitch of the voice and so forth, we will be able to get an opinion as to documented truthfulness. We're having to go through a long period of eliminating people, and the reason that you are here now is because we would have talked to you anyway, but not only were you a student on the sixth floor, you have been pointed to as being responsible for having that man upstairs that stabbed Helena, and you were pointed that way by Jackie Kelly. And, like I say, I'm convinced you were telling me the truth, but we just need an independent view from someone else that's not involved in the case. Do you have any problems with taking the PSE?

A. No.

Q. Do you have any questions of Munday or myself?

A. Not really, no.

Q. If you do, just feel free to ask them. I don't want you to go back out and sit here and pick things out of you. I realize you're a little up-tight, a little nervous.

A. Well, earlier you said that Jackie had heard somebody, seen somebody knocking on our door?

Q. Uh-huh.

A. I had to wonder why she was up that early in the morning, why the guy didn't stab her?

Q. These are questions that are unanswered, and we're going in that direction to try and answer it. But before we got to Jackie Kelly, we really had to get to you people, and several others, and eliminate you people before we get to Jackie, and we've got a reason for that. Because Jackie, I think she's the kind of individual that we're going to have to show something to her. I don't think Jackie would probably sit down like you or talk to us, do you?

A. Mm. (No)

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Q. So therefore, we have talked to, like I said, a number of people before we got to you, and we've got enough now that we can sit down and talk with Jackie. Before, we didn't have it. You understand what I'm saying?

A. Yeah.

This concludes the interview between this investigator and Detective J. C. Holder and Sarah Joyce Collins Ray.

A. C. Munday
Investigative Division
Career Criminal Unit
Raleigh Police Department

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SYNOPSIS:

This report will contain the details of a psychological stress evaluation examination that was administered to Sarah Collins Ray on 10/7/82. The examination was given at the request of Detectives J. C. Holder and A. C. Munday.

INVESTIGATIVE NOTES:

On 10/7/82 this investigator administered a PSE examination to Sarah Ray after she had signed her waiver of rights form and a PSE release form. There were two phases to the examination; and it is the opinion of this investigator based on the state of the art, time allotted for the examination and the information supplied by the investigating officer, answers given by Sarah Ray and the lack of distress on the questions that she was being truthful when she answered the relevant questions in the two phases of the examination. The following relevant questions were asked in the examination:

Q. Are you afraid I'm going to ask you a question we have not discussed?

A. No.

Q. Will you answer truthfully all the questions about the stabbing of Helena Peyton?

A. Yes.

Q. Do you know who stabbed Helena Peyton?

A. No.

Q. Did you see the person who stabbed Helena Peyton?

A. No.

Q. Are you completely convinced that I will not ask you a question we have not discussed?

A. Yes.

Q. Was there a man in your room just prior to the time Helena Peyton was stabbed?

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A. No.

Q. Do you suspect someone of stabbing Helena Peyton?

A. Yes.

Q. Do you know for sure who stabbed Helena Peyton?

A. No.

Q. Did any of your friends tell you they knew who stabbed Helena Peyton?

A. No.

... si. Parker, Jr.
Major Crimes Task Force
Investigative Division

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				SERVICE CLEAR	

Jackie Kelly was interviewed by police in August 1983. She recalled the suspect coming down the hall and right past her on his way to the exit.²² She did not realize at first that he had assaulted the Victim. After the suspect exited the floor, Kelly saw the Victim and realized that there had been an assault. She and her roommate headed down the elevator toward the Dorm Matron's room on the first floor. She became scared because they had nothing to "defend themselves" so they stopped on the 2nd floor and asked some women there for shoes. She took a pair of shoes with her into the stairwell to go to the first floor but could not get her roommate to go with her from the second floor. She alerted the Dorm Matron but said that the phones did not work in the dorm so the Dorm Matron sent her to get the security guard. The security guard was not in his booth so Kelly said she just started yelling and someone came from one of the buildings. By that point police and an ambulance had arrived.

Kelly agreed that it was not unusual to see a man on the hallway so she was not upset when she first saw him. Kelly recalled the dashiki and said it was the same one that the police recovered from the woods. She did not see a knife. Kelly had never seen the man before. Kelly also recalled, generally, some phone calls to the dorm after the incident that she characterized as "somewhat of a threat" though she could not recall exactly the conversation. Kelly denied involvement in prostitution. She admitted to some drug use but not at the dorm. She also could not recall saying, as Turner had reported to police, that she saw a man coming out of Collins and Hussey's room on the morning of the assault. **Unlike the above interviews, Kelly's interview occurred after police identified Blackmon as a suspect and so she was shown a photo lineup with Blackmon. Based on the Commission's review of the RPD records produced, Kelly was the**

²² Kelly's room is room 602 and is outlined as such on the diagrams provided in the appendices.

only eyewitness ever shown a photo of Blackmon for identification by police. She pulled aside Blackmon's photo along with another photo but ultimately said Blackmon was heavier than the suspect. Kelly was also given a "psychological stress evaluation" which resulted in a determination that Kelly was being truthful. Her interview and the evaluation are provided in full below.

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This will be a interview conducted by Detective's A. C. Munday and J. C. Holder of the Raleigh Police Department. The interview is being conducted at Fort Benning, Georgia at the Criminal Investigative Division. The person interviewed will be Jacqueline Carol Kelly. In 1979 when the Peyton homicide occurred, Jacqueline Carol Kelly was a student at St. Augustine College.

Q: Jacqueline, you graduated from St. Augustine College when?

A: Ah, in June 1981.

Q: You joined the Army when Jacqueline?

A: Ah...I can on active duty at th end of August in 1981.

Q: Was that immediately after you graduated from St. Augustine?

A: No, I had graduated from St. Augustine in June and I had to ah, wait until the end of August to go on active duty so I stayed in Sanford for about four (4) to six (6) weeks before finally coming on active duty.

Q: And you've been stationed at Fort Benning since that time?

A: I came...my first assignment was my basic which was at Fort Lee, Virginia. That consists of eighteen (18) weeks of training and then by the beginning of January, 1982, I was at Fort Benning, Georgia.

Q: And you've been here since?

A: Been here ever since.

Q: Of course I guess you remember the incident, the Peyton Homicide that we're talking about?

A: Yes sir.

Q: Could you kind of back up to that time and tell us what you remember about what took place there?

A: Yes.

Q: Start where the room number you occupied and start there if you would. Do you recall which room you occupied?

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A: I don't know the number.

Q: What dorm?

A: Ah...dorm...dorm...dorm...Latham, Latham Hall.

Q: That's correct.

A: Sixth floor.

Q: That's correct.

A: I think it was about 6:15 or something of that nature. I'm guessing.

Q: Does 602 sound familiar?

A: Yeah, whatever. I know it was on the ah...left hand side of the building.

Q: I'll show you this diagram, does that look familiar?

A: Yeah, that is my room. It was my room. Okay, it was on the right, from the elevator it was the last room from the right from the elevator. Okay...ah, it started off before 6:00 o'clock, before 6:00 a.m., all right I think I had a class scheduled at 8:00. I like to sleep to the last moment before class, before I get up and then the next thing I know, I heard a scream in the hall, before my alarm clock went off and so ah, me and my roommate, you know, just raised our heads up and we was wondering where the screaming was coming from. I made a comment to the effect that I wished these damn girls would learn some respect and sleep, when somebody is trying to sleep in the morning. And so the screaming stopped and so ah, I laid back down and about a few minutes later it started again. Me and my roommate jumped up and headed for the door. I was at the door trying to figure out which the screaming was coming from. It was nobody on the hall at that given time. The screaming had stopped and the next thing I know, it was a young man coming down the hall towards me. My roommate was standing beside me and she realized it was a guy on the hall and she didn't have nothing but her undies on, so she turned around and went back in the room to get some clothes on and I just stood up there, you know, just checking him out. Due to the fact, that you know, I felt like he was someone who gave but it was none of my business to why he was up there because I

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thought he was just getting out of the way because as it was some problems on the hall, he liable to get caught there; he didn't belong up there; it was against the rules to have males on the floor and so I thought he was just getting out of the way before everybody realized he was up there so I didn't pay him no mind, just looked at him. Anyway he went right passed me. Before he could pass me real good, the screaming started again and I realized where the sounds was coming from. This time the sounds was coming from the bathroom and so I ran into the bathroom to see what happened, what was wrong and so ah, it was a girl up there standing up there jumping up and down. She had blood coming from her chest, screaming and hollering and about that time all the other young ladies on the hall was up, wondering what was happening because Helene had started screaming a little louder and so the female, her roommate and I think it was this other girl, I can't remember her name, anyway she did a good job in controlling Helena, you know, calming her down and trying to stop the bleeding and so since we was on the sixth floor, someone needed to go down to the ground floor and let the Dorm Matrons know that something was wrong on the sixth floor and so it was me, my roommate and this other girl was going down the elevator, we was going to go downstairs on the elevator and let the Dorm Matrons know that there was something wrong. My roommates was crying to the point that I had to tell her, you know, just go sit down somewhere, she was getting on my nerves and ah, so finally, you know, somebody told her to just call the cops, you know, call the ambulance, call the police. So my roommate got on the phone and called the ambulance and police and so me and the other girl was going downstairs on the elevator and so I thought about it when we was in the elevator that this guy might still be in the building and so we might need some kind of protection. And so I said, "Well, let's stop and get some kind of shoes or something in case ah, we might need to hit him", and so we stopped on the second floor and woke the girls up and asked them for some shoes with some heels on it, about 2" or more...to beat him in case he was there and so when we was doing that, the elevator went right back upstairs and that means the only way that we could get to the first floor was to go to the exit and that's the same exit that this guy took. Okay, and so I was trying to get the girl that was with me to go through the exit. She couldn't go for nothing in the world. I could not convince that girl to go down the exit with me. And so I headed towards the exit and I said, "Oh, Lord, don't let this man be on the stairway", and off down the stairway. Fortunately there was nobody there and by the time I got down to the Dorm Matron's Office, she was getting up. She

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said she had heard some noise on the stairway and she had felt like it was something wrong and stuff like that and so she told me to call the police and the phones wasn't working and so she told me to go and get ah, security guard and so I ran outside to get the security guard, ran up to the Security Booth, there was nobody in the Security Booth and so I just stood out in the road hollering for help, you know, and finally came from a building, one of the buildings and so I told them what happened and so we went back down to the dorm and about that time the ambulance and the police was down there and they got upstairs and they worked on her a long time. You know, it was...we know, you know, most of the time they just usually put you on the stretcher and head you out the door but they messed with her for about fifteen (15) twenty (20) minutes, you know, I don't know, they were trying to stop the bleeding. A lot of people was getting upset with the medics because you know, they thought they was doing more harm than good. And finally, you know, she went to the...they took her to the hospital. I rode with her in the ambulance to the hospital and so, the next thing I know, you know, she was at a stage where she had went into a coma and so ah, after that, I stayed at the hospital until her parents or somebody came to ah, wait and see what her condition was.

Q: At the time that you said that you heard the scream, you got up and you looked out and you saw a guy in the hallway; okay, was that kind of a fairly common practice?

A: Yes I would have to say.

Q: Guys would come up there frequently?

A: Not frequently but ah, they did it in discretion, you know, every...you know, people...you did it but you know everybody know what you were doing and that's why I say, you know I had done it myself and that's why I felt like it was none of my business in which room he came out because I don't want people to know my business neither.

Q: So your first initial impression is you were not too upset by seeing a guy up there?

A: Right.

Q: When you saw this guy, where did you first see him? 000210

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A: When I first seen him?

Q: When you first saw the man?

A: He was down about ah...he was about down here to this stage, Room 615, I guess he had come out of the bathroom at this end. So it was right down there about 615, Room 615.

Q: Walking toward you?

A: Me, yes.

Q: Take just a moment and try to visualize in your mind what this guy looked like and how was he dressed?

A: That right there is going to be kind of difficult because I already have implant it in my mind about certain things that I can automatic remember that I don't associate with him. Anything else would be, I don't know...

Q: Just tell me the things you are sure about?

A: His dishiki, I remember the dishiki. The same dishiki they found in the back of the woods full of blood. And he was some what tall, slender, black hair, sort of like a African, you know.

Q: Did you see any kind of a weapon when he came down?

A: Weapon, the only thing, his hands, one might have been swinging but the other one might not have been swinging.

Q: Do you remember where that hand was?

A: No. One was right around his side and the other one was probably within his dishiki.

Q: But you didn't see his knife or anything?

A: No I did not see the knife. If I would have seen the knife I would have suspected something then.

Q: You said he was a fairly attractive guy?

A: Somewhat.

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Q: Did he look like anyone that you had seen before?

A: No.

Q: I would just like for you to look at these. Is that the dishiki that you recall?

A: Yes. I remember red basically.

Q: Did you notice anything under the dishiki, you know, the dishiki comes in a "V", did you notice anything under that dishiki, like he might have been wearing something underneath it?

A: I don't know. I don't know. I just...I don't know. Because, you know, that's why you know, I can't keep, I don't know why, you know, I just...I...you know your mind go blank and you remember only what you want to remember and I just stood there and looked at him and didn't really pay him no mind.

Q: How did he walk?

A: He walked straight...he walked real straight.

Q: Like he was intoxicated?

A: Casual.

Q: On drugs?

A: No, casual.

Q: Why would he be walking casual?

A: I guess to avoid attention.

Q: Okay.

A: It was very casual, that's why, you know, if he was running, you know I would have said, "What's wrong?" but he was just casually walk, casually walked right in front of me.

Q: He didn't appear to be excited?

A: None whatsoever.

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Q: Did you make eye contact with him?

A: Yes, I had to.

Q: What did he do to you; speak to you?

A: No.

Q: Smile at you?

A: No.

Q: All right...

A: Because by the time he got passed me real good, that's when the screaming started up and I grantee he probably ran, once he heard her scream again or walked a little faster and you know, the amazing thing about it, you know, I didn't know what, you know the future holds and I went down the exit and I said, "well, I hope this man is not on the stairway", and then actually I think they would have found his knife in the room, in the day room or in the playroom, that means that he didn't leave straight out of the building, he was still in the area and so I had put my life on the line more than I realized, you know, and both incidents when I ran out there and talked to the Security Guard he had to be in the woods, you know, and I was still playing around outside you know and a lot of people was just saying you know, that he seen me, he seen me, you know, anybody else he would know you and when I went on T.V. and you know, did my little spill over about what had happened my mama was really upset due to the fact, you know, that she said the man could see you, you know and I really didn't pay no attention. Me, it didn't affect me like it affected everybody else. I stayed up in the dorm the same night. Everybody else packed up and went home and afterwards, you know, I was still a individual walking around campus by myself.

Q: But that's you. You're that individually. You're very independent?

A: Yes. And I still, you know, afterwards, you know, I would met guys on the campus, you know, this guy reminded me of the guy that was on the floor, you know, and I forgot sometime I would go to the stage of getting a security guard to investigate the guy and find out where he...

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Q: Jackie, I understand that you have been threatened as a result of talking about what happened the morning Helena was stabbed, is that true, have you been threatened?

A: Oh, yeah, the phone call. Phone call.

Q: Tell me about that?

A: I can remember them vaguely but ah, people were calling. I can't remember what they said, it was something. They were calling on the front hall and hanging up and I can't even remember, you know, but it was something phone calls was somewhat of a threat.

Q: Were they directed to you?

A: I can't remember what the guy said. I can't remember what the conversation consist of, but you know, everybody through it was and that particular time. It might have been, you know, I just said, it could have been anything.

Q: Were you answering the phone when these calls were coming in or was this information coming through someone else?

A: It was on the phone, on the hallway, the first person that picked up the phone usually does it.

Q: Did you ever answer the phone and receive a threat?

A: I can't remember. But I remember something of that nature though. I think so.

Q: Who was your roommate?

A: Barbara, I can't remember her last name.

Q: Lee?

A: Barbara Lee.

Q: Barbara Lee. Did you talk with her since you all left?

A: No sir.

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Q: Did Barbara tell you that she did not know this man but she had seen him around the area before?

A: Knowing Barbara, she would have said something like that but I can not remember if she told me that personally or not.

Q: Why would Barbara say something like that?

A: I don't know. Barbara was from New York City and she claimed she knew everybody. She knew something, a little bit about everything.

Q: Did you and Barbara get along well?

A: No...no...

Q: What kind of problems did you all have?

A: I think it was more of a personality conflict than anything. Me and my girlfriend, Glenda Delania was my girlfriend in college and ah, we had hoped to have roomed that year and stuff but Glenda didn't come back in time and so they gave the room to Barbara. And so, I really didn't want Barbara to be my roommate. And so, we ended up being roommates and she had her personality and I had my personality and you know, I just didn't like her too much and so it got to the point where...be down to the end of the school year we was not on speaking terms. But during this incident, you know, we was friends because I think it was the beginning of the semester.

Q: That's correct.

A: So we was, you know, good relationship then but I was never too crazy about her.

Q: If you would Jackie, describe to me exactly what you did after this happened. Okay, I know you followed the guy, you went out there and tried to get security and all of that. After Helena was taken to the hospital, I understand some of the girls left the sixth floor. But I understand that you did not leave?

A: I left...I stayed there until about 3:00 or 4:00 in the morning and when one of the Security Guards that knew me as a friend, suggested that I spend the night at his apartment and so ah, he

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took me over to his apartment and I slept and I woke up the next morning.

Q: What Security Guard was this?

A: I can't remember his name. He's the young type. The young one.

Q: The young one?

A: Yes. Dark skinned, had a beard. And he stayed right in those apartments, Washington Terrace.

Q: Washington Terrace?

A: Yes.

Q: He stayed over there?

A: Yes.

Q: All right you spent the night there?

A: Yes.

Q: Then what did you do?

A: It depends on that day it was. What day was it?

Q: Well this would have been on a Saturday more than likely.

A: Saturday, yeah.

Q: Did you go back...what I'm getting at, did you go back to the dorm or did you check out of the dorm and get all of your clothes out and go somewhere else and live?

A: No. I stayed in the dorm.

Q: You stayed in the dorm?

A: I stayed in the dorm.

Q: That night that you spent the night in that dorm on the sixth floor, after this thing happened, until about 3:00 or 0000 later, who else was up there on the sixth floor?

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A: I don't know of any.

Q: Any other girls?

A: I don't think so.

Q: You were the only one then probably on the sixth floor?

A: Yes.

Q: And again, this is Jackie Kelly right?

A: Right.

Q: This is your makeup and you felt that you could protect your own self?

A: Yeah. I didn't, you know...

Q: You were not scared, even though you were concerned and scared to a certain level of being scared, you thought you could handle the situation?

A: Yes.

Q: This guy was not so big and so rough and so tough looking that he scared you off?

A: No he didn't. That's what I say, you know...I thought the police would probably catch him soon or that, you know, that they had put the reinforcement on the campus with security so I didn't think he was coming back any time soon.

Q: Did this man that you saw that morning, look to you like a college student?

A: Um...ah, no, he looked kind of older than a college student. Older than a college kid. He was older.

Q: Did he look more like a street person?

A: Ah...somewhat. Yes he was. The type that didn't look like he was going to stay drunk or high all the time. 000217

Q: But you had not seen him before?

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A: No.

Q: Around campus. Have you seen him since?

A: I don't recall. Unless I didn't know who I was looking at.

Q: Do you think Jackie, that if you saw him again, you would know him?

A: I hope so. I hope so. It's been four (4) years and ah, many line-ups that I went through, I don't know.

Q: Those line-ups that you looked at now. I have been told by some of the other investigators and then typing your reports, that you laughed at some of those line-ups?

A: Yes I did.

Q: Why?

A: Because they didn't even come anywhere near the description of what I told them that the guy looked like.

Q: And you thought that was funny?

A: No, not really. I just felt like, you know, if you're trying to help, why did you bring in all these guys, you know.

Q: You thought it was really stupid. Some of them was so obviously, you know, not like this guy that you saw?

A: Right.

Q: That you felt like you were sort of wasting your time?

A: No, not wasting my time. I realized that they throw in people, you know, just to see if you really know what you're talking about. But, you know, some of them within that line-up didn't come close to what I had said.

Q: Jackie, again, I'm asking you to jog your memory, recall. The time that you had an argument shortly after this with I think with the girl, some of the girls that was left on campus that moved, you know, got their stuff and went back home, do you remember that little confrontation you had maybe with ~~0000~~ Helena

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Peyton's roommate and one of the other girls. I mean you really got to discussing this thing and you got really, you know, angry at one another and had a even little shoving contest that the girl got a little, you know, physically shoving. Maybe screaming at each other, you know, this type thing?

A: Me?

Q: Yeah.

A: Oh, God.

Q: Maybe with one of the other girls or something. I think some of the girls were trying to accuse you of maybe knowing this man or getting involved with this man; or you're the only one that spoke up; and then you said, "Hey, I didn't know this man", you know, this type thing? Trying to put the blame on one another?

A: That's a shame. I'm not the blame that if anybody should have been blamed, it should have been ah, Helen's roommate. I forgot her name, ah...

Q: Yuvone Turner?

A: Yuvone. Yeah. If anybody should know more about the incident it should have been her. Because you know, they get up every morning, they go to breakfast together and that's what, you know, she claimed that Helena was in the bathroom, to go get ready for breakfast, but it was also the morning of her birthday.

Q: Right.

A: It was also, you know, it was strange that it was the morning of her birthday and ah, I would have met Helena about one time, you know, came in contact. I think I was playing cards with her one day, spades or something and she was very quiet you know. You know, she might have been funny or something like that in my opinion but ah...

Q: What do you mean by "Funny"?

A: A lesbian. I don't know if she's something that...

Q: That's what she came across to you?

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A: Yeah. Later on also in talking to both people, you know, that was not for me to say because that was only my general attitude and I didn't know the girl that well because we never had a conversation for me to judge her like that but ah, you know, I just couldn't understand you know...she claimed that she didn't know what was going on. She was about one of the last persons that really got involved. There was a light skinned girl that was a Delta, that I can't remember her name either. Anyway she was...played the part about keeping Helena calm and cool, you know, but for them, you know, I'm just the type of person that says, you know, what is there to fear if the security guard had been posted around the building and this guy did something he would be a fool to come straight back, you know, I'm on the sixth floor, you know. He as to go through all these channels to get to me on the sixth floor. So that's why I didn't feel like I had no need to run, but to have the attitude, I guess my attitude sometimes would get to the people, you know, that ah, she thinks she's bad or something like but for me, after coming in contact and physically fighting, that's not me. That's not me, you know. They can talk, you know, but for me to...for something like this, why would we fight each other. You know, yeah, you might accuse me of knowing the guy but it's impossible for me to know the guy because ah, because if I knew the guy, I think he would have been caught by now. You know, I keep on saying that, I can't remember his face. That's not me.

Q: If you knew the guy you would certainly tell us?

A: Most definitely. Why this girl was in the prime of her life, there, I didn't even know her all that much to even say that I liked her or disliked her. I didn't know her that well.

Q: You had had men before upstairs to see you?

A: Friends yes.

Q: You didn't do this for money did you?

A: No. I ain't...

Q: Don't get mad with me. I'm just asking you things that I want you to be totally honest?

A: Right I can believe you.

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Q: I've got some things I've got to clear up. And No. #2, were you dealing with any drugs at all back then? Selling any marijuana or whatever?

A: Me, selling it. Not more than just smoking it.

Q: You smoked it but you didn't sell any of it?

A: Huh, uh. (No)

Q: You never had men upstairs to visit you or a man or a friend or whatever, off of the street, maybe or maybe a fellow student or anything of that nature, maybe for money and once he got up there, turned him away?

A: No. I ain't...no. Because...me, I'm twenty-five (25) years old. I've never been pregnant a day in my life. When I was in my teens, I was the type of person that stays home and stayed on the fishing banks, fishing. I was the only person in my family that don't have a police record; that's never been in trouble. The only thing that I've got is a attitude when it comes down to people, you know, trying to control my life or trying to be noisy. Trying to involve themselves more than what I really want them to involve. But for socializing, everybody needs friends to talk to every once in awhile. I'm the type of person that don't have that many friends, so when I find somebody, you know, it's just me and them. I don't try to let the whole world know what I be doing, you know, because my friends are very limited. But for taking care of myself, financially wise, I learn to do without a lot of things.

Q: Say you never, in technical terms, of prostituting on the side for money to pay your way through college did not exist?

A: No. I ain't got through college do...independently, that means the Government was obligated to give me the total grant; that it was allowed. I had worked, studies and plus I had part-time jobs.

Q: So in essence Jackie, what you're saying is, you never did turn any tricks, prostitution tricks while you were at St. Augustine's?

A: If my mama was alive today, she would turn gray in the head. ⁰⁰⁰²²¹ No.

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No way. I just...I might be perceived that way because I stay by myself a lot but that's only to avoid trouble and wasting money, you know, because the more you be with people, it seems like the more trouble and the money you spend when you don't need to be spending it. If I be by myself, that mean I would be saving myself a dime.

Q: Did you have a lot of friends that were from off campus street people?

A: Yes. I'm not the type of person that I don't make too many relationship with people. I have to see everyday, be with, like be in my class or go to the same school, or you know work around with. I tried to avoid those relationships.

Q: Have you ever heard or do you know if at any time any of the girls were turning any tricks up there?

A: Ah, the rumors was possibly that it was happening. It was a lot of rumors going around.

Q: Let me ask you one question before you go any further. Where these rumors before this incident occurred or were they after, did they come up after the incident occurred?

A: Okay, I was staying in Baker Hall. Baker Hall was known...

Q: You saying that Baker Hall was known for that?

A: It was a wild thing because you didn't have to go...like Latham was constructed you know, on top of each other, each floors and so we have to comes in and we usually had to ride the elevator or you had to go through the lobby where usually females are sitting in our lobby room, you know checking who going in and who's going out and so, too many guys didn't go in Latham unless it was at night. But in Baker, you can go any time because you just walk right up to the room. The lobby separated from the room cause people couldn't see you know what was happening during the course of the day. So, that might have been possible and ah, if I'm not mistaken, there was a rumor that they did have, this group of girls that was doing this and I probably think that's probably everywhere. As long as we are in small society and I think if I'm not mistaken it was. But like I say I'm the type of person that I did not get involved with other people's problems. You know,

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whatever they did was their thing.

Q: Was those girls on the sixth floor that were involved with this?

A: A lot of girls on the sixth floor was Deltas. A Fraternity, a Fraternity group, where you know these people are suppose to be, you know, be ah, type of people that is suppose to set the example when it comes down to being a studious and ah, a good example of having completed a nice career and this and that, you know a sorority type of people you know that good example what a average college kid is suppose to act like and care for them self, something of that nature, so the hall itself is made up of Deltas and me and the Deltas was not on the same level, you know, they were with their group of people and I was with mine and I was in my opinion couldn't keep up with them and wouldn't even try.

Q: But do you know of anyone on the sixth floor that was supposedly prostituting?

A: No. You might ask other females that was there. They probably know more about it than I did. Cause you know, I didn't sit around and talk about everybody that went by.

Q: When you saw this man, I think you told us in the beginning that it was nothing unusual seeing a man up there, even though this was not a frequent occurrence, you have some men in the past, you have had men friends up to see you. That morning, was pretty typical of that until you heard screaming and saw blood, is that correct?

A: Yes.

Q: Why do you think this man was up there? I know you have questioned yourself about that?

A: Before I seen Helena I thought he was coming out of one of the rooms. One of those rooms on the side, you know, I thought he was coming out of one of those rooms.

Q: Where, in fact, he could have been coming from the bathroom?

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A: Right.

Q: Was the bathroom on that side?

A: Yeah. I realized now that once he passed me that when the screaming started again, that somebody was in the bathroom; that that was where he came from.

Q: What would he be doing in the bathroom?

A: Ah, he could either be cleaning up after himself; waiting around for somebody to come in there; that's the only reasons.

Q: Why would he wait for someone to come in there?

A: Because about that time people get up about that time every morning. They go to breakfast or something.

Q: So why do you feel like he was up there to start with on that floor?

A: Due to the fact that now she's dead, you know.

Q: After you had time to think about it and know now what happened, that he, in fact, was in the bathroom when she went in...

A: He was either in the bathroom waiting for somebody, you know just that type of person that had ah...what he was doing, you know...I know you say he was no Pro or nothing like that because a Pro wouldn't act like that. He wouldn't put his self on the spot where you know that he could have been identified by so many people. Ah, okay, if he was up there with Helena during the course of the night, I can't understand why he would hurt her unless, you know she made him upset. And if she made him upset that means that ah, that he was in there, and her roommate should have known that, you know but she claims that she didn't know nothing about it. So, the only alternative was that he was already up there just waiting around, walking around the hall because there was some girls said that that night they had heard footsteps on the hall on different floors and stuff like that.

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It was either that and if it her roommate claims that he was not in her room and that she didn't know nothing about it, there ain't no way she could have brought him into the building, unless he was already down.

Q: If a man were to come up the stairway to that floor, and he had met a lady up there and he had had sexual intercourse with her, would they normally go to the bathroom and clean them selves up?

A: No.

Q: They would normally just go ahead on out?

A: Yes.

Q: So this really doesn't fit. A man going up there and seeing someone?

A: Right.

Q: After this thing happened, I know there were a lot of rumors going around, and we have heard quite a few of them, but I would like to deal with more factual things, is there anything else that you can recall that maybe we haven't discussed? Something unusual about this may maybe or maybe one of the girls up there, that maybe we need to talk to. We've talked to quite of few of them. But being perfectly up front with you, that's the only way I know how to deal with people is that they all seem to think that you were the key to us to bringing this case to a conclusion. That you, Jackie Kelly was the girl that stayed on her on two (2) feet and she knew all this shit that was going on and she would just tell you the truth you can really rap this thing up.

A: I, you know, if you go back and ah, check out everything I ever said in the past, it's basically the same thing. The only thing I request is that I haven't got...in order to close up ends, is hypnosis, you know I requested hypnosis to actually give the image of this man and remember step-by-step what happened and ah, they have not done it so ah, I ain't have no other, nothing to hide except what hypnosis might bring out. And that might close

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up the case for you. Other than that, I'm just human. My mind goes blank, you know I eliminate a lot of things in my mind that's bad. It's hard to come back up to surface, is bad thoughts so right now, you know, it's deep deep back in the back of my mind.

Q: Let me ask you this Jackie, would you be willing to be hypnotized?

A: Yes. I see nothing wrong.

Q: Would you be willing to take a lie detector test in reference to any of this information?

A: Yes.

Q: You and Barbara were together that morning the man came down the hall after you heard the scream. You and Barbara were together?

A: Uh, huh. (Yes)

Q: Had you or either Barbara had a man friend up there that night?

A: No.

Q: Not that night?

A: Not that night.

Q: Any of the other girls up there on that floor have a man friend up there that night that you know of?

A: I don't know. No. I wouldn't know.

Q: But you did not?

A: I know I didn't.

Q: Have you ever had a man friend there when Barbara was there?

A: No.

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Q: Has she ever had one there when you were there?

A: No more than during the daytime.

Q: Not for the night?

A: No, not for the night, no.

Q: Now, again, don't be offended what we're trying to jump into, but your man friend or male friend that you had up there, was he off the street or was he a student?

A: Most of the time both, you know, friend, but I had male friends that went to school and ah, a lot of people, like I say, I associated with people that was not from St. Aug a lot.

Q: Have you discussed with them, with these men friends of yours, about this situation? I mean, maybe even looking to them for some support or some information or something?

A: It depends on who I was talking to at that given time.

Q: But you were a pretty hot item back then. I mean you're the only one that went on the T.V., you know, you're the only one that had guts enough to speak up about the situation and some of the men that maybe you felt a little something for, a little interest in, that had been up there before that was familiar with Latham Hall, or Dorm, did you discuss with them that particular situation and this individual that you saw?

A: Yes. I discussed it freely. I discussed the situation with anybody.

Q: I'm specifically interested in the men that had visited you up there?

A: You really got me over a barrel because my mind, my memory is not that good, and I'm trying to remember exactly who I was talking to at that given time, in this frame period. September, I was talking to a guy, I was talking to him before that. Ah, the guys that I messed around with were like a handful. It wasn't even a handful.

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Q: Five (5)

A: Yeah. And that was each time I quit one I would go with another one but ah, within that whole time frame that I was in the Dorm that year, probably no more than five (5) guys at the most.

Q: And we're talking at the beginning of the semester now, September a year ago?

A: Ah...it's one of my girlfriend Glenda was here she probably could describe a little bit better than I could.

Q: Glenda?

A: Glenda Delanie.

Q: Glenda Delanie?

A: Yeah. Did...

Q: She stayed down on the lower floor?

A: She stayed on the 5th floor.

Q: I believe, I'm not sure about this, but I believe we might have talked to her...

But you and Glenda were pretty close?

A: Yes.

Q: Do you remember who your boyfriend was at that time?

A: The only thing I can remember I was talking to this guy named Johnathan Fraizer and he went to Shaw University but that was right afterwards.

Q: Johnathan Fraizer?

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A: Yeah, afterwards. He was from Conn. and that was afterwards.

Q: Did you have a boyfriend at that time that was not associated with the college in any way?

A: Most of the guys that I talked to was Oh, I had this guy named ah, what was his name...ah, his name was ah, Nip, his name was Nip. I can't remember his first name. He's from Florida and ah, I think he went back to Florida. That's about the only outside that I was probably really involved with and you know.

Q: From Florida?

A: Yes.

Q: Did he resemble the man with the dishiki?

A: Somewhat. He was dark skinned and he had a afro and it was short.

Q: But he did resemble the man with the dishiki?

A: Yes.

Q: This guy Nip?

A: Yeah.

Q: He was a student there?

A: Naw. He was staying in the Raleigh.

Q: In the City of Raleigh?

A: Yes.

Q: From Florida?

A: Yes.

Q: Where did you meet Nip?

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A: Probably up there near the ah, intersection of where the store is at. You know go across the street where those stores is at.

Q: Across from the Security Office?

A: No.

Q: Where the Barber Shop is an all?

A: Yes.

Q: Oakwood and Hill Street?

A: Up in that area.

Q: Is where you met him?

A: Probably is.

Q: Did he work?

A: He was suppose to be a police. A CID Agent.

Q: Police informant?

A: Yeah. He had a badge or something like that. He worked for the City doing something.

Q: How old a guy was he?

A: He was about twenty-eight (28).

Q: Did he have a car?

A: Yeah.

Q: What kind of car did he have?

A: A Silver it was a Mark IV...

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Q: A Continental?

A: Yeah. Something of that nature. It was candy apple red before before he went to Florida he had got the roof and the interior of the tires painted Candy Apple Red. The car was Silver.

Q: That's interesting?

A: I know, because if anybody was a pusher or a dealer in prostitutes it might have been him because before it was over with, you know, people was handing money in his house and ah...

Q: Where did he live?

A: He stayed in a house. He had a house in Raleigh. It was over there going...okay once you by the stores by the barber shop and headingup that way. Towards the hospital. Some houses that way.

Q: Did you and Nip ever have a falling out you say?

A: No more than ah, usually. I was not in love with the man at all. He was somebody you know just to spend some time with. Somebody just to spend some time with and nothing, you know he might have been attracted to me but you know, I...really didn't think it mattered he was some what of the playboy type...

Q: I realize this is kind of personal but what kind of relationship did you all have?

A: Intimate. Intimate somewhat.

Q: You said that if was a possibility that he may have been involved with drugs or prostituting?

A: Yeah, possible. If I'm not mistaken now. Before...it was over with, you know, I was over to his apartment, his place one time with some friends and some strange things happened that I couldn't understand.

Q: What do you mean by that stranger?

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A: People, a lot of people was in and out of his house.

Q: Do you think he was dealing in drugs in anyway?

A: He probably was also.

Q: Did you ever see any?

A: I smoked during that time.

Q: Did you ever hear him talking about dealing?

A: No.

Q: Did you see much of a variety of drugs that he may have?

A: No.

Q: Did you see anything other than Marijuana?

A: No.

Q: Sure she did.

A: You might say...

Q: You're sharp Jackie. You're sharp and I think you would pick right up on stuff like that.

A: No. I'm not trying to be ah...I'm not trying to you know, to stand up, there's nothing to stand up for but I can't remember did he get involved, because me, I hate to say, you know, cause you're telling me that I have to be honest with, you know, but I'm putting my neck out on the line and I guess that's why I keep just a low profile because I, I dabble into the stuff myself.

Q: Well, let me say this. In the first place, you're not going to charge you with any kind of drug violations, okay? You don't have any drugs, you know, so a lot of people don't understand that though and I just want you to understand that.

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A: I know you're over here trying to work on Helena's case but you know, at that time in college, you know, I was, you know, out there and when it came down to drugs, not to say that it was my No. 1 habit but I got it and I wanted it and ah...

Q: Did you have to pay for it?

A: Yes.

Q: Did you buy it from Nip, the guy called "Nip"?

A: No.

Q: Did Nip get you money?

A: Naw.

Q: No support at all?

A: None. No. No.

Q: The guy that you said that you saw that morning, looks something like Nip. Was it Nip?

A: No.

Q: It wasn't him?

A: No.

Q: You're sure?

A: Positive.

Q: The man wearing the dishiki that morning, was wearing a dishiki unusual in that period of time?

A: Yes, because dishiki's had came out and ah, something in that nature. You know, it was out early...the people was into it, wearing it but for this time it was out of the ordinary.

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Q: Kind of out of style at this time?

A: Yeah. But, you know, it seemed like a part of his wardrobe.

Q: What type of people usually wore dishiki's?

A: Sterotyping people again, but ah...people that, you know, probably into drugs, attitude freedom, nothing keeps them, limited you know, how somebody needs to be limited. Not somebody that needs to be limited to every course in their life, like go to work and come home, you know, this type of person, probably ah, come and go as you please. Might not have to work.

Q: I was thinking something in the lines of people with close African ancestors or something like that.

A: True. That's what I thought of you know, one time before but he...you know, I can distinguish very distinctly between black American and Afro America. I can distinguish that, you know, their features, are somewhat different.

Q: Which category was this guy?

A: Black America.

Q: So he could have been the local guy off the street wearing that dishiki just trying to fit in and maybe that's all he had to maybe try to look good.

A: It was...I'm not sure.

Q: Do you recall what kind of pants he had on?

A: Dark.

Q: Dark colored pants?

A: Yes.

Q: How about his shoes?

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A: Ah, black.

Q: Flat shoes?

A: He was...this guy was nothing that said he was a bum. He didn't appear to be a bum, that's why I thought he was a common because the girls on that side of the hall was jealous of him. And so, that was why I thought it was coming from one of the girls, you know. He was not no bum.

Q: He would fit in with the Deltas then?

A: He...I guess I'm giving the wrong image of the Deltas but he will probably be something that they will probably wouldn't see nothing wrong with talking to them.

Q: That type of individual?

A: Yeah. He didn't look unattractive. He didn't look like ah, he needed somebody to support his habit.

Q: She was Helena Peyton's roommate?

A: Uh, huh. (Yes)

Q: We're talking about Yuvone now.

A: Yeah. Yuvone Turner.

Q: I got up with her and talked with her and let me tell you what she had to say. She said that you and her went down to the Detective Division together I believe and that she went in first I think they talked to and then you went in later, came back out and during that period of time, you mentioned to her that you had seen that guy, that came out of the bathroom that morning, earlier coming out of Collins and Hudson's room. You had gotten up to go to the bathroom earlier about five minutes before this thing happened and you saw this guy come out of their room?

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A: Okay, ah...the only thing I can tell you is hipnosis may jog all that but for right now I can not say, you know, that the incident sounds familiar. I gets up all times and I have to use the bathroom all the time and when you told me that, you know, it rung a bell but I can not specifically say, you know, if it was true or not. Because I can't remember.

INVESTIGATIVE NOTES:

A photo line-up was shown to Lt. Jackie Kelly which contained a photo of James Andrew Blackman. When Lt. Kelly initially started looking at the group of photos, the third picture she looked at was one of Blackman. She immediately pulled Blackman's photo and laid it to the side. She went through all the remaining pictures and repeated the process again. After going through the photos several times she pulled out one more picture of Barry Chavis. She stated these two (2) looked like they could possibly be the suspect. She then stated the reason she picked Chavis' picture was because he appeared to be thin and slender like the suspect looked at the time of the incident. She stated Blackman's appearance looked good but he appeared heavier in that picture than what she remembered the suspect being.

She was then shown three (3) other photo line-ups that contained pictures of James Wallace Jackson, Sam Lee and Leroy McNeil. She was not able to identify any of the persons in these line-ups.

This concludes the interview with Jacqueline Carol Kelly.

Detective A. C. Munday
Career Criminal Unit
Raleigh Police Department

*1st Lt. Jacqueline Carol Kelly
509 Farr St. Apt. D.*

Detective J. C. Holder
Career Criminal Unit
Raleigh Police Department

*Columbus, Ga. Home Phone 689-3677
HHD 1st ITB (Infantry Training Bldg)
St. Benning, Ga. Work Phone 544-1413
544-2556*

sgt/gl
(9/29/83)

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55R471

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SYNOPSIS:

This report will contain the details of a psychological stress evaluation examination given to Jacqueline Kelly on 9/26/83; the examination was given at the request of Detective J. C. Holder and A. C. Munday.

WITNESS TESTED:

Jacqueline Carol Kelley
509 Farr Road, Apt. B
Business Address: Fort Benning, Georgia

INVESTIGATIVE NOTES:

On 9/26/83 at 1:05 p.m. I advised First Lt. Jacqueline Kelley of her constitutional rights. She signed a waiver of rights form and a Raleigh Police Department's Psychological Stress Evaluation Release Form. I gave Lt. Kelley a PSE examination which consisted of two phases. The following relevant questions and answers were given on Phase I of the examination.

Q. Do you know who killed Helena Peyton?

A. No.

Q. Did you recognize either by face or name the suspect who passed you in the hall?

A. No.

Q. Do you suspect someone of killing Helena Peyton?

A. No.

Q. Do you know for sure who killed Helena Peyton?

A. No.

Q. Did you positively recognize the suspect in photographs that were shown to you this morning?

A. No.

REPORTING OFFICER	NO.	DIV.	STATUS	ARREST-ADULT	REMAINING FOR INVESTIGATION						
SUPERVISOR APPROVING			<input type="checkbox"/> UNFOUNDED	ARREST-JUV.	000191						
			<input type="checkbox"/> PENDING	EXCEPT. CLEAR							
			<input type="checkbox"/> INACTIVE	SERVICE CLEAR							

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Q. If you were to recognize the suspect who killed Helena Peyton, would you tell one of the investigating officers?

A. Yes.

The following relevant questions and answers were given on Phase II of the examination.

Q. Have you been told who the person was that killed Helena Peyton?

A. No.

Q. Did you have a man in your dormitory room just prior to Helena Peyton being killed?

A. No.

Q. Do you suspect someone of killing Helena Peyton?

A. No.

Q. Do you know for sure who killed Helena Peyton?

A. No.

Q. Did you actually recognize the suspect from the photographs that you saw this morning?

A. No.

It is the opinion of this investigator, based on the lack of reactions to any of the relevant questions on Phase I or Phase II of the examination, that First Lieutenant Jacqueline Kelley believed the answers she gave this investigator to be truthful.

W. M. Parker, Jr.
Investigative Division

ad/i19

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SUPERVISOR APPROVING			<input type="checkbox"/> UNFOUNDED	<input type="checkbox"/> ARREST-JUV.	000195					
			<input type="checkbox"/> PENDING	<input type="checkbox"/> EXCEPT. CLEAR						
			<input type="checkbox"/> INACTIVE	<input type="checkbox"/> SERVICE CLEAR						

Other individuals who were interviewed included the following: Geraldine Bowden, a student living on the 6th floor of Latham Hall who did not leave her room; Father Ronald Fox and his wife Anita Fox who had no knowledge of the crime or any personal knowledge of illegal activities by students and Valeen King, a housekeeper who had no information about the crime. (RPD—DA, Bk. 1, 263 and 320, respectively). However, these individuals did not have any actual knowledge of the crime or any personal knowledge of any illegal activities by any of the Victim's dorm-mates.

Forensic Analysis

Though testing on the Dashiki shirt in early 1981 “failed to reveal the presence of hairs,” testing completed on the Dashiki shirt in April 1982 revealed the presence of numerous short black negroid hair fragments and one “medium brown” Caucasian body hair. All of the hairs were “not suitable” for comparison. (RPD—DA, Bk. 1, 160). In addition, the FBI was asked to conduct testing on the knife to see if any latent prints could be developed, and none were.

Throughout the case, both in the initial investigation and in the renewed investigation, it appears comparisons were done to various suspects related to the latent prints collected on the outside of the bathroom stall door where the Victim was attacked. No individuals were matched to these prints. In addition, there are some individuals listed as compared for whom the Commission does not have any further information except to know that they were listed as compared. These would have been direct comparisons to specific suspects as no fingerprint database existed at the time of the original investigation. The laboratory reports related to the testing described in this section are provided below as are the lists of the fingerprint comparisons performed throughout the case.

North Carolina
STATE BUREAU OF INVESTIGATION
Department of Justice
Raleigh

LABORATORY REPORT

CORRECTED COPY

March 17, 1981

Officer D. C. Williams Raleigh Police Dept. 110 S. McDowell Street Raleigh, N. C. 27602	SBI FILE NO.:	DATE:
	AGENCY FILE NO.:	February 23, 1981
	LOCATION:	SBI LAB NO.:
SUBJECT(S): HELEN PEYTON - VICTIM UNKNOWN - SUSPECT	Wake County	EXAMINED BY:
	TYPE OF CASE:	W. S. Worsham
	Murder	MATERIAL SUBMITTED BY:
		M. L. Stephenson
		DATE SUBMITTED:
		February 12, 1981

ITEMS SUBMITTED BY OFFICER M. L. STEPHENSON ON FEBRUARY 12, 1981:

Item #1- A sealed white paper bag containing a red "cashiki" shirt.

TYPE ANALYSIS REQUESTED:

Examine for the presence of hairs.

RESULTS OF ANALYSIS:

Examination of Item #1 failed to reveal the presence of any human hairs.

DISPOSITION OF EVIDENCE:

The evidence is being returned via first-class mail to officer L. W. Godwin.

WSW:je
Attachment

I, Rufus L. Edmisten, Attorney General of the State of North Carolina, hereby certify that the form identified as: North Carolina State Bureau of Investigation, Department of Justice, Laboratory Report, is a form approved by me for the purpose stated in G.S. 90-95 (g) and approved by me in compliance with the said statute.

COPIES TO:

Mr. J. R. Riley, D.A.

THIS REPORT IS TO BE USED ONLY IN CONNECTION WITH AN OFFICIAL CRIMINAL INVESTIGATION.

Haywood Starling, Director

This report represents a true and accurate result of my analysis on the item(s) described.

W. Scott Worsham

CONFIDENTIAL. THIS IS AN OFFICIAL FILE OF THE NORTH CAROLINA STATE BUREAU OF INVESTIGATION. TO MAKE PUBLIC OR REVEAL THE CONTENTS THEREOF TO ANY UNAUTHORIZED PERSON IS A VIOLATION OF THE GENERAL STATUTES OF NORTH CAROLINA.

North Carolina
STATE BUREAU OF INVESTIGATION
 Department of Justice
 Raleigh

LABORATORY REPORT

CORRECTED COPY

Mr. J. H. Hardy City County Bureau of I.D. P. O. Box 550 Raleigh, N. C. 27602	SBI FILE NO.:	DATE: April 16, 1982
	AGENCY FILE NO.:	SBI LAB NO.:
	LOCATION:	EXAMINED BY:
SUBJECT(S):	Wake County	W. S. Worsham
	TYPE OF CASE:	MATERIAL SUBMITTED BY:
	HELENA PEYTON - VICTIM NOT STATED - SUSPECT	Homicide
DATE SUBMITTED:		
		March 18, 1982

ITEMS SUBMITTED ON SEPTEMBER 28, 1979:

Item #1- A sealed plastic bag containing a red "Dashiki" shirt.

TYPE ANALYSIS REQUESTED:

Examine for the presence of any human hairs.

RESULTS OF ANALYSIS:

Examination of Item #1 revealed the presence of numerous short black Negroid hair fragments. These hair fragments are not suitable for purposes of comparison.

Item #1 also revealed the presence of a "medium brown" Caucasian body hair. This hair is not suitable for purposes of comparison.

DISPOSITION OF EVIDENCE:

The evidence is being returned via first-class mail.

WSW:je
Attachment

I, Rufus L. Edmisten, Attorney General of the State of North Carolina, hereby certify that the form identified as: North Carolina State Bureau of Investigation, Department of Justice, Laboratory Report, is a form approved by me for the purpose stated in G.S. 90-95 (g) and approved by me in compliance with the said statute.

COPIES TO:

Mr. J. R. Riley, D.A.

THIS REPORT IS TO BE USED ONLY IN CONNECTION WITH AN OFFICIAL CRIMINAL INVESTIGATION.

Haywood Starling, Director

This report represents a true and accurate result of my analysis on the item(s) described.

Scott Worsham



FEDERAL BUREAU OF INVESTIGATION

Washington, D. C. 20537

REPORT

of the

LATENT FINGERPRINT SECTION IDENTIFICATION DIVISION

YOUR FILE NO. 558471
FBI FILE NO. 32-20051
LATENT CASE NO. C-9996

May 10, 1982

TO: Mr. W. G. Layton, Jr.
Director
City-County Bureau of Identification
Post Office Box 550
Raleigh, North Carolina 27602

Attention: Mr. J. H. Hardy
Identification Specialist

RE: UNKNOWN SUBJECT(S);
HELENA PAYTON - VICTIM
ST. AUGUSTINE'S COLLEGE
RALEIGH, NORTH CAROLINA
SEPTEMBER 28, 1979
HOMICIDE

REFERENCE: Letter March 23, 1982
EXAMINATION REQUESTED BY: Addressee
SPECIMENS: Knife with wooden handle

No latent prints of value for identification purposes appear or were developed on the knife.

The specimen is being returned under separate cover.

Payton

CCB# 13-4992

Murder

Name

Helena Payton

Off.

AWPW

No. 658471

Location

Latham Hall, St. Aug. Coll.

Date 9-28-79

Requested by

RPP

Hardy

(Contact at once)

Exposures

Type film

by

Negatives Developed

Date

by

Prints

Type

Date

by

Comments (see description, etc.)

~~Photo Report~~

LF
8/20/12

Morris Moore 41142
Jackie J. Evans
Darryl F. Washing
Cleveland S. Starr
David Lee Williams
see enclosed

No Ident.
James Otis Wright 41463
Charles L. Felth 30903
Victor C. Mangum 34601
William Poole 31678
Jonathan Robinson 41859
Tommy A. Barrett 53406
Eddie Lee Barnes 41646
Andrew Dennis Wms - elim.
Ronald B. Wilkins - 50127
Michael R. Alston - 37809
Lamar Davis 54237 (twice)
Randy C. McLamb 46758
Willie R. Frazier 39409
Johnny Avery - alias K.H. Abdullah 39558



FIRMCLASP - Sontan
No. 25 - 4 5/8 x 6 3/4

11/11/13

Larry Darnell Snellings 44583
Freeman Eaddy, Jr 51896
James W. Lynch 48059
Kenneth Frank Evans 43047
Gregory Earl Bullock 45666
Troy Otis Smith 53463
Villie Martin Watkins 39020
Ernest Calvin Stewart 60398
Raymond Cooley 45477
Bernie Wayne Harding 46175
Anthony Lewis 45556
Bernie James Peterson 51366
Clemmon Augusta Woodard 53257
Drexel Lamont King 62743
Fred Dallas White 40961

2-24-82 negative.

Frankie Erwin Purvis 60434

Antonio Cruz Rodriguez

Lee Lee 9-21-57

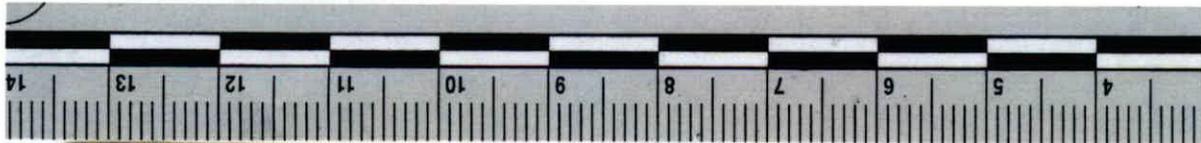
James Blackburn 2-24-83 87353

Leroy McNeil 5-6-83

James Wallace Jackson 45276

CCBI
000009

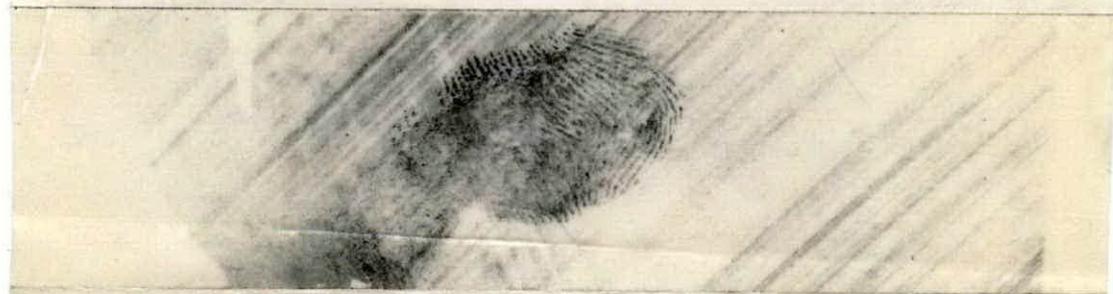
000009

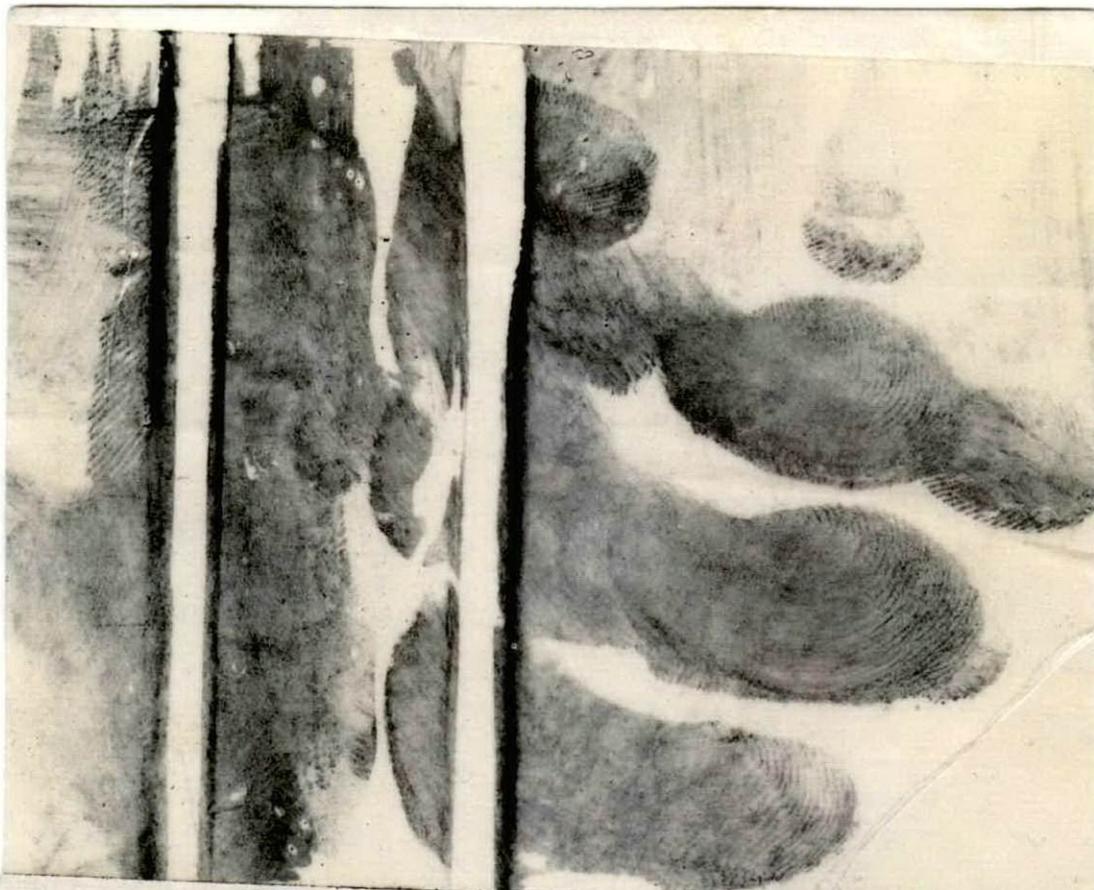
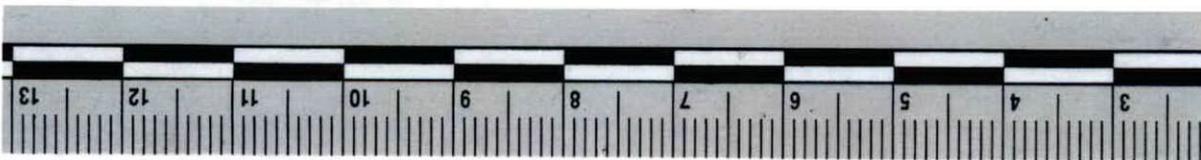


Outside of bathroom
stall door

558471

9-28-79





outside of bathroom
stall door

558471

9-28-79

gk

VI. Investigation into Blackmon

Police began investigating Blackmon based on a source, who is not named in the RPD file, who provided that a patient at Dorothea Dix was talking about committing the murder of a black female at St. Augustine's College and another black female in Durham North Carolina as well as murdering other black females in Wake County, New York, and New Jersey.²³ This information is noted as being first provided on February 3, 1983. In the initial report, the suspect was described as a black male with a close cropped afro and a close cropped mustache and beard. In addition, the suspect was alleged to have been "very graphic" in the description of how he killed the women and he was supposed to have been "very violent and brutal and liked to cut women." The suspect was also supposed to make statements of how much he "loved his knife."

A second contact with the same source on February 8, 1983 provided that the suspect was "tall but not as tall as me. (6'1" tall)...and had a close cut mustache and beard." The source reported that the "suspect had a fuller beard at one time but he cut part of it off." Another note from February 23, 1983 indicates that a "source" sent information that the suspect was a voluntarily committed patient at Dorothea Dix Hospital and was in 302 McBride Building." The source was not sure of the name of the individual but "gave it as Braemer or Brammer or Bramer or something like these names, starting with the letter B."

Blackmon was identified after a "source" at Dorothea Dix researched individuals located in the McBride Building that were admitted in the last several months from Wake County. The

²³ According to a page from the transcript of the suppression hearing that was attached to the Defendant's appellate brief, the source was also a patient at Dorothea Dix and provided the information to Lieutenant Nelson Lockey with RPD.

report indicates that “only one subject...fit the criteria” and it was James A. Blackmon. More detailed information provided by “the second source” indicated Blackmon was in Ward #302 McBride Building. The report outlining the information collected from these sources as well as the investigative steps which led police to Blackmon is provided in full below.

UPPLEMENTARY REPORT

COMPLAINT NO. 881443	2. OFFENSE Miscellaneous	3. CLASSIFICATION Information	4. DATE TIME OF THIS REPORT 3/12/83 1400 hr	Page 1 of		
VICTIM (LAST, FIRST, MIDDLE) N/A		6. ADDRESS N/A				
LVP CTO.	Y JDES	A-TRACEABLE PROPERTY B-PHYSICAL EVIDENCE	C-WITNESS D-M.O.	E-NAMED SUSPECT F-LOCATED SUSPECT	G-DESCRIBED SUSPECT H-IDENTIFIED SUSPECT	I-VEHICLE I.D.
SOLVABILITY FACTORS FOR INVESTIGATION FROM CRIME INVESTIGATION REPORT						
ELIMINATED BY INVESTIGATION		9. DEVELOPED BY INVESTIGATION				

INVESTIGATIVE NOTES:

2/3/83

On this date I received information that a black male subject who was a patient at Dorothea Dix Hospital was talking about committing murders. The information I received was that the suspect had mentioned the murder of a black female at St. Augustine College and had mentioned a murder of a black female in Durham, North Carolina. The suspect talked about murdering other black females in Wake County (at least three) and at least two (2) murders in New York or New Jersey. (All black females) The suspect was described as a black male with a close cropped afro and a close cropped mustache and beard. He was described as tall and muscular and that the suspect was very personable and the type that one would not hesitate to talk to if you met him on the street. The suspect was supposed to have been very graphic in his description of how he killed these women. He was supposed to have been very violent and brutal and liked to cut women and supposedly to have made a statement about how he liked to feel the knife go in. He also made statements as to how much he loved his knife.

2/8/83

I received information from the same source that in clarifying exactly what the suspect said/he stated that he killed the college girl at St. Augustine College, two other black females in Wake County, one in Durham, and two up north in New York or New Jersey area. All of these were black females.

I again confirmed the description of the suspect. The suspect was tall but not as tall as me. (6'1" tall) Suspect was nice looking and had a close cut mustache and beard. His age was approximately 30. Suspect had a fuller beard at one time but he cut part of it off. He was particular vicious in the matter of committing the murders by what he said when describing them.

I contacted the source on several occasions in reference to obtaining the name and exact location of the subject. The source was extremely hesitate because of personal fear and mistrust of the police. The source would not meet me directly and would not discuss the case with me face-to-face or anyone else. The source after some hesitancy decided to furnish the name or location of the suspect.

REPORTING OFFICER <i>[Signature]</i>	NO. 241	DIV. I	STATUS <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> PENDING	ARREST-ADULT ARREST-JUV. EXCEPT. CLEAR	REMAINING FOR INVESTIGATION 000178
SUPERVISOR APPROVING					

SUPPLEMENTARY REPORT

COMPLAINT NO. 881443	2. OFFENSE Miscellaneous	3. CLASSIFICATION Information	4. DATE TIME OF THIS REPORT 3/12/83 1400 hrs	Page 2 of
VICTIM (LAST, FIRST, MIDDLE) N/A		6. ADDRESS N/A		
ALTERNATIVE CT	A-TRACEABLE PROPERTY B-PHYSICAL EVIDENCE	C-WITNESS D-M.O.	E-NAMED SUSPECT F-LOCATED SUSPECT	G-DESCRIBED SUSPECT H-IDENTIFIED SUSPECT
SOLVABILITY FACTORS FOR INVESTIGATION FROM CRIME INVESTIGATION REPORT				
ELIMINATED BY INVESTIGATION		9. DEVELOPED BY INVESTIGATION		

2/23/83

Source sent information to me that the suspect was a voluntarily committed patient at Dorothea Dix Hospital and was in 302 McBride Building. The source was not sure of the name of the suspect but gave it as Braemer or Brammer or Bramer, or something like these names, starting with the letter "B".

2/23/83

I ran the above list of names for a North Carolina driver's license record for a black male. There was only one (1) in the state listed by any of these names of Brammer, in Rocky Mount. This information was not comparable to the information that I had.

I contacted this source at Dorothea Dix Hospital and asked for a rundown on black males in 302 McBride Building who were admitted in the last several months from Wake County. There was only one (1) subject who fit the criteria.

James A. Blackmon
Black male
DOB: 8/14/853
Mother: Christine Blackmon

This second source advised that Blackmon was personally known to him. Blackmon was a voluntarily admitted patient and was believed to be extremely dangerous. Blackmon was thought to be bringing drugs onto the grounds and his pass privileges had been suspended. The subject Blackmon was real strange, people were afraid of him. He was known to wear a turban (black) and a long foreign looking shirt to imitate foreign students. In questioning further, I determined that the source was referring to a dishiki. The source further stated that Blackmon was suppose to have served time in Central Prison and in Attica in New York. There was some indication that he may have been born at Women's Prison while his mother was a inmate, however, this was unconfirmed.

REPORTING OFFICER <i>[Signature]</i>	NO. 241	DIV. I	STATUS <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> PENDING <input type="checkbox"/> INACTIVE	ARREST-ADULT ARREST-JUV. EXCEPT. CLEAR	REMAINING FOR INVESTIGATION 000179
SUPERVISOR APPROVING					

UPPLEMENTARY REPORT

COMPLAINT NO. 881443	2. OFFENSE Miscellaneous	3. CLASSIFICATION Information	4. DATE 5/12/83	TIME OF THIS REPORT 1400 hrs	Page 3 of
VICTIM (LAST, FIRST, MIDDLE) N/A		6. ADDRESS N/A			
ELIMINATED BY INVESTIGATION	A-TRACEABLE PROPERTY CTC. CODES	B-PHYSICAL EVIDENCE	C-WITNESS D-M.O.	E-NAMED SUSPECT F-LOCATED SUSPECT	G-DESCRIBED SUSPECT H-IDENTIFIED SUSPECT
SOLVABILITY FACTORS FOR INVESTIGATION FROM CRIME INVESTIGATION REPORT					
ELIMINATED BY INVESTIGATION			9. DEVELOPED BY INVESTIGATION		

2/23/83

I called the Consolidated Records Section at Central Prison and asked for a check on James A. Blackmon, black male, DOB: 8/14/53. I found that this subject had been in Central Prison on a larceny charge from Robeson County (Lumberton, North Carolina). He had been at Central Prison from 12/30/80 until 6/23/81. He SID number was NC234711A and his SBI number was 780522H.

I ran this information for criminal history and CCBI records check. CCBI had no local record on this subject. However, I received a hit from PIN and NCIC.

NC PIN record indicated a larceny from Robeson County, N.C. NCIC showed several minor charges that he has: trespassing and drugs, assault in Binghamton, New York and Jacksonville, Florida. (Printouts attached) There was no notation on the NCI printout of Attica Prison. But the record on NCIC did not go back that far.

2/23/83

The second source contacted me again in person on this date and gave me more detailed information on Blackmon as follows:

James A. Blackmon
Ward #302
McBride Building
Dorothea Dix Hospital

Records indicated his home address as 2231 Old Garner Road, Raleigh, North Carolina 27610, telephone number 828-5736. He was admitted to Dorothea Dix Hospital on 1/21/83 at 10:15 p.m. His Social Security Number was [REDACTED] DOB: 8/14/53
Mother: Christine Blackmon

REPORTING OFFICER <i>[Signature]</i>	NO. 241	DIV. I	STATUS <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> PENDING	ARREST-ADULT <input type="checkbox"/> ARREST-JUV. <input type="checkbox"/> EXCEPT. CLEAR	REMAINING FOR INVESTIGATION 000180
SUPERVISOR APPROVING					

1. COMPLAINT NO. 881443	2. OFFENSE Miscellaneous	3. CLASSIFICATION Information	4. DATE/TIME OF THIS REPORT 3, 12/83 1400 hr	Page 4 of
5. VICTIM (LAST, FIRST, MIDDLE) N/A		6. ADDRESS N/A		
7. AVAILABILITY TOP	A-TRACEABLE PROPERTY DES	C-WITNESS D-M.O.	E-NAMED SUSPECT F-LOCATED SUSPECT	G-DESCRIBED SUSPECT H-IDENTIFIED SUSPECT
8. QUALITY FACTORS FOR INVESTIGATION FROM CRIME INVESTIGATION REPORT				
9. TERMINATED BY INVESTIGATION		9. DEVELOPED BY INVESTIGATION		

The second source stated that an orderly had casually mentioned to him that the subject Blackmon was talking about killing or cutting up the two (2) black women in Raleigh. The source did not ask questions as he did not want his interest shown in the suspect. The source would advise me if Blackmon is discharged and will relay any other pertinent information that develops. The source acquired all this information about the suspect without attracting attention. He also gave the information that the subject does not always wear a beard but at times shaves it off close.

2/23/83

I went to Consolidated Records Department of Corrections, Morgan Street, and examined the records jacket of the subject Blackmon for any pertinent data. I obtained a copy of his SBI Rap Sheet which is attached to this report and gives the same information as the PIN NCIC Printout. In checking the Consolidated Records from Department of Corrections, I noted that during the time he was at Central Prison that Blackmon was a discipline problem while in custody from 12/30/80 until 6/23/81 on the larceny charge. Supposedly this was a larceny of cookies from a grocery store according to his file. His file gave the following information.

James Blackmon

4-F Parkview Terrace
Lumberton, North Carolina

Inmate number: 135015-383-20853-78

Black male

5'8"

140 lbs.

Incarcerated: 12/30/80 until 6/23/81

Mother: Christine Blackmon with same address as the inmate

Including in his inmate file was a medical file which was revealed the following information.

2/3/81 Subject was suicidal and homicidal and was in a crisis situation on this date and was placed in isolation. The doctor made a note, "He seems to be begging for help."

REPORTING OFFICER <i>W. J. [Signature]</i>	NO. 241	DIV. I	STATUS <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> PENDING	ARREST-ADULT ARREST-JUV. EXCEPT. CLEAR	REMAINING FOR INVESTIGATION 000181
SUPERVISOR APPROVING					

COMPLEMENTARY REPORT

1. COMPLAINT NO. 881443		2. OFFENSE Miscellaneous		3. CLASSIFICATION Information		4. DATE TIME OF THIS REPORT 3/12/83 1400 hrs		Page 5 of
5. VICTIM (LAST, FIRST, MIDDLE) N/A				6. ADDRESS N/A				
7. VARIETY MTC	A-TRACEABLE PROPERTY DES	C-WITNESS D-M.O.	E-NAMED SUSPECT F-LOCATED SUSPECT	G-DESCRIBED SUSPECT H-IDENTIFIED SUSPECT	I-VEHICLE I.D.			
8. SOLVABILITY FACTORS FOR INVESTIGATION FROM CRIME INVESTIGATION REPORT								
10. ELIMINATED BY INVESTIGATION				9. DEVELOPED BY INVESTIGATION				

5/19/81 Subject is a manic depressive psychosis and is hostile and aggressive.

6/23/81 Medical exam: Diagnosis as paranoid schizophrenia in active phase. Antisocial. Delusional. To be sent to State Psychiatric Hospital. On Thorazine 200 milligrams, twice a day and 300 milligrams, Thorazine at bedtime.

6/23/81 Takes inordinate amount of staff time to prevent him harming others. Hostile. Grandiose. Paranoid. Subject believes he has special knowledge and powers.

On admission to Central Prison the following information was obtained on his total circumstances by some type of staff evaluation official.

Blackmon is a bolderline mental deficient. He has a IQ of 74 and a 4th grade education. His mother has been in a mental hospital. He lived with his mother and father while growing up. He has six (6) brothers and sisters. He is neither the first nor the last child. He was never married but he has two (2) children. He had good relations with both his mother and father but only his mother administered discipline to him.

NOTE: Subject served active sentence in Attica Prison, New York, 1971 until 1974.

2/23/83 I went to Central Prison Identification Section and obtained two (2) photographs of Blackmon and two (2) copies of his fingerprints.

2/23/83 Sent copies of his fingerprints to CCBI to compare with the St. Augustine College case.

2/23/83 I checked the index file on the Alston case. Blackmon was not mentioned.

REPORTING OFFICER <i>[Signature]</i>	NO. 241	DIV. I	STATUS <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> PENDING	ARREST-ADULT <input type="checkbox"/> ARREST-JUV. <input type="checkbox"/> EXCEPT. CLEAR	REMAINING FOR INVESTIGATION 000182
SUPERVISOR APPROVING					

SUPPLEMENTARY REPORT

COMPLAINT NO. 881443	2. OFFENSE Miscellaneous	3. CLASSIFICATION Information	4. DATE 5/12/83	TIME OF THIS REPORT 1400 hrs	Page 6 of
VICTIM (LAST, FIRST, MIDDLE) N/A		6. ADDRESS N/A			
ELIMINATED BY INVESTIGATION	A-TRACEABLE PROPERTY CT: JDES B-PHYSICAL EVIDENCE	C-WITNESS D-M.O.	E-NAMED SUSPECT F-LOCATED SUSPECT	G-DESCRIBED SUSPECT H-IDENTIFIED SUSPECT	I-VEHICLE I.D.
SOLVABILITY FACTORS FOR INVESTIGATION FROM CRIME INVESTIGATION REPORT					
ELIMINATED BY INVESTIGATION		9. DEVELOPED BY INVESTIGATION			

Note: Several incidents where Blackmon had conflicts with Uniform Police, Sheriff, and Correctional Officers. These were mentioned in several of the files that I have observed. This subject may have a problem with uniformed authority figures since there were several incidents in prison and correctional facilities of violent assault on a police or sheriff officer in uniform.

2/23/83 4:55 p.m.

I called Attica Correctional Facility, Attica, New York, 716-591-2000 and talked to Patrick Smith of the Records Section who pulled the record on Blackmon. The following information was received from his record.

He served time from 1972 until 1974. He was discharged on 8/19/74. He was known as "Hoey" or Jimmy Blackmon. He had a long local rap sheet in the county for minor charges starting as a youthful offender. He was sentenced as above for the following charges.

B & E of an apartment where he stole two (2) pistols.

An armed robbery, using a pistol, of a grocery store.

An armed robbery, using a pistol, of a cab driver. He was sentenced on 3/3/71 to Attica Correctional Facility. There was a notation on his entrance interview that he had used speed, pot, hash, LSD and had a two bag a day habit of heroin. In the cases was mentioned that he is a Moslem. Indication that his mother had been at one time at Marchie State Hospital at the time he was sentenced. This is a State Mental Hospital. During the time that he spent in prison, most of his time was in a special housing unit (isolation).

2/23/83 5:30 p.m.

I called Jacksonville, Florida Sheriff's Department which is a City/County Police Department located in Duval County, Florida and talked to Detective Staring, Homicide, telephone number 904-633-4190. Detective Staring pulled his record at Jacksonville and gave the following information.

REPORTING OFFICER <i>[Signature]</i>	NO. 241	DIV. I	STATUS <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> PENDING	ARREST-ADULT <input type="checkbox"/> ARREST-JUV. <input type="checkbox"/> EXCEPT. CLEAR	REMAINING FOR INVESTIGATION 000183
SUPERVISOR APPROVING					

COMPLAINT NO. 881443	2. OFFENSE Miscellaneous	3. CLASSIFICATION Information	4. DATE/TIME OF THIS REPORT .., 12/83 1400 hrs	Page 7 of
VICTIM (LAST, FIRST, MIDDLE) N/A		6. ADDRESS N/A		
ELIMINATED BY INVESTIGATION	A-TRACEABLE PROPERTY B-PHYSICAL EVIDENCE	C-WITNESS D-M.O.	E-NAMED SUSPECT F-LOCATED SUSPECT	G-DESCRIBED SUSPECT H-IDENTIFIED SUSPECT
SOLVABILITY FACTORS FOR INVESTIGATION FROM CRIME INVESTIGATION REPORT				
ELIMINATED BY INVESTIGATION		9. DEVELOPED BY INVESTIGATION		

2/22/80 Trespass, Greyhound Bus Station.

12/29/79 Trespass, Greyhound Bus Station.

Possession of narcotic paraphernalia.

1/11/80 Trespass, Greyhound Bus Station.

Possession control substance.

3/2/80 Assaulted uniform officer while being transported to holding area to booking area. Hit officer with a book from the Chaplain's Office.

There was a notation on his record that he was trying pull a flim flam or some type rip drug sales. Notation on record that he is a Moslem or of a Islamic religion. Gave place of birth as Fairfield, North Carolina. His job as laborer.

2/24/83 8:25 a.m.

I went to 2231 Old Garner Road which was listed on Dorothea Dix Hospital records as his home address. I observed that 2231 Old Garner Road is the southern half of a brick duplex apartment facing Garner Road that's beside the new YMCA and across the street from K and L Steel. It is located just south of the Newcombe Road intersection. Parked in front of the duplex was an older model four (4) door, white Ford, with a dent in the rear on the trunk lid, bearing N.C. license YAS775. I observed a school age child sitting on the steps and I observed a black female leave the apartment and raise the hood of the Ford.

2/24/83

I ran YAS775 on the computer terminal and discovered that it was registered to Steve Montiel Terrell, 707 South State Street, Raleigh, North Carolina, was registered to a 1969 Ford four (4) door, serial number 025665941A.

REPORTING OFFICER <i>[Signature]</i>	NO. 241	DIV. I	STATUS <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> PENDING	<input type="checkbox"/> ARREST-ADULT <input type="checkbox"/> ARREST-JUV. <input type="checkbox"/> EXCEPT. CLEAR	REMAINING FOR INVESTIGATION 000184
SUPERVISOR APPROVING <i>[Signature]</i>					

SUPPLEMENTARY REPORT

COMPLAINT NO. 881443	2. OFFENSE Miscellaneous	3. CLASSIFICATION Information	4. DATE TIME OF THIS REPORT 3/12/83 1400 hrs	Page 8 of
VICTIM (LAST, FIRST, MIDDLE) N/A		6. ADDRESS N/A		
SOLVABILITY CODES	A-TRACEABLE PROPERTY B-PHYSICAL EVIDENCE	C-WITNESS D-M.O.	E-NAMED SUSPECT F-LOCATED SUSPECT	G-DESCRIBED SUSPECT H-IDENTIFIED SUSPECT
SOLVABILITY FACTORS FOR INVESTIGATION FROM CRIME INVESTIGATION REPORT				
ELIMINATED BY INVESTIGATION		9. DEVELOPED BY INVESTIGATION		

2/24/83

I ran variations on Blackmon's name for driver's license and vehicle registration information. There was no license or vehicle listed to him in the North Carolina computer.

2/24/83

I checked the City of Raleigh, Cross Reference Directory printed May, 1982 and checked the address of 2231 Old Garner Road which was listed as his home address on his entrance to Dorothea Dix Hospital. Listed at that address was Erma F. Williams, 828-5736. Note: This is the same telephone number as listed by Blackmon as his home telephone number.

2/24/83

I ran driver's license and vehicle information on PIN and ran a criminal history on PIN and NCIC on Erma F. Williams. No criminal record on the computer, no vehicle registered to her. The following driver's license information was received on subject. Erma Faulk Williams, Black female, 2231 Old Garner Road, Raleigh, North Carolina. North Carolina Operator's License number 4596954. DOB: May 6, 1951. There was no record on Erma Faulk Williams with CCBI.

2/24/83 12:15 p.m.

I contacted Chief Adams, St. Augustine College Security Chief. I requested him to check to see if James A. Blackmon or Erma Faulk Williams had ever been students or employees.

2/25/83

I checked the names of Blackmon and Williams against the Peyton, Alston and Bridges cases but these names were not mentioned in any of the cases.

REPORTING OFFICER <i>[Signature]</i>	NO. 241	DIV. I	STATUS <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> PENDING	ARREST-ADULT ARREST-JUV. EXCEPT. CLEAR	REMAINING FOR INVESTIGATION 000185
SUPERVISOR APPROVING					

SUPPLEMENTARY REPORT

1. COMPLAINT NO. 881443		2. OFFENSE Miscellaneous		3. CLASSIFICATION Information		4. D. TIME OF THIS REPORT 3/12/83 1400 hrs		Page 9 of
5. VICTIM (LAST, FIRST, MIDDLE) N/A				6. ADDRESS N/A				
7. SOLVABILITY FACTORS FOR INVESTIGATION FROM CRIME INVESTIGATION REPORT	A-TRACEABLE PROPERTY	C-WITNESS	E-NAMED SUSPECT	G-DESCRIBED SUSPECT	I-VEHICLE I.D.			
	B-PHYSICAL EVIDENCE	D-M.O.	F-LOCATED SUSPECT	H-IDENTIFIED SUSPECT				
8. ELIMINATED BY INVESTIGATION				9. DEVELOPED BY INVESTIGATION				

2/25/83

I received information from CCBI that Blackmon's prints did not match with those in the Peyton case. However, the latent prints found in the Peyton case are not known to be those of the suspect, however, they have not been eliminated at this time. There were no usable prints to check against the suspects from the other two (2) cases.

2/25/83 4:15 p.m.

I received information that Blackmon had a hearing on an involuntarily commitment yesterday, 2/24/83, at Dorothea Dix Hospital. Blackmon did not contest the hearing. He did not want to leave Dorothea Dix Hospital. He was recommitted at that time.

3/1/83 10:15 p.m.

Chief Adams, St. Augustine's Security called and advised that he had checked the records from 1978 to the present and found no mention of either Blackmon or Williams as either a student or employee.

3/8/83

I contacted the source to determine what dates subject Blackmon was in custody at Dorothea Dix Hospital. I also dictated a letter to Lumberton, North Carolina Police Department, Attica Correctional Facility and Jacksonville, Florida Sheriff's Department and requested copies of any file material on Blackmon.

3/8/83 12:30 p.m.

I contacted Lt. James O'Neil with the Detective Division, Binghamton, New York Police Department. I requested copies of all files on the suspect Blackmon. The phone number was 607-723-5312.

3/8/83 3:00 p.m.

A confidential source furnished the following dates that subject Blackmon was in Dorothea Dix Hospital.

REPORTING OFFICER <i>[Signature]</i>	NO. 281	DIV. 1	STATUS <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> PENDING	ARREST-ADULT ARREST-JUV. EXCEPT. CLEAR	REMAINING FOR INVESTIGATION 000186
SUPERVISOR APPROVING					

COMPLAINT NO. 881443	2. OFFENSE Miscellaneous	3. CLASSIFICATION Information	4. DATE/TIME OF THIS REPORT 12/83 1400 hrs	Page 10 of
VICTIM (LAST, FIRST, MIDDLE) N/A		6. ADDRESS N/A		
DELIVABILITY A-TRACEABLE PROPERTY C-TRACEABLE PROPERTY D-M.O.	A-TRACEABLE PROPERTY B-PHYSICAL EVIDENCE	C-WITNESS D-M.O.	E-NAMED SUSPECT F-LOCATED SUSPECT	G-DESCRIBED SUSPECT H-IDENTIFIED SUSPECT
SOURCE: JILITY FACTORS FOR INVESTIGATION FROM CRIME INVESTIGATION REPORT				
ELIMINATED BY INVESTIGATION		9. DEVELOPED BY INVESTIGATION		

6/18/81	Admitted
11/20/81	Home visit
11/22/81	Return from home visit
3/5/82	Unauthorized absence
3/8/82	Return from unauthorized absence
5/8/82	Home visit
5/10/82	Return from home visit
5/15/82	Unauthorized absence
5/18/82	Return from unauthorized absence
6/11/82	Unauthorized absence
6/14/82	Discharged. Never returned from above unauthorized absence
1/21/83	Readmitted (still in Dorothea Dix Hospital as of today's date)

3/11/83

I received an information package from Lt. O'Neil, Binghamton Police Department, New York, reference Blackmon. This file contained information from Binghamton Police Department records, Attica Prison records, Elmira Prison records, Glemham Correctional Facility, and parole records. These records indicated the psychiatric history and behavior history of this subject in the past as well as other pertinent information.

Lt. N. S. Lockey
Vice and Narcotics Division
Raleigh Police Department

sgt/SMf1
(3/14/83)

REPORTING OFFICER <i>[Signature]</i>	NO. 241	DIV. J	STATUS <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> PENDING	<input type="checkbox"/> ARREST-ADULT <input type="checkbox"/> ARREST-JUV. <input type="checkbox"/> EXCEPT. CLEAR	REMAINING FOR INVESTIGATION 000187
SUPERVISOR APPROVING					

Police also interviewed an SBI Agent who was involved in investigating a claim by Blackmon that two employees of Dorothea Dix assaulted him. The SBI file related to Blackmon's claim against these two employees revealed that Dorothea Dix fired the two employees and that there were witnesses who saw the employees assault Blackmon. The file also revealed that there were criminal charge brought against the two employees and the employees were found not guilty. The RPD interview of the SBI agent involved in investigating that claim is provided below as well as the SBI summary of their investigation into the claim of abuse against Blackmon and Blackmon's statement regarding the incident of alleged abuse.²⁴

²⁴ Blackmon has reported to the Commission that he cannot read or write, and based on the Commission's investigation in the case it appears that he relies on others to assist him in preparation of documents. This document is type written, signed by Blackmon and notarized, though it is not indicated who typed up the document.

RPD INTERVIEW SPECIAL AGENT KELLER

**RALEIGH POLICE DEPARTMENT
SUPPLEMENTARY REPORT**

1. COMPLAINT NO. 558471

2. OFFENSE Homicide		3. CLASSIFICATION Murder		4. DATE/TIME OF THIS REPORT 7/21/83 0935	
5. VICTIM (LAST, FIRST, MIDDLE) Peyton, Helena			6. ADDRESS Latham Hall, St. Augustine College, Raleigh		
SOLVABILITY FACTOR CODES	A-TRACEABLE PROPERTY B-PHYSICAL EVIDENCE	C-WITNESS D-M.O.	E-NAMED SUSPECT F-LOCATED SUSPECT	G-DESCRIBED SUSPECT H-IDENTIFIED SUSPECT	I-VEHICLE I.D.
7. SOLVABILITY FACTORS FOR INVESTIGATION FROM CRIME INVESTIGATION REPORT					
8. ELIMINATED BY INVESTIGATION			9. DEVELOPED BY INVESTIGATION		

SYNOPSIS:

The following interview was with SBI Agent Dave Keller. The principal with regards to this interview is a James Andrew Blackman, a suspect in the Peyton homicide. SBI Agent Keller is assigned an investigation involving James Andrew Blackman. Mr. Blackman, in this investigation, is listed as a complainant or victim. According to Mr. Blackman in this on-going investigation by the SBI, he was assaulted by two technicians at Dorothea Dix Hospital. The SBI was asked by the District Attorney's Office of the 10th Judicial District to investigate the complaint by Mr. Blackman. This on-going investigation regarding Mr. Blackman as the complainant or victim started on May 25, 1983, and the SBI case number is 106-M-2435.

INVESTIGATIVE NOTES:

A. The last job James Andrew Blackman had, according to his statement to the SBI agent, was with Black and Decker located in Raleigh, NC. Mr. Blackman further mentioned that routinely his girlfriend would take him to and from work.

B. The name and address and telephone number of James Andrew Blackman's girlfriend, as given by same. The name Erma Williams, address 2231 Old Garner Road, Raleigh, NC. Home telephone number listed by Mr. Blackman, 828-5736.

(Additional note: Mr. Blackman has threatened to kill Ms. Williams with a knife.)

C. Jimmy Blackman told SBI Agent Keller that the reason he was at Dorothea Dix Hospital was that he had pulled a woman into a bathroom and exposed himself to her. This, according to Mr. Blackman, was to have occurred in a library located in the Garner, North Carolina area. The victim was a librarian. (Mr. Blackman stated that the librarian would not testify because of fear.)

(Additional note: No report of this incident has been located.)

D. Mr. Blackman is a definite danger under the stresses of the outside environment. He will revert to old patterns of crime and will display physically aggressive behavior.

000189

REPORTING OFFICER	NO.	DIV.	STATUS	ARREST ADJUT	REMAINING FOR INVESTIGATION
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**RALEIGH POLICE DEPARTMENT
SUPPLEMENTARY REPORT**

1. COMPLAINT NO.

558471

2. OFFENSE Homicide	3. CLASSIFICATION Murder	4. DATE/TIME OF THIS REPORT 7/21/83 0935
5. VICTIM (LAST, FIRST, MIDDLE) Peyton, Helena		6. ADDRESS Latham Hall, St. Augustine College, Raleigh
SOLVABILITY FACTOR CODES	A-TRACEABLE PROPERTY B-PHYSICAL EVIDENCE	C-WITNESS D-M.O.
	E-NAMED SUSPECT F-LOCATED SUSPECT	G-DESCRIBED SUSPECT H-IDENTIFIED SUSPECT
7. SOLVABILITY FACTORS FOR INVESTIGATION FROM CRIME INVESTIGATION REPORT		
8. ELIMINATED BY INVESTIGATION		9. DEVELOPED BY INVESTIGATION

Page 2 of

E. Mr. Blackman made the statement that he felt like hurting people when he sees the devil coming out of them. To his own admission, he smeared his body with feces.

F. Mr. Blackman responds to a stressful situation by becoming angry and dominating.

G. Mr. Blackman is impotent, and he has a great difficulty with intimate relationships with women.

H. Mr. Blackman's wanting his "to get in", reflects his wanting to get back in the womb. He spends considerable time fascinating satisfaction of his needs. He sees women as a good mother and a bad mother. (Note: Mr. Blackman's mother used to lock him in a closet and feed him body wastes.)

I. Mr. Blackman has had homosexual affairs.

J. Mr. Blackman admitted himself into Dorothea Dix Hospital on several occasions, and with regards to this last admittance, he will be released in September of 1983. The date of release has not been set. (This investigator will be notified of the release date.)

K. Mr. Blackman was out on the street in September of 1979. The date in question is September the 28th of 1979. This would be the date of the Helena Peyton homicide.

J. C. Holder
Investigative Division
RPD - Career Criminal Unit

dd/cl4

000190

SBI INVESTIGATIVE SUMMARY



NORTH CAROLINA
STATE BUREAU OF INVESTIGATION
DEPARTMENT OF JUSTICE

P. O. BOX 29500
3320 OLD GARNER ROAD
RALEIGH, NORTH CAROLINA 27626



RUFUS L. EDMISTEN
ATTORNEY GENERAL

HAYWOOD STARLING
DIRECTOR

CONFIDENTIAL: This is an official file of the North Carolina State Bureau of Investigation. To make public or reveal the contents thereof to any unauthorized person is a violation of the General Statutes of North Carolina.

FILE NUMBER: 106-M-24-34

DATE OF REPORT: July 22, 1983

VICTIM: James Andrew Blackman, B/M,
DOB: 08/14/53, Patient at
Dorothea Dix Hospital

TYPE OF CASE: Special Investigation

CITY: Raleigh

COUNTY: Wake

SUSPECTS: 1) ALTON LEON ARTIS, B/M,
DOB: 01/19/57, Health Care
Technician, Dorothea Dix
Hospital
2) THURL LEE MARSH, B/M,
DOB: 10/26/49, Health Care
Technician, Dorothea Dix
Hospital

STATUS: Pending

REPORT COVERS PERIOD: May 25 thru July 20, 1983

REPORT MADE BY: Special Agent D. S. Keller:ph/jf

RECEIVED WPC: July 27, 1983

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AND ATTACHMENTS

PAGES 96

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NCIC - SBI



NORTH CAROLINA
STATE BUREAU OF INVESTIGATION
DEPARTMENT OF JUSTICE

P. O. BOX 28500
3320 OLD GARNER ROAD
RALEIGH, NORTH CAROLINA 27626



RUFUS L. EDMISTEN
ATTORNEY GENERAL

HAYWOOD STARLING
DIRECTOR

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TRANSCRIBED:

July 27, 1983

COPIES TO:

- 3 Supervisor D. E. Gilbert
- 4 Deputy Director H. E. Elliott
- 5 Honorable J. Randolph Riley *(Send to Riley)*
District Attorney
Raleigh, North Carolina

000022

NCIC - SBI

106-M-24-34

SYNOPSIS:

Investigation into the April 16, 1983 alleged assault of James Andrew Blackman, a patient at Dorothea Dix Hospital by ALTON LEON ARTIS and THURL LEE MARSH, Health Care Technicians, Dorothea Dix Hospital.

Blackman has a long history of mental illness resulting in numerous involuntary commitments to State Psychiatric Hospitals, plus incarceration in Correctional Facilities in Florida, New York and North Carolina. Blackman came to Dorothea Dix Hospital from the North Carolina Department of Correction where he was serving a nine months sentence for misdemeanor larceny. While in prison, Blackman was reported to be "extremely hostile and assaultive requiring an inordinate amount of time to prevent him from harming others". Blackman also has a history at Dorothea Dix Hospital of being threatening and "assaultive".

The Kirby Building is a Residence Hall occupied by both male and female patients who are chronically mentally ill. The Kirby Building has the only maintenance facility at Dorothea Dix Hospital, with the exception of the Spruill Building, which is strictly a Forensic Diagnostic Unit. The maintenance facility at the Kirby Building designated as Level II, Male Maintenance or Level II, Female Maintenance, is for those patients who require a highly controlled environment because they are either self-destructive or destructive to others.

On the night of Friday, April 15, 1983, James Andrew Blackman, black male, thirty, was transferred from the Council Building to the Kirby Building, Level II, Male Maintenance Ward, as a result of threatening to physically harm a hospital employee assigned to the Council Building.

On the morning of Saturday, April 16, 1983, Health Care Technician, ALTON LEON ARTIS, black male, twenty-six, THURL LEE MARSH, black male, thirty-three and Reginald Percival Steney were on duty in Level II, Male Management. Immediately prior to the alleged assault of Blackman, the three Health Care Technicians were seated at a table in the dayroom playing a game of cards with patient William Fredrick Faulkner, Jr. Blackman was in the dayroom at the time of the card game and Blackman was reported to be paranoid and refusing medication, but demanding cigarettes.

106-M-24-34

SYNOPSIS CONTINUED:

It is uncontested that Blackman entered the Level II Management Ward Office, opened the desk drawer looking for cigarettes when ALTON ARTIS confronted Blackman demanding Blackman leave the office which resulted in a fight. Both Blackman and ARTIS were clutching each other and they fell on the dayroom floor just outside the ward office. THURL MARSH came to ARTIS' aid and removed Blackman's hand from around ARTIS, but before the fight could be ended, Blackman had bitten ARTIS on the shoulder. MARSH then instructed Blackman to go to the bathroom to wash the blood from his mouth and Blackman did as MARSH instructed. While Blackman was in the bathroom, ARTIS telephoned Patricia Ann Sheley, Registered Nurse, to report being bitten by Blackman. When Blackman returned from the bathroom, ARTIS had just completed his telephone conversation with Nurse Sheley; a second fight began involving Blackman, ARTIS and MARSH. Blackman was again taken to the floor of the dayroom, subdued by ARTIS and MARSH, and then escorted to the Seclusion Room where Blackman was placed in restraints per instructions of Nurse Sheley.

ALTON and MARSH had declined to be interviewed for the purpose of this investigation. Prior to this investigation, ARTIS and MARSH were interviewed by Dorothea Dix Hospital Security and Management at Dorothea Dix Hospital. In their statements, ARTIS and MARSH alleged they used only that force reasonable and necessary to bring Blackman under control. Both ARTIS and MARSH denied striking Blackman with their fists or kicking Blackman. ARTIS denies threatening Blackman with a knife or having a knife in his possession. MARSH alleged he never saw ARTIS with a knife.

James Blackman has alleged that, at the time of the first fight, "he was trying to kill ARTIS like ARTIS was trying to kill him". After MARSH freed his hands from around ARTIS' neck, ARTIS hit him twelve to thirteen times. MARSH then sent him to the bathroom and when he returned, ARTIS pulled a knife from his pocket and threatened him with the knife. The knife had a shiny blade, about six inches long, and looked like a fishing knife. ARTIS then went into the ward office and he went in after ARTIS "because he still wanted to kill ARTIS". MARSH then tripped him, and as he lay on the floor, both ARTIS and MARSH kicked him and hit him with their fists.

106-M-24-34

SYNOPSIS CONTINUED:

Reginald Percival Sheley alleged that ARTIS and Blackman got each other in a headlock and fell to the floor. ARTIS then hit Blackman twice with a closed fist in the area of Blackman's right jaw. MARSH then separated ARTIS and Blackman, sending Blackman to the bathroom to wash the blood from his mouth. Stepney accompanied Blackman to the bathroom. When Stepney returned to the dayroom, ARTIS was seated on the edge of the table previously used to play cards. ARTIS had an opened pocketknife rubbing the knife against his leg. It was a Boy Scout type pocketknife with a two inch blade. Blackman returned from the bathroom yelling at ARTIS threatening to continue the fight. ARTIS stood up to face Blackman holding the opened knife at his side. MARSH sent Blackman back to the bathroom. ARTIS never pointed the knife at Blackman and made no verbal or physical threats using the knife. ARTIS went into the ward office to call Pat Sheley; at the end of the conversation, Blackman returned threatening to continue the fight. ARTIS and MARSH took Blackman to the floor again where MARSH kicked Blackman twice in the chest area and ARTIS struck Blackman in the leg and sides with his fists. Blackman was then taken to Seclusion.

Nancy Regan Whitehead, Registered Nurse, Unit Nurse Director, Kirby Building, alleged she interviewed Reginald Stepney three times. In the first interview, Stepney alleged Blackman was the aggressor in both fights. Between the first and second fight, ARTIS was seen with a closed pocketknife in his hand. No threats were made using the knife and no patient abuse was observed. In the second interview, Stepney alleged that between the first and second fights, ARTIS was seen with an opened knife in his hand, but still no threats were made using the knife and no patient abuse was observed. In the third interview, the pocketknife was alleged to still be open, but not used to threaten Blackman, but MARSH allegedly kicked Blackman and ARTIS allegedly struck Blackman with his fists.

William Fredrick Faulkner, Jr., patient, alleged he was seated at a table playing cards with the three Health Care Technicians. Blackman entered the ward office to get cigarettes and was challenged by ARTIS. Both Blackman and ARTIS began exchanging blows and both men ended up on the floor. MARSH separated the two men instructing Blackman to go to the bathroom to wash his mouth. Before Blackman could leave, ARTIS brandished an opened Hawkbill style pocketknife

106-M-24-34

SYNOPSIS CONTINUED:

and threatened to kill Blackman. The Hawkbill style knife had a grooved wooden handle with a red colored bead on the rear of the handle. Blackman went to the bathroom and ARTIS made a telephone call. Blackman returned from the bathroom threatening to continue the fight. MARSH knocked Blackman to the floor and both ARTIS and MARSH began assaulting Blackman with their fists and MARSH kicked Blackman. Blackman was jerked to his feet and again ARTIS brandished the Hawkbill style knife, threatening to kill Blackman. Blackman was then taken to Seclusion.

Todd Calhoun, Eddie Ricks, and Joe Sanders, patients and alleged witnesses, were interviewed. The interviews revealed the patients did not witness the alleged assault or could not relate what they witnessed and, in fact, they witnessed the assault or what patients related concerning the alleged assault was inconsistent with the uncontested established facts.

ALTON LEON ARTIS' and THURL LEE MARSH'S employment at Dorothea Dix Hospital was terminated prior to this investigation. Dorothea Dix Hospital management concluded, as a result of their investigation, that both ARTIS and MARSH had used unnecessary force in handling James Blackman; although there was conflicting statements about ARTIS using a knife.

On April 28, 1983, ALTON LEON ARTIS was charged with assault on a handicapped person. The warrant was signed by Celia Mansaray, Paralegal, North Carolina Legal Aid for Mental Health. The case was subsequently dismissed with no probable cause being found.

Investigation concerning the alleged assault of James Andrew Blackman is pending review and decision by the Office of the District Attorney to determine if further investigation or other action is warranted.

This investigation is pending.

BLACKMON'S STATEMENT

ATTACHMENT # 3

ITEM A

Statement of Joseph Blackman

During the month of April, 1983, I was confined on the management unit of the Kirby Building at Dorothea Dix Hospital. At approximately 9:00 a.m. on April 16, 1983, I went into the staff office of the management ward and tried to get a cigarette out of the desk drawer in the office. Three health care technicians and Bill Faulkner, another patient on the ward, were seated at a table playing cards. One of the health care technicians, Alton Artis, got up and grabbed me by my wrist as I reached into the drawer. I backed away from him. Artis lifted me around the waist, carried me out of the office, and bodyslammed me on the floor. Artis then physically fell on me and began beating me about the face.

I began fighting back in an attempt to defend myself. At one point I had my arm locked around Alton Artis' neck and bit the back of his shoulder. At this point another health care technician, Therell Marsh, approached and restrained me by holding my arms in a manner so as to prevent my striking Alton Artis.

Artis got to his feet. He took a knife from his pocket and said, "If you want some of this, come on now." Therell Marsh took the knife from Alton Artis and took him into the office to talk to him. Therell Marsh told me to go into the bathroom and wash the blood off my face, which I did. When I came out of the bathroom, I was beaten again by Therell Marsh and Alton Artis.

On April 17, 1983, while having supper at the Kirby Building cafeteria, I was talking aloud to myself saying that I would get

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NCIC-SBI

a lawyer to help me deal with Alton Artis and Therell Marsh. Evidently someone reported this to Artis and Marsh, because when I returned to the management unit, Alton Artis told me, "If you try to make trouble, I'll kill your mother-fucking ass." Therell Marsh then beat me on my back and head. I was put in seclusion by Artis and Marsh. While I was in the seclusion room a unit nurse named Fran came and told me, "You're nothing but a lazy, overgrown gorilla who just likes to make trouble, and I've already written that up in your chart."

When I was released from seclusion at approximately 9:00 p.m. on April 17, 1983, I asked to use the staff phone to make a call. I placed a call to the Raleigh City Police Department and reported that Alton Artis had beaten me and threatened me with a knife. The party with whom I spoke at the Raleigh Police Department advised that I should notify the Dorothea Dix security office of the incident. A staff person in the office overheard this conversation. When I told this staff person that I wanted to call the Dorothea Dix security office, the staff person told me that I had had one phone call and could not have another.

On April 18, 1983, I received a phone call from Celia Mansaray of Carolina Legal Assistance for the Mentally Handicapped (CAROLAMH). She told me that William F. Faulkner, Jr., a patient who had been transferred from the Kirby Building to Ward 103 of Dorothea Dix Hospital, had told her about the events of April 16th, including my having been beaten by Alton Artis and Therell Marsh and Alton Artis' having threatened me with what Mr. Faulkner described as a hawkbill knife. According to Ms. Mansaray, Mr. Faulkner indicated to her that I wanted to press charges in

the matter. Ms. Mansaray asked if I wanted to discuss the incident, and I told her that I did. Ms. Mansaray said she would be at the hospital on April 19, 1983, the following day, and asked if that would be soon enough for me to talk to her. I said that it would. I was again talking on the staff phone of the management ward. Alton Artis and Therell Marsh overheard the conversation.

At about 3:45 p.m. on April 19th Ms. Mansaray was brought up to the management ward of the Kirby Building. I was escorted into the visiting room of the building by Chester Smith, a health care technician who is a personal friend of Alton Artis and Therell Marsh. Mr. Smith remained in the room. I told Ms. Mansaray I didn't want to talk to her. The reason I made this statement was that I was afraid Chester Smith would tell Mr. Artis and Mr. Marsh that I had talked to a lawyer and that as a consequence I would be beaten again.

Mr. Smith stepped out of the room briefly to tell the woman operating the elevator to wait to take Ms. Mansaray off the ward. He left the door of the waiting room open. In his absence Ms. Mansaray asked me in a whisper if I were all right. I shook my head to indicate I was not. Ms. Mansaray asked me again in a whisper if I were afraid to talk to her. I nodded to indicate I was. Ms. Mansaray whispered, "Have you been hurt?" At that point Chester Smith returned to the room. He had stepped into the room quietly behind Ms. Mansaray. I said, "No, nobody hurt me. Everything's okay." Ms. Mansaray saw Mr. Smith at that point. She shook my hand and told me she was glad to have met me

and was glad everything was all right. She said to feel free to call her office if I ever needed them again.

At about 4:50 on April 19, 1983, I received a call from Ms. Mansaray. She asked if I were on the phone in the staff office. I said I was. She said she would ask me questions which I only needed to answer "yes" or "no." She asked if I had refused to talk to her because I was afraid of being hurt again. I said "yes." She asked if I wanted the matter investigated if a way could be found to do it without my being hurt. I said "yes." She asked if it were true that I wanted to press charges in the matter. I again said "yes." Ms. Mansaray told me she had already reported Mr. Faulkner's statement and her visit to the Kirby Building to the Patient Advocate at Dorothea Dix Hospital and that she would discuss the matter of her office assisting me with the legal aspects of my complaint with the attorneys in her office.

I next heard from Ms. Mansaray when she called me on April 26, 1983. At the time, I had been transferred to the Council Building of Dorothea Dix Hospital. She told me that her office staff had decided to assist me in pressing charges if I still desired to do so. I told her that I did. I next heard from Ms. Mansaray on April 28, 1983, when she visited me and told me that the warrant had been filed against Alton Artis that morning.

I have reviewed the foregoing statement and confirm that it is true to the best of my knowledge and belief.

John Blodgett
Name

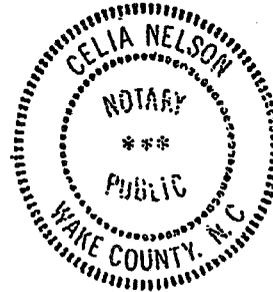
COUNCIL 1 BLDG DPH

RALEIGH - N.C.
Address

SWORN to and subscribed before me this 4th day of May, 1983.

Celia S. Nelson (Manserv)
Notary Public

My Commission Expires: 6-5-83



Police also interviewed another patient at Dorothea Dix, Anthony Joseph Ellis, whose name was reported by another RPD officer as possibly having information about the Payton homicide. However, when police interviewed Ellis, he said “he knew something about all the homicides in North Carolina.” (RPD—PLS, Bk. 9, 158). There is no indication from the records that RPD made any further investigation into Ellis.

Blackmon’s Criminal History and Hospitalization Dates

The investigation into Blackmon also included a review of his prior criminal history as well as his medical history, particularly related to his commitments at Dorothea Dix. The arrest reports and prison records which contained information about Blackmon’s religious preference provided that he was Muslim. This was consistent throughout the records regarding his criminal history where religious information was noted. Blackmon’s criminal history, as known by police, appears to date back to 1971 when Blackmon was adjudicated as a youthful offender in New York. His 1971 conviction arose from alleged robberies, though Blackmon denied being involved and alleged that he was implicated after a romantic relationship went badly. Though the records relate to an offense over a decade before his arrest for this crime, they provide insight into Blackmon’s mental health as well as his family relationships. A parole record summary as well as a letter from Attica’s Psychiatric Unit related to Blackmon are provided in full below.

OFFICE OF. PSYCHIATRIC UNIT. . . .

July 31, 1974

TO: Deputy Superintendent Jones

RE: BLACKMAN, James, #28521

Dear Deputy Superintendent Jones:

In answer to your phone call on your letter as of July 30, 1974, myself and Dr. Roorand saw Mr. James Blackman in S.H.U. This young man was brought out of his cell for an interview and acted very suspicious and very paranoid towards the examiners. He sat down and he speaks with a little bit of a stutter and stated that he is on no medication now but at one time did take some medication for his "epilepsy." He claims he has been on this for over a year but now refuses to take it even though this is offered to him. He claims although he doesn't pass out, he does have some things he calls "blackouts." He claims this is like a dizziness. At first he asked what we were doing there and when we told him we had come at your request to see if there was anything we could do for him before he hits the streets and so that he could stay out, he just stared at us and nodded his head.

When asked if he would like to leave S.H.U. and go into population, he stated, no, he wanted to finish up in there. He does not know if he will go to Syracuse or not and was quite indignant when I asked if he thought he would go back to the city. He claims he may get out and get into group programs. This, of course, is very poor judgement and this man would not last in a group at all, as he cannot take any pressures whatsoever. Although his IQ is 77, he gives this examiner the impression that it is less.

I am sure that if he gets out on the city streets, the only thing that he will be able to do is very very menial jobs. His one big problem that he has is that he does not know what's happened to his mother who is totally blind. Claims he has sent letters to her and they all come back marked no such person, or no such address. He thinks this is something set up by the institution and they're trying to cut him off from his mother. He claims he has not heard from his brother either but feels he doesn't care about him but he would like to locate his mother and let him know before he gets out and this might set up some very good feelings between him and the institution. I told him I would make an attempt to do so, and if Service Unit could do anything or you could, inquire as to whether or not his mother could be located, I think this would help.

I'm sure this boy will be in trouble very soon after he hits the streets as he has a lot of animosity, he certainly cannot cope on his own because of his lack of schooling and his retardation. **000021**

of handicaps, he does not want help and rejects anything that anyone
can do for him and he's very paranoid about everyone. He is also easily
I'm sure has learned a lot of things up in S.H.U. from other in-

I am sure Mr. Blackman does not care to have any more therapy, he
we came up today even. He certainly does not want any help
time, however, the men in the gallery were told that if this in-
could want us at any time or need us not to hesitate to call. Agai
suggest that if his mother could be located or any news about her
could help somewhat.

One would certainly have to call this individual an inadequate person
with some mental retardation and whether or not there is a schizo-
present here is very difficult to assess at this time, without
further study. Certainly there is a lot of paranoia here.

Very truly yours,


Dr. Harry Rubenstein, D.O.
Chief, Psychiatric Unit

INSTITUTIONAL RECORD.— PAROLE

INITIAL INTERVIEWBLACKMAN, James RC-40684
NAMEElmira Reception Center
INSTITUTION

IIS NO.

INTRODUCTION

Blackman was received at the Reception Center on 3/6/71 from the Onondaga County Court after his adjudication as a Youthful Offender. He has received a 4-0-0 year Reformatory type sentence and will meet the August, 1971 Minimum Date Determination Board.

ANALYSIS OF PRESENT AND PREVIOUS OFFENSES

Blackman is now confined as a result of his breaking and entering an apartment at night and stealing two pistols, a stickup of a grocery store at night at which time he stole currency and a stickup of a cab driver at night at which time he stole currency while armed with pistols. Although the inmate was adjudicated a Youthful Offender and said that he at that time admitted to the charge he certainly denies the entire event at this time. He is alleged to have stolen two pistols from his ex-girlfriend's apartment. Later that evening he robbed an IGA store of \$509 and used the weapons once again in the robbery of the ex-girlfriend's brother's cab. Apparently the cab driver and his sister both made statements to the police relative to the gun theft and subsequent holdup. The victim in the grocery store robbery was not available when the District Attorney was to present the case to the Grand Jury. He had been transferred to the State of Missouri. The inmate states now and had apparently to probation authorities that the charges were trumped up by the cab driver and his sister because he spurned her affections. He gave a rather detailed, lengthy version to the writer stating that in 1969 he had been released from the Rome State School and within a brief period of time began living with the 36 year old white complainant who stated to police that he had stolen the guns from her. He said that he in fact did not know that she had any weapons but that later her brother had said that he did have a couple of pellet pistols. He then began to describe the circumstances stating that he had been living with this woman for sometime but a week or two before the offense is alleged to have happened he had moved from her house. He said that he had contacted a venereal disease somewhere and had allegedly passed this on to the woman and niece of hers and when her husband got it and seemingly half of the family was involved. He thought that it was because of this incident that he was charged with robbing her brother, the cab driver, and stealing the weapons from her. He denies knowing anything whatsoever about the robbery of a grocery store and the information regarding that robbery seemed to be somewhat vague. Blackman had spent the previous five years in Rome State School and therefore had never compiled any type of juvenile record. He did have two arrests shortly before his involvement in the instant case. The first of these was in July of 1970 when he was charged with Criminal Mischief in the Third Degree but the case was dismissed. Ten days later he was once again arrested for Criminal Trespassing in the Fourth Degree and given a conditional discharge for a period of one year. Within a few weeks of the second arrest he was charged with the instant case.

Blackman had been adjudged a Mental Defective in 1964 and sent to the Rome State School. He was released in January of 1969 and thought fit to live a normal life in the community.

The lad said that he had used narcotics, specifically heroin, a few times, cough syrup, speed, pills and some 50 to 60 trips on LSD. He never developed the habit, however, but just said that he got high on certain occasions in the company of others.

ANALYSIS OF PERSONAL AND FAMILY PROBLEMS

Blackman said at the time of the instant offense he was residing with a brother whom he allegedly is now somewhat mad at because he would not help him while he was in jail. He said prior to this he had resided with his mother and stepfather but for some unknown reason had moved out of their home. His real father is Peter Thompson, whose age and whereabouts are unknown. The father is forty years of age, has long worked as a laborer in a foundry and according to the inmate, he gets along well with his stepfather. His mother is somewhat of an invalid in that she is blind but is also alleged to have had a good relationship with the inmate. Apparently the mother of this lad was somewhat promiscuous and Fred, an older brother whose whereabouts are unknown, had a different father than the inmate.

INSTITUTIONAL RECORD — PAROLE

INITIAL INTERVIEW

BLACKMAN, James RC-40604
 NAME

Elmira Reception Center
 INSTITUTION

 IIS NO.

Linda, age 18, resides in the state of North Carolina, is unwed and has two children. Her father is also different than that of the inmate and different than Fred's. Two children are residing with the parents and they are as a result of the mother and stepfather's marriage. They are James, age 5, and Anthony, age 4. Blackman has no knowledge of his real father and has two older siblings, both of whom have different fathers and two younger ones as a result of his mother's more recent marriage. He alleged that he gets along well with his parents and with his younger half-siblings but does not get along with Fred.

Blackman alleged that he has a girlfriend, Norma White, who is pregnant, resides in the city of Buffalo but he has lost her address and although interested has no way at present of contacting her. Blackman has never had any significant employment and he said that he worked for Manpower in a kitchen job once for a few days but he said that he did not like his job and quit. Other than this he has had some off and on jobs of short duration, once working in a school as a janitor for about three weeks.

He does not really know when he last attended school but he said he was placed in the seventh grade but felt that he was functioning at about the third or fourth. He readily admitted that he was awfully slow in school and simply could not comprehend the work. During his period of confinement he will undoubtedly have to continue his schooling but is somewhat undecided as to what he would like to train for from a vocational standpoint. He revealed that he is interested in music, particularly playing the saxophone and feels that he would enjoy this. It is certainly doubtful whether or not he could make a living in that fashion, so he unquestionably should be trained for something.

FOLLOW-UP

Blackman is a very dull individual of below average intelligence who readily admitted during the interview in some conversation about other things that he is a thief who will steal from people if the opportunity presents itself. His vocabulary is sprinkled with the vernacular of the streets and certainly his actions are impulsive and hedonistic. He simply functions on a pain-pleasure principle and unless there is some improvement during his period of confinement he will undoubtedly continue in that manner when released.

The lad had been reared throughout most of his life without the benefit of a father and then did have a stepfather but was ^{con}fin~~ed~~ from 1964 to 1969 as a mental defective at the Rome State School. He had only been out of there a little over a year when he became involved in the instant case. There undoubtedly seems to be some rather odd circumstances in the instant case but he appears presently satisfied with his plea of guilt.

When paroled from confinement he would prefer to live alone, said that he would find some type of employment when released but did not presently have any ideas to what it would be.

V. L. STEVENSON:rmc
 D. 3/16/71
 T. 4/21/71

ADDENDUM TO THE AUGUST 1971 NDD FOR THE SEPTEMBER 1972 BOARD

James Blackman	AU 63315	3236 088
NAME	INSTITUTION	HS NO.

In accordance with the requirements of the Correction Law this resident was questioned as to his attitude toward the judge who sentenced him, the District Attorney who prosecuted him, and the policemen who arrested him, and he did not express any animosity toward these individuals.

Blackman is an 18 yr old, never married, black Youthful Offender who is currently doing a 4-0-0 Reformatory term, having been sentenced on 3/3/71 out of Onondaga County Court (Judge Aloi). Received at the Elmira Reception Center on 3/6/71, he transferred to Glanham on 4/26/71 and thereat had his MDD hearing during August of 1971. At that time Commissioner Quinn established the inmates Initial Board for September of 1972 (18 months from date of reception), Blackman will be meeting the September, 1972 Board as an Initial Applicant, Reformatory New Law Case. His Maximum Expiration of sentence is 8/19/74. There are no outstanding warrants.

We note that this individual was transferred from Glanham to this institution on 10/29/71, the reason being that Blackman was regarded as being "unsuitable for the camp". Prior to coming here he has been somewhat of a custodial and or management problem. In fact, prior to his transfer he had been written up on some twelve occasions for various misconduct, and several times for fighting. According to our deputy warden report, Blackman was written up here at Auburn on 2/27/72 for lying and for threatening an officer. When asked to comment upon his record of punishments, Blackman didn't have much to offer. As a matter of fact, during the course of our dialogue with the man he did not prove to be very verbal. At one point he informed that he "doesn't have much to say". We read that his cell block officer regards him as being well behaved, clean, courteous, and cooperative. Since 12/2/71 this resident has been assigned to the vocational sheet metal shop. His instructor indicates that the inmate does not have a saleable skill, that he requires a modification in his outlook on life. The instructor also made such remarks as follows; Blackman shows poor stability, is lazy, and easily angered; he has poor judgment, below average application, below average interest, and needs supervision; he requires additional schooling and is easily led. Blackman hasn't accomplished anything else with his time. He has not sought enrollment in any organized group activity or formal self study course. The possibility, is however, that he will soon be attending one half day school sessions. He has availed himself of the usual recreational outlets. At interview he denied having either enemies or vexing problems. Medically speaking this man enjoys good physical health, but should not work in dangerous areas as he has a history of epilepsy. He has not been confined to any institutional hospital. We do read of the physical defects of defective vision, partial amputation on toes (right foot) and burns scar on chest. He is 6ft in height and weighs 174 lbs. The most recent psychiatric information we have available is dated 3/31/71, that giving a diagnosis of "organic brain syndrome associated with functional mental deficiency - user of various drugs". The prognosis was considered as being poor. The psychologist examination report credits Blackman with having a verbal IQ of 77 and a non-verbal one of 89. At the time of dictation of this summary we have not received a comptroll report. Blackman voices that he has "only several dollars" in his spendable.

Reportedly, our offender has been visited on several occasions by his mother, stepfather, and half brother. He also maintains community contact by corresponding with his mother, Christine Blackman, of 412 Garfield Ave, Syracuse. At this point in his incarceration Blackman believes that he will attempt to locate with his mother. We did encourage him to commence sending out letters of employment solicitation starting July, 1972.

In our interview situation with the inmate we found him as being dull, without satisfactory judgement, without insight, entirely immature, and utterly directionless. He wants to return to Syracuse, N.Y. area and to his family. Upon his release Blackman also intends to continue his involvement with the Black Movement. He is a follower and could certainly be used as a pawn by any community black leader. He feels that he would be able to respond to parole supervision, but he doesn't know why he feels that way. He would have to agree with the opinion given by the parole office at Glanham, that referring to Blackman as constituting a poor parole risk.

PREVIOUS BOARD MINUTES The August, 1971 board minutes have been reviewed and can be found with the folder material.

INFORMATION TO SUPPLEMENT THE PROBATION REPORT
 Partial Parole Area 5
 Caption 1 - Mother - Kindly contact Christina Blackman at 412 Garfield Ave, Syracuse, N.Y. for the purpose of updating the family situation.

DEPARTMENT OF CORRECTIONAL SERVICES
INSTITUTIONAL RECORD - PAROLE

James Blackman
NAME

AU 63315
INSTITUTION

3236 088
IIS NO.

since the time of the presentence investigation was submitted and to ascertain the family's attitude toward and willingness to assist Blackman with his release plans.

PAROLE PROGRAM

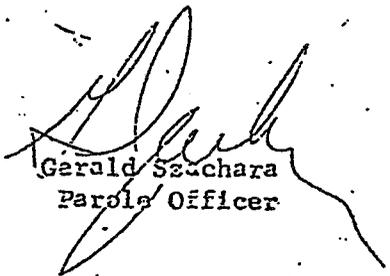
RESIDENCE

Subject proposes to locate with his mother.

EMPLOYMENT

Nothing to submit for investigation at this time.

D:GS 5/23/72
t:kt 5/23/72


Gerald Seachara
Parole Officer

000044

Institution.....GLENHAM CORRECTIONAL FACILITY..

Type of Sentence.....Reformatory.....

Name	Commitment	BLACKMAN, James	Number	GCF 424 - IIS 3236088Y
	True	Same	Judge	Thomas Aloj
	Aliases	"Hoocy"	Court	Onondaga County
Offense		Youthful Offender.	Sentenced	3-3-71
			Received	3-6-71
			Eligible for parole	--
Sentence		4-0-0 Reformatory	Expiration of maximum sentence	8-19-74
Jail Time		196 days	Warrants	None
Age		17 (8/13/53)		
Color		Black		
Nativity		Lumberton, N.C.	Former Parole History	N
Citizenship		U. S. A.	Paroled	O
Social status		Single	Returned	N
Occupation		Unskilled	Reparoled	E
Religion		Protestant	Expiration of maximum sentence	
Military service		None		
Codefendants		1 - unknown		

RECEIVED
AUG 26 1974
ELMIRA
AREA OFFICE

Name	Number	Disposition	Present status
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PAROLE SUMMARY

REFORMATORY TERM - MINIMUM DATE DETERMINATION - AUGUST 1971

INTRODUCTION

On 3/6/71, James Blackman was received at Elmira Reception Center upon his adjudication of being a Youthful Offender. He was transferred to this institution on 4/26/71 and is scheduled to appear before the August 1971 Meeting of the Board Of Parole for his Minimum Date Determination.

LEGAL HISTORY

PRESENT OFFENSE:

- ✓ Probation Report relates that; on 8/17/70, the inmate and a friend stole two pistols from the inmate's ex-girlfriend's apartment.
- ✓ Later that evening the pair robbed an IGA Store of \$589.00 and in the process of doing so they used the guns that were stolen from the inmate's ex-girlfriend's apartment.
- ✓ Approximately one half hour later the inmate called a cab to pick them up at Dougall Street located in Syracuse, N. Y. and robbed the driver of the cab. The inmate admits participating in the instant offense.

PREVIOUS RECORD:

- 7/13/70 - Syracuse, New York - Criminal Mischief, 3rd Degree - Dismissed.
- 7/23/70 - Syracuse, New York - Criminal Tresspass, 4th Degree - Conditional Discharge.

WARRANTS AND INDICTMENTS OUTSTANDING:

None listed.

EVALUATION

The inmate now admits to his involvement in both offenses, states that he did steal a gun from his girlfriend's apartment and on the same evening, robbed a IGA Store and later the same evening robbed a cab driver, who turned out to be his ex-girlfriend's brother. Although previous to this the inmate denied his involvement in the holdup of the IGA Store, he now admits to it and states that he was involved in both offenses because he needed money. Overall, he exhibits very little insight or remorse.

Before the inmate's involvement in the instant offense, he was arrested in July of 1970 and charged with Criminal Mischief, 3rd Degree and this case was dismissed.

INSTITUTIONAL RECORD — PAROLE

PAROLE SUMMARY - REFORMATORY TERM - MINIMUM DATE DETERMINATION - AUGUST 1971

BLACKMAN, James - GCF 424
NAMEGLENHAM CORRECTIONAL FACILITY
INSTITUTION3236088Y
IIS NO.

Ten days later he was again arrested for Criminal Trespassing, 4th Degree and was given a Conditional Discharge for a period of one year. Shortly thereafter he became involved in the instant offense. It is noted that Blackman is a mental defective and was sent to Rome State School in 1964 and was released in January of 1969.

The inmate was born in Lumberton, North Carolina and came to New York State some years ago. His father is one Peter Thompson whose whereabouts is unknown. His mother Christinghooker is a semi-invalid in the home and she is married to one Coleman Blackman. The inmate is unaware of the identity of his true father. Apparently the inmate's mother was promiscuous and of five children there are four different fathers. The inmate was in special education classes at Rome State School and upon his release from Rome State School in 1969, he attended Roosevelt Junior High School. He was placed in seventh grade and quit shortly thereafter when he became disenchanted with school. The inmate worked as a janitor with the Neighborhood Youth Corp. for a short period of time. The inmate also states that he worked for approximately four or five months at various odd jobs. Inmate admits to the use of drugs, states that he used Heroin in the amount of four bags a day. He also admits to the use of LSD. Inmate denies the excessive use of alcohol.

In the institution the inmate is assigned to the Mess Hall. He states that he has had three disciplinary actions since his arrival in the institution. The inmate attends school. He states that he is in good health and enjoys spending his spare time studying and thinking of the future. Inmate states that he is a Protestant, however, does not attend Church regularly. A Psychiatric Diagnosis at Elmira Reception Center diagnosed the inmate as "Organic Brain Syndrome Associated With Functional Mental Deficiency - User Of Various Drugs". Psychometric Testing gives him a Verbal IQ of 77 and a Non Verbal IQ of 89.

The inmate states that he does not correspond with anyone nor has he had any visits. Inmate further stated that he does not wish to correspond with anyone and states that he would rather do it alone and he does not wish to keep in contact with anyone on the "outside".

Overall, this inmate impresses one as being a dull individual. He certainly appears hedonistic and impulsive. Inmate spent five years at Rome State School and approximately one year after his release he became involved in anti-social behavior. At the present time he exhibits no insight into his involvement in the instant offense and when discussing the crime seems to be satisfied with his plea of guilty to being a Youthful Offender. The inmate states that he is not interested in parole primarily because he does not want anyone on his back and further indicated that he plans on "maxing out". At the present time this individual is a very poor parole risk and he is in great need of training and organization to his unorganized way of life.

TENTATIVE PAROLE PROGRAMRESIDENCE:

The inmate wishes to live alone.

EMPLOYMENT:

None submitted.

CERTIFICATE OF RELIEF:

Youthful Offender - Does not apply.

JGM:lc

JAMES G. MC CLAIN,
Parole Officer

d - 8/6/71

t - 8/6/71

REPORT SUMMARY
CORRECTION RECORD
PAROLE OFFICER
5/21/73

INTRODUCTION

James Blackburn who is serving a 4-0-0 year Reformatory term ~~xxx~~ as a Youthful offender met the parole board on 9/12/72 and was held nine months to the 6/73 board for up-to-date medical report and psychiatric report. He has been at the Cleburn Corr. Facility and also at Auburn Corr. Facility.

BOARD HEARINGS, prev. HEARING: Inmate was questioned with regard to his interest in parole, his adjustment in previous institutions, he was questioned with regard to the extent of his misconduct record, his history of duigs, involvement with weapons, his schooling, his history of epilepsy, and the necessity of his cooperation with authorities was explained.

INSTITUTIONAL ADJUSTMENT

WORK 1/26/73: DEPUTY SUPERINTENDENT REPORTS: Assigned as follows:
1/4/73 OBS 1/15/73
1/15/73 Unassigned present.

DISCIPLINARY 2/2/73: SUPERINTENDENT REPORTS: He has the following disciplinary reports:
5/2/71 Def. Action 30 days. Created disturbance in tunnel.
6/18/71 (Inf) Refused to stop talking after lights out.
6/21/71 Def. Action 30 days. Didn't respond to call for work.
6/29/71 4 das. Seg. Fighting w/inmate Shepard.
6/29/71 2 das. Seg. Concurrent with prev. charge. Did not report for work after allowed to go to band practice.
8/1/71 5 das. Seg. Fighting w/inmate Busby.
8/1/71 Abusive & refused to go to K. No action until investigated.
8/6/71 ADJUSTMENT COMMITTEE: 5 das. seg. for refusing to go to KL.
8/18/71 (INF) Refused to go to school.
9/26/71 5 das. Seg. Fighting w/inmate Culpepper.
10/9/71 (Inf) Gave our extra milk on food line.
10/26/71 5 das. seg. Fighting w/inmate Garcia.
2/27/72 Confine 10 das. st. 2/27/72, counseled. Lying and threatening an officer.
6/15/72 (Inf) counsel & released. Not reporting for classe after being warned.
7/2/72 Confine 5 das. start 6/2/72, fighting with 63319 McNeil on D-7Co.
8/18/72 Counsel, assignment change, out of place, not atten his assigned class in school (INF).
8/29/72 Rel. 9/5/72. Stealing cookies in north Mess hall, refused to give n and location, swearing at officer and calling him
9/13/72 Confine until shaven, no rec. 5 das, start 9/13/72 (INF) refused to lock in his cell after mess.
10/7/72 KL 10 das. SS. Loitering on the gallery and refusal to lock in his cell.
11/2/72 Confine 14 das start 11/2/72. Creating a disturbar in mess hall 8-AM insolence, took extra ration of milk, cursing officer using very vile language.
11/8/72 Contraband state lock found in his cell at 2:30 P
11/15/72 (INF) refusing to shave.
11/18/72 (INF) refused to shave beard.
11/22/72 (INF) refusing to shave beard.
11/25/72 Refusing to shave
11/29/72 (INF) refusing to shave
12,6/72 (INF) refusing to shave beard
12/9/72 (INF) refused to shave.
1/3/73 Inmate started yelling at the Dr. during sick call was impossible to calm him down. Adjustment commi to act on report when released.

MEDICAL 1/26/73: PHYSICIAN REPORTS: His physical classification is II epil

CORRESPONDENCE 2/19/73: CENSOR REPORTS:

- A. Peter Thompson, unknown, father
- B. Christine Blackman 412 Garfield Ave., Syracuse, NY, mother
- C. Coleman same, S/father
- D. Fred Unknown, H/brother
- E. James, 412 Garfield Ave., Syracuse, NY, H/brother
- F. Anthony Unknown, H/brother
- G. Linda, unknown H/sister
- H. Earline Buch, 2214 So. St., Syracuse, NY, friend
- I. Roland Isaac, 2945 Kennedy St., Syracuse, NY
- J. Gloria Faunthroy, 243 Kennedy St., Syracuse, NY
- T. Diane Forman, 144 Hudson Ave., Syracuse, NY
- U. Emma Jean White, 122 Jefferson Ave., Buffalo, NY, Girlfriend

Last letter to B 3/23/72 Last letter from B 9/24/72

Last letter to D 10/8/72

Last letter to T 8/28/72 Last letter from T 9/24/72

CONTROLLERS 1/25/73: Cash 1.64 St. Allowance 40.00 Total 41.64.

EVALUATION SUPPLEMENT

Inmate is currently unassigned but is working, he maintains, at inside utility doing odd jobs such as sweeping, mopping, cleaning, etc. There is no report available as to the standard of his work performance.

Inmate has been a rather severe conduct problem and during his institutional stay thus far has compiled an impressive misconduct record consisting of close to thirty reports. His explanation is that people try to push him around and don't understand him. A number of pinches were in connection with his having a beard and he states that this was primarily there for his part to avoid a bumpy skin (ingrown hairs). It was pointed out to him that he has close to three years in of a four year term and that it is asinine for him to continue in his poor attitude. He suffers from epilepsy and is currently on medication. He is illiterate and not interested in furthering his education. Perhaps he may have reached the limit of his education potential inasmuch as his IQ has been rated at 77+.

He appears to be quite concerned over his mother who is blind and in a hospital, maintains, somewhere in the south. He has been out of contact with her as well with any other relatives. He appeared to be surprised when told that his stepfather Coleman Blackman of 412 Garfield Avenue, Syracuse, NY was interested enough to offer him a home which had been approved. According to inmate this is all well and good but the stepfather has since moved and letters directed to the aforementioned address have either been returned or remained unanswered. It was explained to the inmate an effort will be made to ascertain his current address. This will be accomplished a report requested from the Syracuse area office.

Considerable time was spent with this man and he, undoubtedly, will require some special sort of help when released, either by parole or through maximum expiration. He somewhat questions the feasibility of his return to Syracuse and mentions that he might benefit from a program as represented by the Community Center at Rochester or the Half-way House program.

The up-to-date medical report is contained in inmate's folder showing a physical classification of II, epilepsy. The requested psychiatric report is not currently available and a contact with Mental Hygiene Unit clerk revealed that the requested psychiatric report, will, at present indications not be available at the time of inmate's 6/73 board reappearance.

NEEDS FOR INVESTIGATION

A Partial Parole investigation assignment is being requested of the Syracuse area office to contact the stepfather, Mr. Coleman Blackman, last known to be at 412 Garfield Ave., Syracuse, NY. According to inmate, the stepfather has since moved and letters addressed to him at that address have either been returned or remained unanswered. Perhaps his current address may be obtained by telephoning the Syracuse office and forwarding to the institution to be used in our case work situation with the inmate. Our inmate is thinking in terms of locating in a Half-Way House of Community Correction Center that is in operation in the City of Rochester, NY.

BLACKMAN, James

ATTICA 28521, IIS-3 236 088

Pg.#3

PAROLE PROGRAM

RESIDENCE

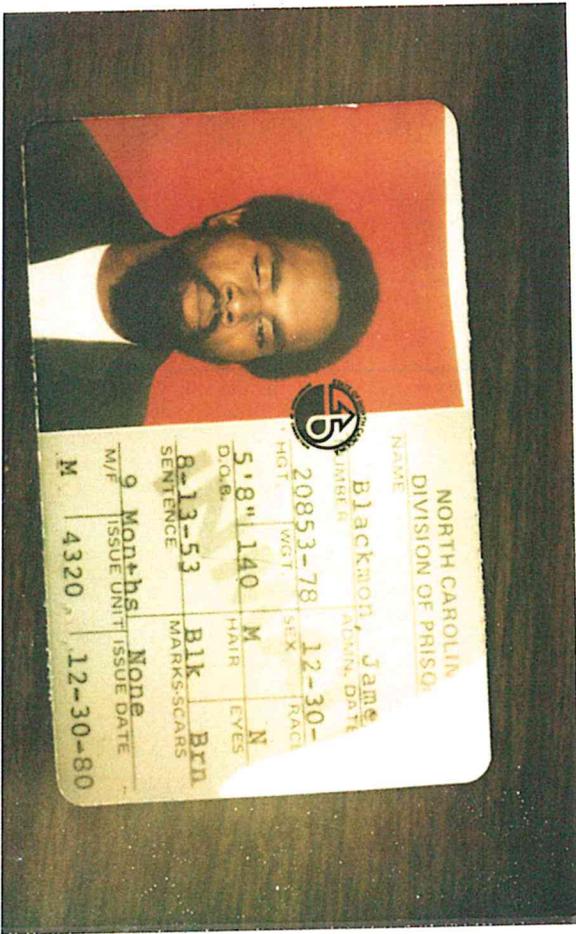
Inmate is uncertain as to residence at this time by reason of lack of knowledge as to the stepfather's current whereabouts. Efforts are being made to update this situation by the Syracuse area office. If unable to reside with the stepfather in Syracuse, it is felt the inmate may require some special assistance in the matter of perhaps locating in a Half-way House or Community Correction Center program. He is only 19 years old at the present writing.

EMPLOYMENT

Inmate admittedly has no work record and his medical history of epilepsy militates against his holding most any kind of job. Undoubtedly, he will require some special sort of assistance if he is to gain his release.

GEORGE RECORD:ed
D:5/21/73
T:5/22/73

Police also collected information related to Blackmon's arrests and hospitalizations through his arrest for this crime in 1983. Some photos were maintained as part of the RPD file. The photos and physical description accompanying the photos are provided below followed by a chart of Blackmon's criminal history, incarceration dates, and involuntary commitment dates as gathered by police during their investigation. Where reports provided a physical description, that information is provided in the chart.



NORTH CAROLINA
DIVISION OF PRISONS



NAME Blackmon, James

INMATE NO. 20853-78

DATE OF BIRTH 12-30-

HEIGHT 5'8" 140

WEIGHT 140

SEX M

RACE N

HAIR BLK

EYES BRN

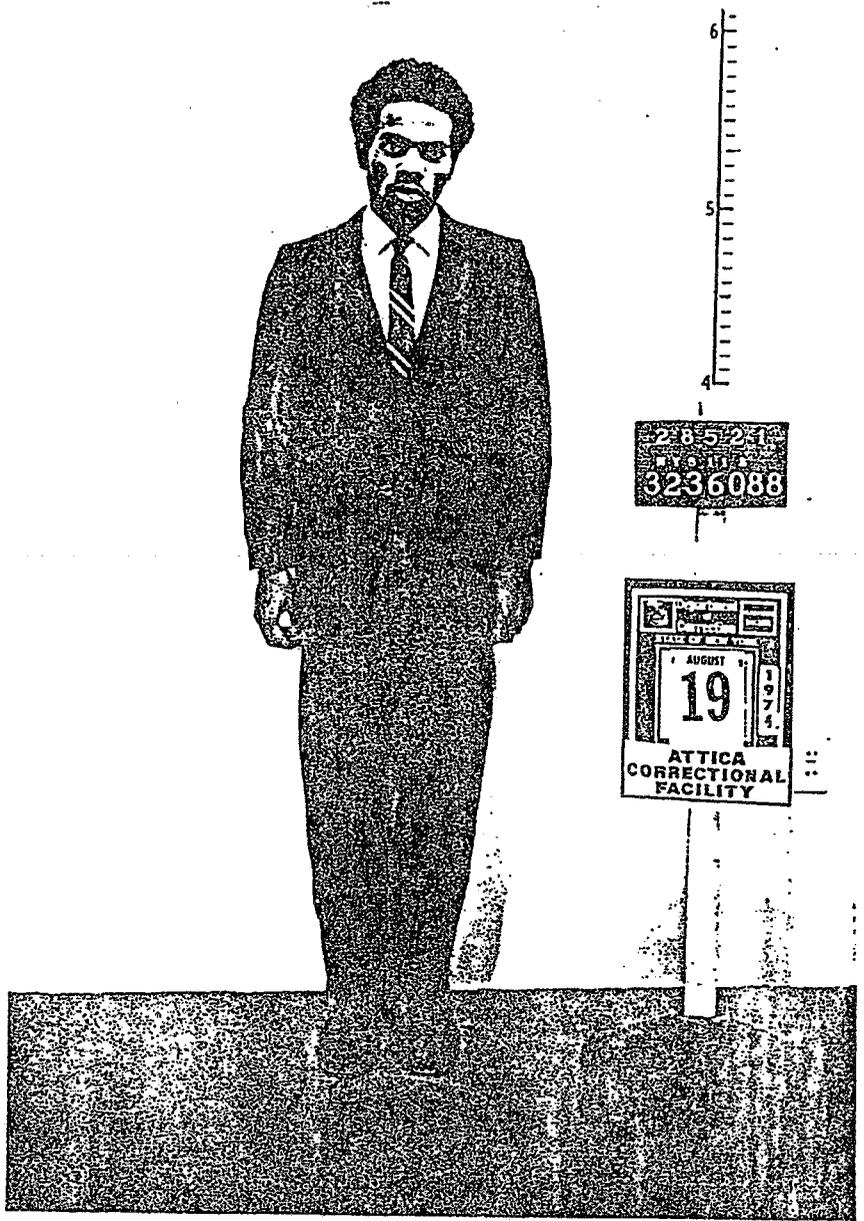
MARKS/SCARS NONE

SENTENCE 9 Months

M/F M

ISSUE UNIT 4320

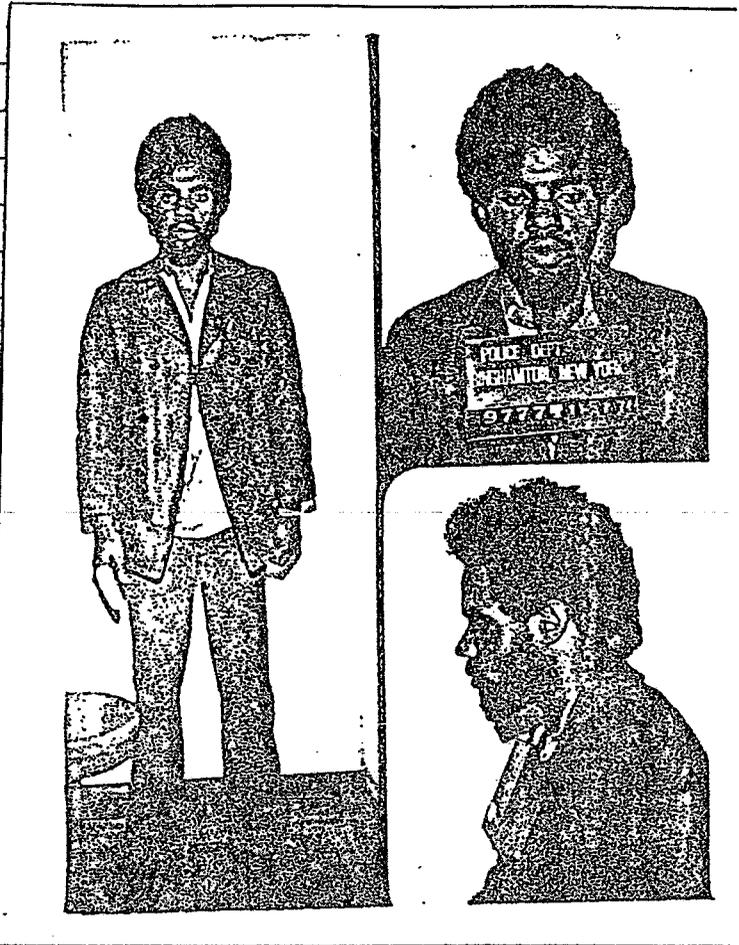
ISSUE DATE 12-30-80



000024

BUREAU OF POLICE OF ALBANY, N. Y. • CRIMINAL IDENTIFICATION UNIT

Name James J. Blackman
 Alias "Hooley"
 Color Negro
 Officers Sgts. Skinner- Angel
 Disposition PNG, adj to later date.
 Scars and Marks Goatee- Mustache
 Date of Arrest 11-7-74
 Date of Crime 11-7-74
 Associates
 Prisoner's Address 99 Main St.,
 Albany, N.Y.



Height 71" Weight 163 Build Slim Hair Black Eyes Brown Comp. Dark
 Age 21 Date of Birth Aug. 13, 1953 Place of Birth Lumberton, N.C.
 Nationality American Occupation Unemployed Marital Status Single
 Prisoner's Signature BLACKMAN JAMES
 Remarks PL 120.00 01 A Misd Assault 3rd

000025

BLACKMON ARRESTS, INCARCERATIONS, AND HOSPITALIZATIONS 1971-1983

Date	Location	Notes
3/3/1971 and 3/5/1971	Syracuse, NY	<p>Court entry for 8/70 arrest. "Adjud. youthful offender" and felony robbery are listed. The arresting agency appears to be Syracuse PD. (RPD—DA, Bk. 11, 28).</p> <p>There is also a document that is labeled a "criminal history response...based on fingerprint identification" which provides an address for Blackman in Syracuse, NY on March 3, and March 5, 1971. (RPD—DA, Bk. 11, p. 29).</p>
8/19/1974	Attica, NY	<p>Letter dated 8/14/1974 from the Superintendent of Attica Correctional Facility to the Commissioner of Police in Binghamton, NY that provides that Blackmon will be released on 8/19/1974 and intends to go to Binghamton upon his release. Letter states "He is considered potentially dangerous because of his antisocial attitude, paranoid trends, uses drugs, and low, dull mentality." (RPD—DA, Bk. 11, 23).¹</p>
11/7/1974	Binghamton, NY	<p>Arrest for misdemeanor assault. Description: Subject got into argument with his cousin and struck him in the face with a bottle. Blackmon and his cousin were taken to the hospital for treatment. Arraigned 11/7/94 and pleads not guilty. Report indicates he is remanded to jail. (RPD—DA, Bk. 11, 20).²</p> <p>NYDCJS³ provides that a misdemeanor simple assault was dismissed on 5/1/1975 (RPD—DA, Bk. 11, 28). USDOJ lists an assault charge with arrest date of 11/7/74 as dismissed on 5/2/1975. (RPD—DA, Bk. 11, 30).</p>

¹ One of the photos provided just after this chart is dated August 19 from Attica

² There is a photo dated 11/7/74 provided just after this chart from Binghamton, NY.

³ New York Division of Criminal Justice Services.

Date	Location	Notes
12/10/1974	Binghamton, NY	<p>Arrested for misdemeanor possession of controlled substance.</p> <p>Description: Investigators were investigating a burglary when they smelled marijuana and made arrest after they found a quantity of marijuana.</p> <p>Arraigned and pleads not guilty. Report indicates he is remanded to jail.</p> <p>Address listed for Blackmon is in Binghamton. Beside beard/goatee the report says "yes" and beside mustache, the report says "yes."</p> <p>Blackmon is described at 71" tall and approximately 160 pounds. His build is listed as "tall." He again reports no employer. There is no address provided for him.</p> <p>(RPD – DA, Bk. 11, 19).</p> <p>There is also a document that is labeled a "criminal history response...based on fingerprint identification" which provides an address for Blackman in Binghamton, NY on December 10, 1974.</p> <p>(RPD—DA, Bk. 11, 29).</p> <p>USDOJ provides that a Criminal Possession of Controlled Substance with arrest date 12/10/74 was dismissed on June 4, 1976. (RPD—DA, Bk. 11, 30).</p>
5/1/75	Binghamton, NY	<p>NYDCJS provides that at city court a misdemeanor civil assault was dismissed. It is not indicated whether Blackmon was present, though a DOC number is provided along with this entry.</p> <p>(RPD—DA, Bk. 11, 28).</p>
11/17/1975	Binghamton, NY	<p>Information from Binghamton Arrest History Sheet.</p> <p>Arrest for Trespass.</p> <p>Description: Subject was observed walking around Conti Court, looking into windows. Neighbors called the police who picked up subject on the street and he was identified by neighbors as same one looking into windows.</p> <p>Address listed for Blackmon is Binghamton, NY for 2 weeks, but he also lists a prior address as Binghamton without a time frame provided.</p> <p>Sentenced to 15 days in jail after a guilty plea.</p> <p>Beside beard/goatee report says "yes" and beside mustache, report says "yes." There is no description of Blackmon's height and he provides that his employer is "disability."</p> <p>(RPD—DA, Bk. 11, 18).</p>

Date	Location	Notes
1/8/1976	Binghamton, NY	<p>Blackmon is arrested for misdemeanor trespass. Description: Subject came to masonic temple and would not leave. Per a 1/9/76 dated note Blackmon is placed in state hospital, and will be arraigned after release from hospital.</p> <p>Blackmon is described as 71" and 163 pounds with medium build. Report indicates "yes" beside both beard/goatee and mustache. Blackmon indicates his address is in Binghamton for 3 months but also provides a former address also in Binghamton, NY without a time frame provided. (RPD—DA, Bk. 11, 36).</p>
1/9/1976	Binghamton, NY	<p>There is a document that is labeled a "criminal history response...based on fingerprint identification" which provides an address for Blackman in Binghamton NY on January 9, 1976. (RPD—DA, Bk. 11, p. 29).⁴</p> <p>USDOJ indicates an arrest on January 9, 1976 for Criminal trespass in Binghamton NY. There is no disposition provided. (RPD—DA, Bk. 11, 30).</p>
2/1/1978	Binghamton, NY	<p>Blackmon is arrested for felony possession of stolen property. Description: Subject took fur coat from Drazens valued at \$2,395.00 and was apprehended in area. Listed address for Blackmon is in Binghamton. Blackmon also lists Binghamton State Hospital as his prior address for a year.</p> <p>Blackmon is described at medium build, 71" tall, and 165 pounds. Beside Beard/Goatee report indicates yes and also says yes beside Mustache.</p> <p>Blackmon pled not guilty and was remanded to the Broome County jail. No bail was set. (RPD—DA, Bk. 11, 35).</p> <p>There is also a document that is labeled a "criminal history response...based on fingerprint identification" which provides an address for Blackman in Binghamton, NY on February 1, 1978. (RPD—DA, Bk. 11, p. 29).</p>
3/17/1978	Binghamton, NY	<p>Information from NYDCJS. "Convicted for felony possession of stolen property." Also indicates "conditional discharge" without any further information. (RPD—DA, Bk. 11, 28).</p>

⁴ There is no other arrest report for misdemeanor trespass around this time besides the 1/8/76 charge so it appears that these may be the same.

Date	Location	Notes
5/10/1978	Binghamton, NY	<p>Blackmon is arrested for misdemeanor menacing and felony robbery.</p> <p>Description: Subject held a knife to the throat of Kevin Kent and took \$15.00 and later approached Dawn Buchanan, put a knife to her stomach, and threatened to stab her.</p> <p>Address listed for Blackmon is in Binghamton.</p> <p>Blackmon is described as 71" and 160 pounds. In addition, report says "yes" beside beard/goatee and mustache.</p> <p>Blackmon is arraigned and remanded to jail.</p> <p>(RPD—DA, Bk. 11, 31).</p> <p>There is a document that indicates a case is "terminated" against Blackmon on September 23, 1978 for an arrest on May 10, 1978. The "penal law" listed is only the law that is related to the menacing charge. It is not clear whether this was a dismissal for the entire charge.⁵</p> <p>(RPD—DA, Bk. 11, 32).</p>
8/24/1979	Binghamton, NY	<p>Arrested for Disorderly conduct and booked when he was found to be in possession of marijuana and unknown pills. This report provides that Blackmon was arraigned on 8/25/79 and "Pled NG, adj. until 9-1-17, released into own custody."</p> <p>The address for Blackmon here was the YMCA Room 306, which it says has been his address for 4 months. He is described as 71" tall, 165 pounds with medium build. He indicates he is unemployed. Report also says Blackmon has a "beard" and says "yes" beside mustache.</p> <p>(RPD—DA, Bk. 11, 34).</p> <p>There is a document that is labeled a "criminal history response...based on fingerprint identification" which provides an address for Blackman as Room 306 YMCA in Brooklyn, NY for August 24, 1979.</p> <p>(RPD—DA, Bk. 11, p. 29).</p> <p>USDOJ report provides that Binghamton, NY PD arrested Blackmon on this date for misd. criminal possession of a controlled substance. The disposition is listed as "pled not guilty rel in own custody." (RPD—DA, Bk. 11, 30).⁶</p>

⁵ Later investigation by Commission staff revealed that all charges in this case were first sealed and then later dismissed in Blackmon's favor.

⁶ Later investigation by Commission staff revealed that all charges in this case were dismissed and then sealed in Blackmon's favor.

Date	Location	Notes
12/26/1979	Jacksonville, FL	<p>Blackmon arrested for trespass after warning. His address is listed as “transient” and his alias is provided as “James Underwood Andrew III.” Blackmon is described as 5’11” and 170 pounds with dark complexion. He was asleep inside the greyhound bus station and was accompanied by another individual who was “begging.” Both were asked and when they refused were arrested. Blackmon had no identification or bus ticket.</p> <p>USDOJ provides that Blackmon was arrested on this date for “trespass after warning” with a disposition of “1 das NPT.” (RPD—DA, Bk. 11, 50).</p>
12/29/1979	Jacksonville, FL	<p>Blackmon arrested for trespass after warning and possession of narcotic paraphernalia.</p> <p>Description: “The suspect, Underwood, has been arrested for trespassing after warning two days prior to this incident for the same charge and on this date he was advised to remove himself from the Greyhound bus station at 10 N. Pearl St. The suspect kept him in the area until this unit picked him up. The suspect Underwood was very threatening to this writer during the investigation.”</p> <p>Blackmon is described as 5’9” (the inches are somewhat unclear) and 160 pounds. There is no description regarding facial hair. (RPD—DA, Bk. 11, 78-79).</p> <p>A USDOJ document provides that Blackmon was arrested on 12/29/1979 for “trespass after warning” and “poss of narc par.” The disposition is provided as “5 days 123079 No1 Pros.” In addition, the name provided is “James Underwood Andrew” though the identification number is the same as Blackmon’s throughout the remainder of the document. (RPD—DA, Bk. 11, 50).</p> <p>Another document that provides a list of charges and dispositions for Blackmon provides that the disposition of an arrest on 12/29/79 was 10 days confinement. (RPD—DA, Bk. 11, 66).</p>
12/30/1979	Jacksonville, FL	<p>A document that provides a list of charges and dispositions indicates that there is a disposition on this date of conviction for trespassing after warning with 5 days of confinement and that there is a disposition of dismissal for possession of narcotics paraphernalia. (RPD—DA, Bk. 11, 66).</p>

Date	Location	Notes
1/11/1980	Jacksonville, FL	<p>Blackmon is arrested for possession of controlled substance (cocaine) and possession of controlled substance (marijuana). Description: Subject was causing trouble at Trailways Bus Station and was found with drugs after weapons check. Subject is described as a “flim flam artist” who has been working the area the last few weeks. The subject is described as taking money from individuals on 1/10/1980 after promising to deliver drugs. (RPD—DA, Bk. 11, 76-77).</p> <p>USDOJ report provides that Blackmon was arrested on 1/11/80 for possession of controlled substances, marijuana and cocaine. There is no disposition noted. The name provided is “Jimmy Andrew Blackmon” though the identification number matches Blackmon’s other identification number provided previously in the document. (RPD—DA, Bk. 11, 50).</p>
1/23/1980	Jacksonville, FL	<p>A Florida Disposition notice indicates that an arrest from 1/11/80 is dismissed for insufficient evidence to warrant prosecution. (RPD—DA, Bk. 11, 75).</p>
2/22/1980	Jacksonville, FL	<p>Blackmon is arrested for trespass after warning. He was advised to leave the lobby of Greyhound Bus station by the manager. The arresting officer approached the suspect and asked him if he had a ticket and when Blackmon replied no, he was told to leave. Blackmon refused to leave and was arrested and placed in jail. (RPD—DA, Bk. 11, 74).</p> <p>USDOJ report provides that Blackmon was arrested on 2/22/80 for trespass after warning. There is no disposition noted. The name provided is “Jimmy Andrew Blackmon” though the identification number matches Blackmon’s other identification number provided previously in the document. (RPD—DA, Bk. 11, 50).</p>

Date	Location	Notes
3/2/1980	Jacksonville, FL	<p>Blackmon arrested for resisting officers with violence. Description: Subject is in jail on other charges and threw a book at a correctional officer and struck him twice in the face.</p> <p>Blackmon is identified as 5'11", 170 pounds. There is no information here on whether Blackmon has facial hair. (RPD—DA, Bk. 11, 71-72).</p> <p>USDOJ report provides that "Jimmy Andrew Blackmon" (same identification number as previously used for Blackmon) was arrested on this date for resisting officers with violence. The disposition is noted as "1. Dropped SAO 12 das on chg of trespass after warning nol pros on chg of battery added." (RPD—DA, Bk. 11, 51).</p>
12/29/1980	Robeson County	Disposition for 80 CR 024447 arrest for larceny/misd. Guilty verdict. (RPD—DA, Bk. 9, 120).
12/30/1980	Department of Corrections in Raleigh, NC	USDOJ report provides that Blackmon is charged with larceny and the disposition is 9 months. The Department of Corrections in Raleigh is listed as the contributor of fingerprints. (RPD—DA, Bk. 11, 51).
6/4/81-6/23/81	Raleigh, NC	Discharge Summary from "Central Hospital" that discusses formulating an after care plan in anticipation of Blackmon's upcoming release on 6/23/81. Blackmon was referred from McCain Correctional Facility. The discharge is noted as a "discharge upon his release date and begin involuntary commitment proceedings through a state psychiatric hospital. (RPD—DA, Bk. 6, 85-86).
6/14/81-6/14/82	Raleigh, NC	<p>In Blackmon's rehabilitation record, there is a June 81-June 82 stay noted as his prior hospitalization (when discussing his "second admission"). He was noted as having left in June 1982 against medical advice to live with his girlfriend. (RPD—DA, Bk. 6, 12).</p> <p>Blackmon is noted as having his status changed to "voluntary" on 9/8/81. He left the hospital on unauthorized absence on 6/11/1982 and was formally discharged on 6/14/1982. (RPD—DA, Bk. 6, 8).</p> <p>These specific dates are characterized as his "first admission" in his medical team conference report. (RPD—DA, Bk. 6, 25).</p>

Date	Location	Notes
1/21/1983 – 9/12/1983	Raleigh, NC	<p>Per his discharge summary, Blackmon was involuntarily committed to Dorothea Dix on 1/21/1983. (RPD—DA, Bk. 6, 8-9). His commitment was for 28 days beginning 1/28/1983 and then another 90 day commitment on 2/24/1983. (RPD—DA, Bk. 6, 25).</p> <p>He was then discharged to the Wake County Sheriff “having been charged with assault.” (RPD—DA, Bk. 6, 8-9).</p> <p>A note in his medical team conference report provides that he was committed for 28 days on 1/28/83 and then for 90 days on 2/24/83. (RPD—DA, Bk. 6, 25).</p>
10/2/1983-10/18/83	Raleigh, NC	<p>Nursing notes provide that Blackmon is at Dorothea Dix and is being evaluated for an involuntary commitment. (RPD—PLS, Bk. 6, 105).</p> <p>Nursing notes provide that Blackmon was released on outpatient commitment. (RPD—PLS, Bk. 6, 135).</p>
10/21/1983	Raleigh, NC	<p>In a judicial order regarding Defendant’s Motion to Suppress, the Court provides that Blackmon attempted to gain admission to Dorothea Dix reporting that it was cold outside. (Clerk, 271).</p>
10/28/1983-11/18/1983	Raleigh, NC	<p>Nursing notes begin again on 10/28/1983. (RPD—PLS, Bk. 6, 136). Nursing notes indicate that Blackmon is “discharged to Lumberton Raleigh Police” on 11/18/1983. (RPD—PLS, Bk. 6, 154). It is not clear from the records available whether this commitment was voluntary or involuntary.</p>
11/28/1983-12/7/1983	Raleigh, NC	<p>Nursing notes begin again on 11/28/1983. (RPD—PLS, Bk. 6, 155). Nursing notes indicate a discharge on 12/7/1983 and provide that Blackmon was a voluntary patient. Note provides that Blackmon was treated, but remains an “angry violent person” but that it is “not because of psychosis.” (RPD—PLS, Bk. 6, 168). Blackmon was arrested on December 7, 1983 for this crime.</p>

Blackmon's Medical History

During this period, Blackmon was in and out of Dorothea Dix Hospital. The Commission's investigation revealed that Blackmon's records from Dorothea Dix were destroyed pursuant to their records retention policies. However, the RPD file contained certain medical records that RPD received from Dorothea Dix that appear to be related to both of Blackmon's hospitalizations in the 1980s. At least some of the records were received pursuant to court order during the course of RPD's investigation.²⁵ Before police began interviewing Blackmon, they received and reviewed portions of Blackmon's medical records from Dorothea Dix Hospital, which were provided to them pursuant to Court Order on September 20, 1983. (RPD—DA, Bk. 6, 1-6). However, there are also records that are dated beyond that date that are part of the RPD file which lead up to the date of Blackmon's discharge and arrest on December 7, 1983.

Blackmon exhibited a significant history of mental illness. Provided below, in full, are select medical records that outline Blackmon's treatment at Dorothea Dix Hospital over several admissions.

²⁵ Based on the Commission's review of the medical records included in the RPD file, it appears possible that these records are not complete. For example, though some records suggest that daily notes were being taken on Blackmon's condition, there are days on which Blackmon is noted in other records as being at Dorothea Dix but there are no records from Dorothea Dix on those dates. There is a note in the RPD file that provides that "special copies of pages that were flagged in the two volumes of medical history will be on file with this case." This may also suggest that the entire medical file was not included in the RPD file. (RPD—DA, Bk. 1, 181).

(A)

STATE OF NORTH CAROLINA
DEPARTMENT OF CORRECTION
CENTRAL HOSPITAL
DISCHARGE SUMMARY

Name BLACKMON, James Number B5015-383-20853-78 Date 19 MAY 81

Name of Unit sending inmate to hospital McCain

Physical grade on entering A Reason 19 MAY 81 Physical grade A

Date discharged from hospital or clinic _____

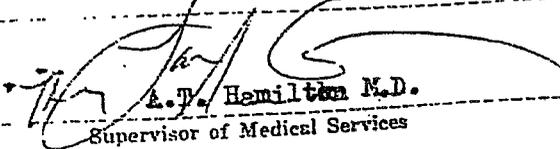
If injury, percent of permanent disability 296.80
780.3

Physician's remarks on discharge M.H.C.
19 MAY 81 DFO MEC by Dr. Smith. Disch diag: Manic-depressive psychosis. DFO to McCain in conjunction with his release from prison 23 JUN 81. Continue current meds; refer to unit physician/psychiatrist for medication review. Refer to area psychologist for followup. Formulate after-care plans for upcoming release on 23 JUN 81. Meds: Thorazine 150 mgm twice daily and 250 mgm at bedtime. Artane 2 mgm twice daily./Dr. Smith./Mr. Clements, Clerk.

25 FEB 81: NEUROLOGY
25 y.o.b.m. w/chronic hx seizures generalized type; mother also has seizures. Tx'ed before w/Dilantin and Pharb; 2 days ago had "spell." Alert and well-oriented. Anxious to leave this place. Cranial nerves normal. Optic discs flat; motor-sensory system of extremities well preserved. Tendon refl equally active bilat. Plantar response is flexor; coordination tests and gait done well. IMP. Seizure disorder, tonic-clonic type by hx. Cause undetermined. Neuro exam unremarkable. Get skull x-ray and EEG; refer back w/results for possible treatment./Dr. Saldias.

18 MAR 81: Skull x-ray and EEG recommended 25 FEB 81 are both neg. Pt admits "faking" seizures to call attention. I am reluctant to use anticonvulsive therapy unless a typical seizure is observed by a competent expectator. No further neuro recommendations warranted at this time; DFO./Dr. Saldias.

DOROTHEA BIR HOSPITAL
RALEIGH, N. C. 27611


A.T. Hamilton M.D.
Supervisor of Medical Services

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*Add to
Dennis*

MENTAL HEALTH CLINIC AT CENTRAL PRISON

CLINICAL NOTES

Name Blackmon, James Date June 13, 1981 Number 20850-78

IHE 425

DISCHARGE SUMMARY

BE 015-353

ADMITTED: 6/4/81

DISCHARGED: 6/23/81

DIAGNOSIS:

- Axis I Paranoid schizophrenia.
- Axis II Antisocial personality disorder with borderline features.
- Axis III None

A
DOROTHY HOSPITAL
RALEIGH, N. C. 27611

MEDICATIONS: Thorazine 200 mg. b.i.d. and 300 mg. h.s.; Artane 5 mg. b.i.d.

DISPOSITION: Discharge from the Mental Health Facility upon release date and begin involuntary commitment proceedings through a state psychiatric hospital.

REFERRAL: Mr. Blackmon was referred from the McCain Correctional Facility because of extremely hostile and assaultive behavior. He was described as actively psychotic with loose associations and delusional thought processes. It is reported that the patient was involved in numerous altercations with other inmates at the Facility and required an inordinate amount of staff time to prevent him from harming others.

COURSE OF TREATMENT IN THE HOSPITAL: Upon initial interview, the patient assumed a hostile and demanding posture. Affect was angry with periodic outbursts of verbal abusiveness, speech was pressured. The patient's orientation, memory and cognitive functioning appeared ~~average~~; however, his presentation during the interview did not allow for much probing. Paranoid trends in thinking were noted. The perception of self was grandiose and the patient related special knowledge and powers. Delusional thinking was exhibited. The initial diagnostic impression was paranoid schizophrenia, active phase.

The patient's adjustment to the ward milieu was less than adequate. His behavior was hostile, aggressive and loud. He threatened other patients and staff members. He frequently cursed at all involved in the treatment of his case. He has threatened on several occasions to kill other individuals if he is not admitted to Dix Hospital for continued treatment following his release from prison.

The patient currently presents in a manner similar to that observed during the initial interview. He maintains his threat to harm others if he is not admitted to a hospital following release. The treatment team is concerned that Mr. Blackmon may well pursue his threats and harm family members if he is released directly from prison into the community.

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000084

MENTAL HEALTH CLINIC AT CENTRAL PRISON

CLINICAL NOTES

Name Blackmon, James Date June 19, 1981 Number 20253-73

RECOMMENDATIONS: Continue current meds. Those involved in the continued aftercare for Mr. Blackmon should be aware of his extreme assaultiveness and the threat that he poses to others.

Kevin J. McBride
Kevin J. McBride, Psychologist

George Dougherty
George Dougherty, M.D., Psychiatrist

KJM/plw

DOROTHY HOSPITAL
RALEIGH, N. C. 27611

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000085

38-42-98 BLACKMON, JAMES

PROT. NMS IHM 06-18-81

08-13-53 ROBESON

Category # and Problem Name:

James Blackmon

SENSITIVE INFORMATION
WHEN REQUESTED BY PHYSICIAN, NURSE OR OTHER HEALTH CARE PROVIDER
AND/OR INTERPRETED BY A COMPETENT CLINICIAN,
REDISCULOSURE PROHIBITED BY LAW
WITHOUT CLIENT CONSENT

Date Requested: 12-7-82

Referred By: Dr. Russell, BT to Ron Valentine

Referred For: Psychological evaluation for diagnostic consultation
and treatment recommendations

Date: 2-19-82

DOROTHEA BIX HOSPITAL
RALEIGH, N. C. 27611

Summary:

Dates of Examination: 1-26-82, 2-2-82, 2-12-82

Reason for Referral: Mr. Blackmon was referred for psychological evaluation for diagnostic consultation and treatment recommendations.

Assessment Methodology: Wechsler Adult Intelligence Scale - Revised (WAIS-R), Minnesota Percepto-Diagnostic Test (MPD), Rorschach, Thematic Apperception Test (TAT), Human Figure Drawings (HFD), Incomplete Sentences Blank (ISB), record review, interview, and consultation with ward staff.

Background Information: Mr. Blackmon is a 28 year old single black male on his 1st DDH admission who was received from the NC Department of Corrections and who carries the following diagnosis:

- Axis I: Schizophrenia, Paranoid Type, chronic
- Axis II: Antisocial Personality
Cyclothymic Traits

Mr. Blackmon was admitted from the NC Department of Correction where he was serving a 9 month sentence for robbery. He has been imprisoned and hospitalized in other states. He served a 4 year sentence in Attica Prison in New York for Armed Robbery. He has received paranoid schizophrenia and manic depressive diagnoses during his past hospitalization.

Mr. Blackmon indicated that prior to his admission to DDH he smeared his body with feces. Upon admission to DDH, he stated that God and Satan were his fathers, that he could cause floods and earthquakes, that he was going to be a great singer and marry Diana Ross, and that he had been framed by his family and the police. He further stated that he felt like he had "mental problems", that he felt like blowing up the world, and that he felt like hurting people when he "sees the devil coming out of them". He stated that he sees devils and angels and hears the voice of God directing the destiny. Upon admission, his mood was described as labile, alternating from elation to irritability. His speech was described as rapid, loud and sometimes slurred and he was described as often verbalizing flight of ideas and loose associations. He was described as indicating that God spoke to him through the television set. He was transferred to the crisis ward and stayed in Adult Rehab I because of threatening and combative behavior.

Signature 000049

After transfer to Adult Rehab II, he frightened a dietary staff member by following her to her car; he also was verbally abusive toward a male technician. He is described as initially responding to stressful situations by becoming angry and demanding. However, he has exercised self control in response to clear, direct, firm but supportive limit setting by the staff. He is occasionally seen wearing a turban characteristic of his Muslim faith.

Mr. Blackmon's mother was an inmate at Women's Prison in Raleigh when he was born. His natural father is unknown and his mother and legal father married after he was 12 years old. They subsequently had two sons and separated. Mr. Blackmon has an older natural brother and sister.

Mr. Blackmon had an extremely aversive childhood. He was raised by his grandmother who was said to be involved in witchcraft. His mother had been diagnosed as schizophrenic and engaged in "street preaching". The record indicates that when his mother visited she would lock James in a closet and force him to eat excrement. The record also indicates that Mr. Blackmon said he often had to fend for himself, eating snake and rabbit in order to survive. He received a 3rd degree burn to his chest and lost the distal of the second, third and fourth digits of his left foot both as a result of childhood accidents. He is cited as claiming he loves his family but intensely resents them at times.

Mr. Blackmon has never married but has lived with numerous women and has fathered several children. He has had extreme difficulty with sexual relationships and has stated that women take advantage of him. He is cited as being obsessed with the desire to find the "right" woman. There is also history of homosexual relationships.

Mr. Blackmon attended "special school" and achieved only the 4th grade by the time he was 16 years old. He never held a formal job but survived by selling drugs, stealing and hustling when he was not institutionalized. He converted to the Muslim faith while he was in prison. He has taken all kinds of drugs and has smoked marijuana and has been a heavy alcohol user at times.

No record of previous psychological testing was available at the time of examination.

Behavioral Note: Mr. Blackmon arrived for examination in a hostile and challenging fashion. He declared himself unable to finish the ISB (his literacy level was in fact marginal for this test) but was persuaded to dictate answers after having the test read to him. He rejected the instructions on some of the WAIS-R Picture Completion cards by declaring that "everything is right". He initially avoided eye contact and was rejecting of encouragement but became more responsive as the first test session was completed. Good eye contact and interpersonal warmth was noted by the end of the second examination session.

He complained that his medicine was causing him to have troublesome sensations in his chest. In response to the WAIS-R Comprehension item "Why do we wash clothes?" he said "To keep our body clean after we take a shower."

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DOROTHEA BRY HOSPITAL
RALEIGH, N. C. 276110050

Results and Discussion: The results of this examination session are difficult to interpret given Mr. Blackmon's extremely impoverished developmental history. According to the WAIS-R, his current level of intellectual functioning falls in the Mild Mental Retardation with a Verbal IQ of 69, a Performance IQ of 72, and a Full Scale IQ of 69. His specific subtest scaled scores were:

<u>Verbal Scale</u>		<u>Performance Scale</u>	
Information	6	Picture Completion	8
Digit Span	5	Picture Arrangement	4
Vocabulary	4	Block Design	5
Arithmetic	4	Object Assembly	7
Comprehension	3	Digit Symbol	3
Similarities	4		

Inter-test scatter is not present in his Verbal subtest scaled scores but is present in his Performance subtest scaled scores which ranged from 3 on Digit Symbol to 8 on Picture Completion. Intra-test scatter is present in the Information and Picture Completion subtests.

His measured level of intellectual functioning is believed to be artifactually suppressed by cultural deprivation and an extremely impoverished childhood. His intellectual potential is believed to likely fall in the Borderline Range (IQ range = 71-84).

He shows a relative strength on Picture Completion which may reflect a perceptual vigilance which would be functional in "street" and prison life.

Organicity is not indicated in the results of the MPD where he received a T score of 60 with 0 separations circle diamond, 0 distortions circle diamond, and 0 distortion dots.

Personality testing, record review and interview results are also difficult to interpret given his extremely deprived background. With this problem in mind, he presents as a suspicious and guarded individual who feels powerless to deal with an environment he experiences as threatening and dirty. He is currently avoiding emotional material in a successful effort to control his behavior. He has an undeveloped sense of identity, extremely poor self esteem, and intense unresolved dependency needs.

When asked about the effects of his terrible childhood experience, he said he felt "like I'm outside and want to get in... like I'm walking among people and I'm trying to be with them". This is seen to reflect his extremely intense unresolved dependency needs and his sense of impotence. Given the embryonic quality of his projective drawings, it would seem that wanting "... to get in" reflects wanting to get back in the womb. These needs are of such magnitude that they pose great difficulty for intimate relationships with women. He spends considerable time fantasizing satisfaction of the needs. He seems to split his perception of women between his fantasy ideal good mother and a terrible bad mother. When women don't live up to his fantasy and when he overwhelms them with his dependency needs he is likely to see them as bad mother and categorically reject them.

His needs are most unsuited for a life as a street hustler. It would seem that he has been partially successful in meeting his dependency needs through hospitalization. The "warmth" experienced in the second half of the assessment is seen to reflect a nurturance that he was successful in eliciting from this examiner.

His extremely impoverished developmental history denied him a good male role model and denied him the opportunity for graded success experiences. His undeveloped identity, extremely poor self esteem and sense of powerlessness are seen as a function of these deprivations. His experience did give him an opportunity to develop the intimidating interpersonal style necessary for survival in prison. Assertiveness training would seem to be indicated here. His tendency toward manic grandiosity is seen as reactive to his extremely poor self esteem and associated depression. Provision of a good male role model and opportunities for success experiences over tasks of graded difficulty would be habilitational. His current interest in vocational training is a positive sign here. The role model might be able to help him become aware of and integrate feelings which he is currently walling off in a successful effort to control his behavior.

His test data do not support his current diagnoses. (Further, I do not see how the same person can be both schizophrenic and antisocial personality.) While there are signs of suspiciousness, they would seem to be a subcultural adaptation. There are signs of limited perceptual accuracy but they are tempered by his intellectual limitations. There are insufficient signs of limited emotional control, loose association and limited interpersonal responsiveness to support a schizophrenic diagnosis. He gave six human responses on the Rorschach which is clearly not characteristic of schizophrenia. Further, his recent behavioral history is one of successful emotional control.

While he has engaged in antisocial behavior and he presents a limit testing style, the magnitude of his dependency needs rule out antisocial personality.

His undeveloped identity, use of splitting, and transient psychotic episodes suggest borderline personality. Further, Rorschach content reflects malignant internal processes and embrionic-intrauterine themes. Currently, however, he only seems to meet 3 of the 8 criteria required by DSM III for diagnosis of Borderline Personality (idealized interpersonal relations, inappropriate anger and identity disturbance). Insufficient information was developed to define the conditions which promote his transient psychotic episodes but this examiner suspects frustration of his dependency needs.

The results of this examination support the following diagnosis:

Axis I: Adult Antisocial Behavior V71.01
Axis II: Atypical Personality Disorder (with Borderline Features) 301.89

An additional diagnosis of mild mental retardation is not being made because of the artifactually low IQ score.

Recommendation: A habilitational program based on the results of this evaluation would aim at development of identity, enhancement of self esteem, resolution of dependency needs and development of interpersonal skills.

1. Provision of a therapeutic, preferably black, male role model who would spend time with Mr. Blackmon in activities as well as conventional psychotherapeutic sessions. This would offer an opportunity for development of identity and interpersonal skills. Processing of feelings and assertiveness training could be incorporated into these sessions but his likely borderline level of intellectual functioning needs to be considered.

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2. Vocational training graded into success likely steps would provide opportunity for enhancing self esteem. This examiner is concerned about the possibility of discouragement in basic literacy training given his likely borderline level of intellectual functioning. Considerable support will be necessary.
3. Consideration of development of a therapeutic relationship with a nurturant, preferably black, female. Appropriate boundaries and limitations would need to be designed into such a relationship. Such a relationship may offer him the opportunity to work through his dependency issues and develop a more accurate perception of females. The male therapist recommended in #1 would be a resource for processing his feelings and thoughts about this relationship.

The likely long term nature and practicality of recommendations 1 and 3 may be an issue.

Ronald J. Valentine, M.S.
Ronald J. Valentine, M.S.
Psychologist

RV:db

DOROTHY M. HOSPITAL
RALEIGH, N.C. 27611

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like

QUALIFIED PHYSICIAN EXAMINATION AND EVALUATION
TO DETERMINE NECESSITY FOR INVOLUNTARY COMMITMENT

File # _____
File # _____

TO A FACILITY OF THE N.C. DIVISION OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

(Pursuant to G.S. 122-58.4 / G.S. 122-58.5)

RESPONDENT:	<i>William Blackman</i>	AGE	<i>59</i>	BIRTHDATE	<i>5-14-53</i>	SEX	<i>M</i>	RACE	<i>W</i>	H.S.	<i>S</i>
ADDRESS (Street, Apt., Route, Box Number, City, State & ZIP)	<i>2231 Old Garner Rd. Raleigh, N.C.</i>					County	<i>Wake</i>				
NEXT OF KIN/RESPONSIBLE PERSON:						Relationship	<i>Mother</i>				
ADDRESS:	<i>Christine Blackman</i>					Telephone					
PETITIONER:						Relationship					
ADDRESS:						Telephone					

I, the undersigned physician, licensed to practice in North Carolina, examined said person on 5/3/81 at 1:30 o'clock P.M. in Council Bldg and made the following findings of: mental illness, inebriacy, or mental retardation with a behavior disorder (FINDINGS MUST BE DESCRIBED):

240534, hospitalized for 2^d time at D.D.H. uncooperative, angry. Speech full of profanity, affect hostile, delusio he has great power & persecuted. Inconsistent judgement poor. unable to sustain any job

And further, I made the following findings of danger to self or others (FINDINGS MUST BE DESCRIBED):

Patient is hostile, cursing, fighting, has been referred to Manager ward & fought w/ staff - on return back to our floor. Constantly irritates the staff, threatened the life of nurse on yesterday's intake. No job, no place to go, unable to survive outside, killing or being killed

Abnormal Physical Condition: <i>Allergic to Penicillin</i>	Current Medications (medical & psychiatric): <i>Thorazine 400 q AM, 500 q PM & 500 q H.S. Antoran 5 q BID</i>
---	--

As a result of my examination, it is my opinion that the respondent:

is is not mentally ill.
 is is not inebriate.
 is is not dangerous to self or others
 is is not mentally retarded with a behavior disorder and dangerous to others because of the behavior disorder.

Tentative Diagnosis: <i>Schizophrenia, Paranoid, Chronic Psych Antisocial Personality</i>	<i>E. Rassekh</i> M.D. Qualified Physician - Signature <i>E. Rassekh</i> M.D. Qualified Physician - Printed
Recommendations for Disposition: <input type="checkbox"/> Release (Preliminary Evaluation) <input type="checkbox"/> Release pending District Court Hearing (Facility) <input checked="" type="checkbox"/> Involuntarily Hospitalized <input type="checkbox"/> Other (specify) _____	<i>Council Bldg - DDH</i> Address or Facility City <i>Raleigh</i> State <i>N.C.</i> Telephone Number <i>733-5500087</i>

NORTH CAROLINA DIVISION OF
 MENTAL HEALTH, MENTAL RETARDATION
 AND SUBSTANCE ABUSE SERVICES

300 CPS

Dorothea Dix Hospital
 Raleigh, N. C.

18-42-98 PLANKMAN JAMES
 PROT RMS INV 01-21-83
 LT 1A-51 MAKE

INITIAL NURSING ASSESSMENT (To be completed upon admission)

SECTION I (May be completed by a Health Care Technician)

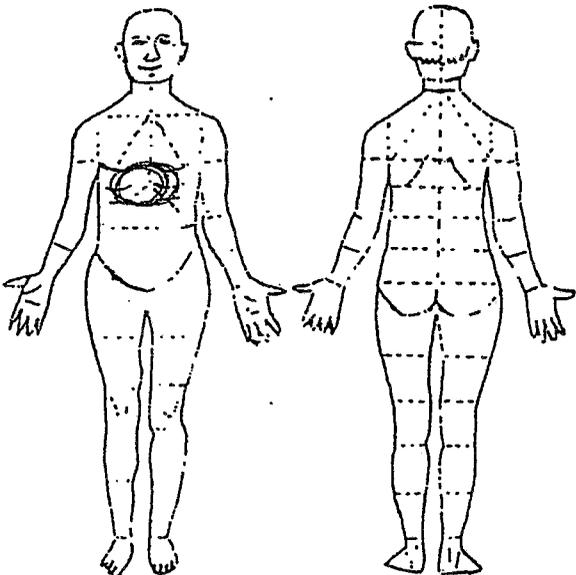
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 REDISCLOSURE PROHIBITED BY LAW
 WITHOUT CLIENT CONSENT

- A. Mode of arrival: Ambulatory _____
 Stretcher _____
 Wheelchair _____
- B Habits: Alcohol NO (Amt.) Tobacco Cigs 5/PK/day (Type and Amt.) Drugs NONE (Type and Amt.)
- C. Medications brought in with client (list): _____

D. Vital Signs: T 99.2 P 88 R 24 B/P 140/100 Ht. 5'11" Wt. 172 1/2 lbs.

E. Indicate Identifying Marks: _____ F. Dentures: Upper NO Lower NO

- Glasses: NO Contact Lens: NO
 Hearing Aid: NO
 Prosthesis (type): NO
 Ostomies (type): NO
 Eyes (color): BROWN
 Hair (color): BLACK
 Tattoos: NONE
 Skin (Marks, bruises, scars, eruption and locality): BURN middle chest
3 toes missing of left foot.



DOROTHEA DIX HOSPITAL
 RALEIGH, N. C. 27611

Data Collected By: Ronnie Q. Bnie HCT I
 (Signature and Title)

Date and Time: 1/22/83 12:05 AM
unable to complete @ this time
 000017

1/21/83 *negotiating*

unable to assess @ this time due to abusive combative behavior

INITIAL NURSING ASSESSMENT

SECTION II (To be completed by a Registered Nurse)

A. Description of general appearance/condition: _____

B. Description of pertinent behavior: _____

C. Allergies: _____

D. Condition of Skin (dehydration, edema, decubitus): _____

E. Special treatments/procedures or medical condition requiring current treatment (i.e., Dressings, delousing, Diabetes Mellitus, etc.): _____

F. Special diet/foods: _____

G. ASSESSMENT OF IMMEDIATE NURSING NEEDS: _____

DOROTHEA BY HOSPITAL
RALEIGH, N. C. 27611

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Registered Nurse: _____ (Signature)

Date and Time: _____

000018

NORTH CAROLINA DIVISION OF
MENTAL HEALTH, MENTAL RETARDATION
AND SUBSTANCE ABUSE SERVICES

Dorothea Dix Hospital
Raleigh, N. C.

38-42-91 BLACKMAN JAMES
PROT NMS 188 01-21-83

DOROTHEA DIX HOSPITAL
RALEIGH, N. C. 27611

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COMPREHENSIVE NURSING ASSESSMENT

- Include:
1. Complete description of patient's functioning with staff, patients, and visitors on ward.
 2. Assessment of patient's physical and emotional needs in the hospital setting.
 3. Date, Time and Signature(s) of Nursing Staff.

This is the second hospitalization for this 29 year old, black, single male & DPH on IHM committee. He was admitted on 1-21-83 and transferred to Adult Rehab II unit on 3/8/83 to the locked ward which is where he remains.

Physiological: Mr. Blackman appears to be in good physical health. He is on a regular diet & pork due to religious beliefs. He has no present physical complaints and eats & sleeps well. Dress at times is extravagant but ADH's are OK.

Thought processed: Pt. is oriented x3 and able to follow directions well. Speech is fluent and appropriate in response to questions asked. At times, seems distant reality.

Feeling problems: Shows a great deal of anger and is often anti social in his actions. He often verbally threatens others and intimidates them to where they become fearful of him and cautious. He also has a history of physical acting out but has not displayed this yet in our program. On the part he has had delusion of persecution.

and still seems overly preoccupied & religious
"extremist" ^{type} materials and says he is a prophet
and can foresee the future. He also has
stated he can put spells on people.

Behavior - Pt. exhibits negativistic behavior often
refuses to follow ward routines, demanding of others
refuses to take prescribed meds. Also, displays
aggressive behavior, primarily verbal at present
(came here from management ward because
aggressive behavior of C.P.S.) He has also shown
manipulation toward others in making deals;
self destructive acts in the past; addiction
to drugs in the past and is suspicious in
general of others.

Developmental level is at infancy & primarily
because he has not been able to achieve
the ability to trust others, and gain a sense of
one's own worth.

DOROTHEA BAY HOSPITAL
RALEIGH, N. C. 27611

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2017/02/27 15:59:42

Needs + Strengths
Strengths

- 1.) Is able to care for own needs + follow directions
- 2.) Has good street knowledge (Has survived ski)
- 3.) He is intelligent
- 4.) Can respond to staff in an honest way at times
but has trouble following through.
- 5.) Is in good physical health.
- 6.) Can be social and pleasant at times
- 7.) Has shown in the past concern for others and has
been helpful to them.

000020

DOROTHEA DIX HOSPITAL
RALEIGH, N. C.

1 BLACKMAN, James A. 2231 Old Garner Road Raleigh, NC 27610 828-5736				2 SEX 29	3 CONSUMER # 38-42-98	101 ADMISSION SOURCE Wake Medical Center ER 70		
5 ALSO KNOWN AS James Blackmon				6 MAIDEN NAME		7 RESPONSIBLE PHYSICIAN		
8 DATE ADMITTED 01-21-83		9 HOUR ADM. 1015pm2	10 TYPE COMM. IHM 14	114 CHANGETO	105 DATE CHANGE	106 VETERAN STATUS 107 No 2		
11 SOCIAL SECURITY #		12 COUNTY RESID Wake 92	13 RACE N	14 M.S. S	15 AGE 29	16 DATE OF BIRTH 08-14-53	17 BIRTH PLACE Wake 92	
18 HIGHEST GRADE COMP. Second 02				19 FINAL DIAGNOSIS		20 RELIGION Prot		
21 REFERRING/PROVISIONAL DIAGNOSIS				22 CORRESPONDENT (FOR LEGAL CONSENT) Christine Blackmon, mother 2518 Rolmele Dr. Lumberton, N.C. 738-5764		23 DATE DISCH. 09-12-83	24 HERE BEFORE Yes	
25 DATE DIS. THIS FAC. 06-14-82		26 PRIMARY THERAPIST		27 TYPE DISCH. DIRECT	108 LENGTH STAY 223 DAYS	28 PLACE LATEST PRIOR IN-PAT. DDH 1	29 DATE DISCH. 06-14-82	
109 NAME BLACKMAN, James A.				110 CONSUMER # 38-42-98	111 LEGAL	30 PLACE LATEST PRIOR OUT-PAT. Unknown 3		
32 REFERRING AGENT OR PHYSICIAN Dr. Mark Nichols Wake Medical Center ER Raleigh, NC 27610 70				112 REFERRING AGENT OR PHYSICIAN				33 EMPLOYMENT STATUS Not apply 6
34 CONSUMER'S OCCUPATION				35 MOTHER'S NAME Christine		36 FATHER'S NAME		
37 SPOUSE'S NAME		113 USUAL LIVING ARRANGEMENT Alone 7		114				
DISCHARGED								
Information gathered by: <i>Mark Nichols</i>								
38 DIAGNOSIS # Dx I 296.42		39 ESTABLISHED PSYCH. OR MR DIAG. (INCL. COMPLICATIONS & FUNCTIONAL LEVEL OR I.O.) <i>Bipolar disorder by history, presently in remission</i>				40 DATES 9-12-8.		
Dx II 301.89		<i>(Primary Diagnosis) mixed personality disorder with primitive antisocial, and aggressive features</i>				"		
41 DIAGNOSIS #		42 ESTABLISHED PHYSICAL DIAGNOSES (INCLUDING COMPLICATIONS)				43 DATES		
115 CODES		116 SELECTED THERAPIES AND OPERATIONS				117 DATES		
44 TERMINATION/DISPOSITION-ADDITIONAL INFORMATION DISCHARGED TO DDH SECURITY POLICE FOR TRANSFER TO WAKE CO. JAIL.				118 PERM. TRANSFER TO		119 AMA DISCHARGE		
45 SIGNATURE OF PHYSICIAN AND DATE <i>Mark Nichols</i> 9/12/83 000005				120 MED. EXAM. CASE		121 AUTOPSY		

DOROTHEA DIX HOSPITAL
RALEIGH, N. C. 27611

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FILE

NORTH CAROLINA DIVISION OF
MENTAL HEALTH/MENTAL RETARDATION/
SUBSTANCE ABUSE SERVICES

Dorothea Dix Hospital
Raleigh, North Carolina

DDH

SPR

FOR

38-42-98
PROT NMS
08-14-53

BLACKMAN, JAMES
IHM 01-21-83
WAKE

PSYCHIATRIC HISTORY AND EVALUATION
AND DISCHARGE SUMMARY/AFTERCARE PLAN

SENSITIVE INFORMATION

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Date of Admission: 01-21-83

Date of Discharge: 09-12-83

Correspondent: None Listed

DOROTHEA DIX HOSPITAL
RALEIGH, N. C. 27611

IDENTIFYING DATA: This 30 year old, black, single man was admitted by involuntary commitment on 01-21-83. He had previously been discharged on 06-14-82 with a diagnosis of paranoid schizophrenia. The commitment was brought about by violent actions towards a librarian and his girlfriend.

HISTORY: Mr. Blackman actually was born while his mother was an inmate at Women's Prison. He grew up in an impoverished environment and was probably an abused child. He has exhibited continuous anti-social behavior since adolescence, is functionally illiterate, has never held a job, has been unable to maintain long-term relationships with others, and has had legal difficulties. He describes various types of hustling in order to survive on the streets. He has a history of violent behavior, assaulting and threatening others. He has a history of no insight into his problems but rather a childlike anger if people do not take care of him or meet his needs. According to Mr. Blackman he served one year in Attica Prison for robbery and one year at Central Prison for robbery.

Mr. Blackman's first admission was from Central Prison where he had been exhibiting assaultive behavior. The admitting diagnoses were paranoid schizophrenia and anti-social personality. After his sentence at Central Prison expired on 06-23-81 his status was changed to that of a voluntary patient on 09-08-81. He left the hospital on unauthorized absence 06-11-82 and was actually discharged 06-14-82. Prescribed medication at the time of discharge was Lithium 300 milligrams by mouth twice a day and Thorazine 300 milligrams by mouth at night. The diagnoses at the time of discharge were adult anti-social behavior and atypical personality disorder with borderline features.

Mr. Blackman was readmitted to the hospital on involuntary commitment on 01-21-83. The initial impression was that of manic depressive psychosis. At various times he received Lithium, Haldol, and Prolixin. He remained in the Rehabilitation Division where it sometimes transfers to the Management Unit. Because of disruptive behavior on the Management Unit, Mr. Blackman was transferred to Spruill Building on 05-17-83 where he then remained by direction of Dr. Tolley.

Further clinical assessment indicated that Mr. Blackman's difficulties were primarily that of a very primitive personality who used intimidation as his first line of defense. Anti-psychotic medication was discontinued and he did have some rebound dyskinesia which ultimately resolved. He received Deaner for a time for this condition. Lithium was prescribed in the amount of 300

NORTH CAROLINA DIVISION OF
MENTAL HEALTH/MENTAL RETARDATION/
SUBSTANCE ABUSE SERVICES

Dorothea Dix Hospital
Raleigh, North Carolina

BLACKMAN, JAMES
38-42-98

PSYCHIATRIC HISTORY AND EVALUATION
AND DISCHARGE SUMMARY/AFTERCARE PLAN
Page 2

milligrams four times a day and Mr. Blackman took this sporadically. Initially it was planned to set a discharge date for Mr. Blackman and allow him time to develop plans for placement in the community. It did not prove possible to arrange any financial assistance, and a trial of training at the Vocational Rehabilitation facility was terminated when Mr. Blackman got into an argument with another client and threatened that client and staff with a 2 x 4. Ultimately, it was decided that discharge was not feasible as Mr. Blackman had no possible means of supporting himself. Mr. Blackman was quite agitated about this turn of events and began to threaten various staff including the undersigned. His threatening behavior escalated and ultimately he did knock the glasses off a staff person accompanied by many threats. At that point Mr. Blackman was discharged to the Wake County Sheriff with a charge of assault.

DISCHARGE MEDICATIONS: 30 day supply of Lithium Citrate 300 milligrams by mouth four times a day.

PHYSICAL EXAMINATION: Mr. Blackman's last physical exam on 01-22-83 was normal.

LABORATORY DATA: Mr. Blackman refused laboratory tests in recent weeks but the most recent available hematology, urinalysis, serology, hepatitis profile, blood chemistries, and chest film were essentially normal.

DIAGNOSES:

Axis I.	Bipolar disorder by history, presently in remission 296.42
Axis II.	(Primary diagnosis) mixed personality disorder with primitive, anti-social, and aggressive features
Axis III.	No diagnosis

DISPOSITION: Mr. Blackman was discharged to the Wake County Sheriff on 09-12-83, having been charged with assault.

Bob Rollins M.D.
Bob Rollins, M.D.
Forensic Psychiatrist
Forensic Unit

BR/awb
09-14-83

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DOROTHEA DIX HOSPITAL
RALEIGH, N. C. 27611
000008 *

**NORTH CAROLINA DIVISION OF
MENTAL HEALTH/MENTAL RETARDATION/
SUBSTANCE ABUSE SERVICES**

Dorothea Dix Hospital
Raleigh, North Carolina

DDH CPS WARD 302

38-42-98 BLACKMAN, James A.
PROT NMS IHM 01-21-83
08-14-53 WAKE
Dr.Lynn

INITIAL PSYCHIATRIC ASSESSMENT

ND

DATE OF ADMISSION:

01-21-83

COMPLIANT:

None offered or responded to questioning with outbursts of profanety.

REASON FOR ADMISSION:

The patient was admitted for the first time on 06-18-81 to 06-14-82 and was diagnosed as having paranoid schizophrenia but the patient has responded to Lithium and probably the diagnosis is manic depressive psychosis, manic type. The patient did not take his medication except for a short period of time after he left the hospital in June in 1982 because he said that he had no money. He has a history of violent outbursts and acting when hospitalized and apparently was on Thorazine 200 mg every night and Lithium Carbonate 300 mg twice a day. He is admitted now involuntarily giving a history of trying to force himself on a librarian, trying to strangle his girlfriend, and refusing outpatient therapy. His girlfriend reports that he has deteriorated since noncompliance with his medication.

MENTAL STATUS, PHYSICAL EXAM, AND PAST MEDICAL HISTORY:

Not contributory. The patient is allergic to penicillin and has had pneumonia in the past and he has had a skin graft to his chest after a burn. Physical exam was within normal limits. Mental status showed him to be uncooperative, threatening staff, speech is pressured and consist of long strings of repetitive profanety. He appears to have flight of ideas; keeps pacing around and loudly explaining profaneties; his affect is hostile and irritable. The impression was that he had a bipolar disorder, manic type.

LAB WORK:

Chest x-ray was normal; CBC was within normal limits; urinalysis was normal. Fasting blood sugar, BUN creatinine were within normal limits and the Lithium was 1.36 on 01-26-83. Lithium was .87 on 01-28-83 and the hycl 17 was within normal limits. Lithium was 1.04 on 01-31-83. The patient was initially admitted and was transferred to the management ward in Kirby building. The initial impression was that he had manic depressive psychosis and he was started on Lithium Carbonate and Haldol; there he quieted down somewhat and when he was transferred back to psychiatric ward on 01-25-83 we continued the Haldol and the Lithium. He was up to 100 mg of Haldol which would be rather expensive for him to buy as an outpatient and it was decided to place him on Prolixin Decanoate. This has gradually been done and the patient continued to be somewhat explosive but he has not acted on his anger. The patient is at the present time of Prolixin Decanoate 75 mg every two weeks which is to be started on 02-13-83 and the Haldol has been stopped. The patient is on Prolixin Hydrochloride 20 mg every two hours, as necessary for agitation. He also has a P.R.N. for Cogentin. On 02-03-83 we decided to give him a buddy pass but with the provision that he go to RT and OT. The patient has been going to these but there has been some question about the advisability of him keeping the buddy pass as he has gone to the pharmacy asking them if they have any outpatient medication for him.

DOROTHEA DIX HOSPITAL

FILE # 27611

NORTH CAROLINA DIVISION OF
MENTAL HEALTH/MENTAL RETARDATION/
SUBSTANCE ABUSE SERVICES

Dorothea Dix Hospital
Raleigh, North Carolina

BLACKMAN, James A.
38-42-98

INITIAL PSYCHIATRIC ASSESSMENT

Page 2

DIAGNOSES:

Axis I- Manic depressive psychosis,
 manic type 296.40
Axis II- no diagnosis
Axis III- No diagnosis
Axis IV- No diagnosis
Axis V- no diagnosis

C. W. Lynn M.D.

C. W. Lynn, M.D.
Staff Psychiatrist
CPS WARD 302

CWL/dd
02-08-83

DOROTHEA DIX HOSPITAL
RALEIGH, N. C. 27611

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NORTH CAROLINA DIVISION OF
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SUBSTANCE ABUSE SERVICES

Dorothea Dix Hospital
Raleigh, North Carolina

DDH CPS WARD 302

38-42-98 BLACKMAN, James A.
PROT NMS 01-21-83
08-14-53 WAKE
Dr. Lynn

INTERIM SOCIAL HISTORY

ND

SENSITIVE INFORMATION
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Date 2-10-83

SOURCE OF INFORMATION:

- (1) Patient, James Blackman
- (2) Patient's old record

PATIENT IDENTIFICATION DATA:

This is the second Dorothea Dix hospitalization for this 29-year old, single, black male admitted on involuntary papers from Wake County on 01-21-83. Mr. Blackman has been hospitalized from June of 1981 through June 1982. At that time he left the hospital against medical advice, and was summarily discharge.

HISTORY OF PRESENT ILLNESS:

According to the admission papers, Mr. Blackman had attacked the Librarian in the library downtown and had tried to strangle his girlfriend. Mr. Blackman has not signed a release of information sheet, so therefore we are unable to contact people for relevant information. However, it appears that he stopped taking his medication shortly after discharging himself from the hospital, and became psychotic over several months period. Apparently he had been living with a girlfriend in Raleigh, and became increasingly hostile and paranoid. Further information will be supplied when and if we are able to obtain information.

PATIENT, FAMILY, COMMUNITY INPUT:

Mr. Blackman believes that there is a conspiracy for his being here in the hospital, at present, he is psychotic and quite angry. He denies the above information about the attack on the librarian and on his girlfriend. Apparently, although we have no confirmation on this, the girlfriend has put him out for good, and therefore he has no place to return to.

FACTORS INFLUENCING TREATMENT AND AFTERCARE:

Mr. Blackman states currently, as well as on his last admission that he has no money, no abilities for a job, and therefore can not afford his medications. He is not compliant with mental health appointments or aftercare, and probably will be so in the future. We have discussed in team the possibility of referring him for social security disability so that he would have a small income which might prevail upon him to purchase his necessary medication. However, it is not a known fact that he would be as in need or meeting the requirements of disability.

ASSESSMENT OF INFORMANT:

Mr. Blackman was dressed in a pinkish orange cape and pants with a black turbine around his head. His eyes have an angry look, and he was somewhat paranoid during the interview. He was obviously angry, and the interview was terminated when he appeared to be on the point of becoming explosive.

PSYCHOSOCIAL ASSESSMENT:

This is the second Dorothea Dix hospitalization for this 29-year old, single, black male

DOROTHEA DIX HOSPITAL

000012

NORTH CAROLINA DIVISION OF
MENTAL HEALTH/MENTAL REHABILITATION/
SUBSTANCE ABUSE SERVICES

BLACKMAN, James A.
38-42-98

Dorothea Dix Hospital
Raleigh, North Carolina

INTERIM SOCIAL HISTORY
Page 2

Date _____

from Wake County. He has an extensive history of medical problems. He grew up in an impoverished environment and was abused by a schizophrenic mother. He has exhibited continuous antisocial behavior since adolescence, has never held a job, nor has he been able to maintain a long term relationship with another person. He has been in trouble with the law repeatedly and admits to various crimes and types of hustling in order to survive. He has a history of violent behavior, assaulting people and threatening others. At present, he has no insight into his problems, but expresses a rather child-like anger that people do not take care of him or meet his needs. Mr. Blackman appears to be in need of long term treatment and therefore will be treated on this ward and a team treatment team will decide as whether to refer him to rehabilitation division for longer term treatment. Please refer to attached social history for a past social, medical and psychiatric history.

Wm. Corey Dubrick

Wm. Corey Dubrick, MSW
Social Worker II
CPS WARD 302

WCD/dd
02-10-83

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DOROTHEA DIX HOSPITAL
RALEIGH, N. C. 27611

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NORTH CAROLINA DIVISION OF
MENTAL HEALTH/MENTAL RETARDATION/
SUBSTANCE ABUSE SERVICES

Dorothea Dix Hospital
Raleigh, North Carolina

ADULT REHABILITATION II

38-42-98 BLACKMAN JAMES A
PROT NMS IHM 01-21-83
08-14-53 WAKE

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PSYCHIATRIC HISTORY AND EVALUATION

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3-9-83

This is the second DDH admission for this 29-year-old, single black male admitted on involuntary papers from Wake County on 1-21-83. He has been hospitalized from June 1981 to June 1982 and at that time he left our ward against medical advice and was living with a girlfriend who apparently was supporting him. According to the admission papers he has attacked librarian in the library downtown and has tried to strangle his girlfriend. The patient responded to questioning of the staff on admission area with outburst of profanity. He was violent, showed homicidal threats and assaultive behavior. He was initially transferred to the management ward in Kirby Building. He was started on Lithium Carbonate and Haldol and when he was somewhat quiet, he was transferred back to psychiatric ward on 1-25-83. His Haldol and Lithium was continued and later on it was decided to replace Haldol by Prolixin. He was placed on Prolixin Decanoate 75 mg. every two weeks starting on 2-13-83 and also Prolixin Hydrochloride 20 mg. every two hours as necessary for agitation. On 3-2-83 the patient was again sent back to Kirby Management Ward because he attacked a male staff and showed escalating agitated behavior and required 7-8 male staff to seclude and restrain him. On 3-8-83 the psychiatrist's note in Kirby Building stated that the patient does not demonstrate uncontrollable behavior at this time but Ward 302 will not take him back due to hostile behavior and he was sent to our program, Rehab. II, Council Building on the same day with the following order: regular diet without pork, Haldol 20 mg. p.o q.i.d, Haldol 20 mg. PRN q 6 hours for agitation, Tegretol 400 mg. p.o b.i.d, Lithium Citrate 600 mg. p.o 12 Noon and 900 mg. p.o q.h.s, Cogentin 2 mg. p.o q 6 hours PRN for EPS, Tetracycline 500 mg. p.o b.i.d for six weeks starting on 2-10-83, Benzoyl Peroxide 5% applied to face q.h.s. The patient was interviewed by the core team the same afternoon. This patient is very well known to us because of his previous hospitalization in our ward. When he was admitted to our ward the last year, he was labeled schizophrenic, paranoid type and this time he is labeled manic depressive, manic type. The interview and mental status examination today inclines us to think of substantiating our discharge diagnosis of last year which was basically personality disorder, secondary to environmental factors - being born in a prison by an incarcerated woman, and raised in an impoverished environment, all his life in different states of this country, and surviving in a street type life with repeated crimes of different sorts, and hustling and resulting in incarceration. At the time of our interview, he is cooperative, friendly, slightly slippery and tell us that since last year he left our program, he went to live with his girlfriend and had a job with Black and Decker for four months and quit taking medication and lost his job because he was messing with another girl in that business and could not find another job and was hanging on the streets and messing up with marijuana. He stated that he went to Garner and in the library he kissed the librarian and "I showed her my privacy and gave my girlfriend number in order to call me." The patient was oriented to time, place, and person. He does not show any hallucinations, delusions, or ideas of reference except that he projects all the problems to others. For instance, for his transfer - the reason for his transfer to Kirby he stated "the staff lied on me." Patient states that he wants a job to earn money or get social security disability. He was discouraged pursuing his second option but was offered all help in order to make him stand on his own feet. The patient complained of too much medication and from past experience, we do not believe that he needs all these medications and will start to taper off most of them on a gradual basis.

ER/ljh - 3-9-83

DOROTHEA DIX HOSPITAL

E. Rassekh, M.D., Attending Psychiatrist
Adult Rehab. II/3-8-83

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NORTH CAROLINA DIVISION OF
MENTAL HEALTH/MENTAL RETARDATION/
SUBSTANCE ABUSE SERVICES

Dorothea Dix Hospital
Raleigh, North Carolina

28-42-90 12-1-1983
PROT 282 148 11-11-83

PSYCHOSOCIAL ASSESSMENT

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RALEIGH, N. C. 27011

March 15, 1983

PATIENT INPUT

Occasionally James says he'll stay in the hospital longer, but usually he insists he'll leave when his commitment expires at the end of April. He asked Dr. Rassekh to help him get (social security) disability, and when told he wouldn't do so James insisted that we find him a well-paying job in the community before his commitment expires. When told he wouldn't be ready to manage independent living and a full-time job in only 90 days, he became angry and said he'd leave anyway. James said that after he left the hospital last time he stopped taking his medicine and lost his job. He couldn't find another one, so he "hung out on the streets and got high everyday." He said he was committed because some woman overreacted to his sexual advances, and that it's not fair that he be locked up. He denied having any problems other than financial ones. He said he'd like to go to OT, and agreed to horticulture when we insisted he attend more than one activity. (He said he'd prefer to have the rest of the day free).

FAMILY/COMMUNITY INVOLVEMENT

James did not go to the MHC for appointments when last discharged and didn't take his medication.

I spoke by phone with James' mother and grandmother, who live together. They both said they'd been very worried about him since they hadn't heard from him in so long and were relieved to know he was in the hospital. They said he hadn't come to visit them after being discharged last June, but did at least call for a while. They said that James is welcome to come home for visits, but he can't live with them. His mother said she's urged James to take his medicine, and has told him that she's sick too, but she does alright because she takes her medicine. Both said they hoped James would remain in the hospital long enough to get better, and would be able to receive some type of disability payment when he gets out.

ASSESSMENT

As stated in previous assessments, the handicaps James suffered from birth through childhood are staggering. He was born in prison, to a schizophrenic mother. His family was very poor, and he reports being neglected and abused. His grandmother reportedly practiced witchcraft and involved James in this. He obtained only a 4th grade education. He's spent most of his adult life in prisons or mental hospitals in North Carolina and other states. He's never been able to hold down a job, and has supported himself through stealing, selling drugs, and "hustling." He's used street drugs and alcohol, heavily at times, and has not complied with psychotropic medications when outside an institution. He's been unable to form long-term relationships, and his relationships with women have been particularly conflictual.

James' mood is very changeable, and he can go very quickly from being friendly and cooperative to being angry and threatening. When decompensated he displays

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NORTH CAROLINA DIVISION OF
MENTAL HEALTH/MENTAL RETARDATION/
SUBSTANCE ABUSE SERVICES

Dorothea Dix Hospital
Raleigh, North Carolina

JAMES BLACKMAN

38-42-98

DOROTHEA DIX HOSPITAL
RALEIGH, N. C. 27611

PSYCHOSOCIAL ASSESSMENT SEAS.
Page 2

WHEN REQUESTED
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Date 3-15-83

psychotic symptoms (delusions, hallucinations, paranoid ideation, etc.) and hostile, physically aggressive behavior. He has a very low tolerance for stress and frustration, and usually reacts by becoming angry and intimidating (a behavior that often "works" for him, since people will do what he wants out of fear). He's extremely hostile-dependent, and gets angry when others don't meet his needs. When James was in our program a year ago he expressed a sincere desire to change his behavior and lifestyle. He tried to do so, and seemed to make a genuine effort to control his rage and to learn more appropriate ways of interacting and getting his needs met. But it was very difficult for him and he was constantly testing the limits. He would periodically disobey the rules in order to establish that we didn't have control over him. When we'd sit down with him and explain the reasons behind the rules, and the fact that it would be to his benefit to work with us instead of against us, he was able to understand and agree. But he eventually left AMA, and I think this was because it seemed like a hopeless struggle to him, or at least one that would take too long. For all his swaggering "macho" bravado James' self-esteem is low, and I don't think he believed he could change himself. Now he's not expressing any goals for living in a more socially-approved way, and only asks (or rather demands) that we help him get disability. He says his only problems are that the medicine makes him groggy and that he has no income. Since coming into the hospital this time he has refused medications at times and has attacked staff members. He's not done either since he's come to our program (on 3-8-83), and has in fact been pleasant and cooperative.

There are some strengths in the situation, including the facts that: James is healthy; he's usually neat and performs ADL chores independently; he can be friendly and cooperative; he enjoys socializing with others. When stable, he usually responds well to staff talking with him in a calm, concerned, non-argumentative fashion; he's intelligent, despite his limited formal education; and his family is interested in him even though they're not able to provide him with a home or financial support. If James does insist on leaving when his commitment ends (and has done nothing to mandate recommitment), we'll be very limited in what we can hope to accomplish. But while he's here we need to keep him occupied with constructive activities and provide him with structure and firm, consistent limit-setting. Staff should respond to him in a concerned and respectful way, and not allow themselves to become intimidated by his angry outbursts. They should avoid power struggles, by making it clear that while we have to enforce certain rules, all decisions are ultimately up to him. To help him make those decisions staff should encourage him to look at the positive or negative consequences for himself, of particular behaviors. Staff should suggest alternative ways of handling anger and of getting needs met, and again should suggest that he use these not to please us, but to benefit himself. His medication needs to be gradually adjusted so as to reduce negative side effects without causing an increase in psychotic symptoms or aggressive behavior. Discharge planning will be extremely problematic, if James does leave at the end of April. He's clearly not

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NORTH CAROLINA DIVISION OF
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SUBSTANCE ABUSE SERVICES

JAMES BLACKMAN

Dorothea Dix Hospital
Raleigh, North Carolina

38-42-98

PSYCHOSOCIAL ASSESSMENT
Page 3

Date 3-15-83

able to hold a full-time job at present, and has previously been denied for social security disability (due to not having worked enough). He could apply for SSI once he leaves the hospital, but even if he were approved, it's a very small amount of money to try to live on. Without sufficient income James will no doubt return to the streets, and will go off his medication since he doesn't believe he needs it. He'll then decompensate, becoming aggressive and increasingly psychotic and will be returned to a mental hospital or a correctional institution. We'll urge him to remain in the hospital for long-term treatment and if he refuses we'll work with him to make discharge plans which are as realistic and positive as possible. But the prognosis is very poor, and it seems inevitable that if he leaves prematurely the pattern will repeat itself.

Rebecca Tyrrell
Rebecca Tyrrell, M.S.W.
Social Worker II
Adult Rehab. II

RT/ljh
3-15-83

DOROTHEA DIX HOSPITAL
RALEIGH, N. C. 27611

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**NORTH CAROLINA DIVISION OF
MENTAL HEALTH/MENTAL RETARDATION/
SUBSTANCE ABUSE SERVICES**

Dorothea Dix Hospital
Raleigh, North Carolina

38-42-98 BLACKMAN JAMES
PROT NHS IHM 01-21-83
04-12-83 WAA

- I. Date of conference and team members present.
- II. NEEDS AND STRENGTHS - Identify the patient's diagnosis and physical, psychological, and social needs and strengths.
- III. LONG-TERM GOALS - Define the criteria and time frames for terminating treatment at the current level of care or maintaining the patient's highest possible functional level.
- IV. SHORT-TERM GOALS - Define steps to be accomplished in the immediate or near future which will move the patient towards the long range goals.
- V. STRATEGIES - For each goal, describe what is to be done, and how, when and by whom it is to be accomplished; also include routine health maintenance and legal procedures such as dates for immunizations, dental exam, commitment hearings, etc. when applicable.
- VI. PATIENT/FAMILY INPUT - Document patient's and/or family's involvement in planning and implementing the treatment. If patient and/or family is not involved, indicate reasons why.
- VII. SIGNATURES - Physician and Case Manager
- VIII. ASSIGNED STAFF - Attach continuation sheet with names of assigned staff.

Date of Conference: 3-15-83

PRESENT: E. Rassekh, MD
Rebecca Tyrrell, MSW/CM
Toni Cannady, RN
Berkley Hodges, HCT
Arthur Hobbs, RT
Patsy Kimbrell, RT
James Blackman, patient

**DOROTHEA DIX HOSPITAL
RALEIGH, N. C. 27611**

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DESCRIPTION OF PATIENT

James Blackman is a 29-year-old, single black male admitted from Wake County on involuntary papers on 1-21-83. He was committed for 28 days on 1-28-83, and for 90 days on 2-24-83. This is his second DDH admission, his first admission lasting from 6-18-81 to 6-14-82. James was born while his mother, who is reportedly schizophrenic, was in prison. His family was very poor and he reports being abused and neglected. He obtained only a fourth grade education. He's spent most of his adult life in prisons or mental hospitals, in N.C., New York, and Florida. He's never been able to hold a job, and has lived by "hustling" on the streets. He has used both alcohol and street drugs, heavily at times, and has a history of non-compliance with psychotropic medications when living in the community. When decompensated he displays psychotic symptoms such as delusions, hallucinations, and paranoid ideation. He also becomes physically aggressive, and his first DDH admission occurred because he was assaulting other inmates at Central Prison, where he was serving time for robbery. The current admission occurred after he tried to strangle his girlfriend and exposed himself to a librarian, whom he then tried to force into a bathroom.

CURRENT BEHAVIOR PATTERNS

When first admitted James was uncooperative, hostile, and threatening. He was agitated and displayed pressured speech and flight of ideas. He refused meds while on admissions and the forced meds policy had to be implemented. At times he was overly friendly to female staff. Although he was sometimes cooperative and friendly, at other times he was hostile and threatening. He attacked a staff member on 3-2-83, and had to be secluded and restrained and transferred to the Crisis Management Ward. The next day he attacked a staff member there and a pit minor had to be called in order to subdue him. His behavior then stabilized, and he was transferred to Adult Rehab. II on 3-8-83 and placed on the locked ward. Since coming to our program he's been cooperative and pleasant, and has not been a management problem. He's interacted well with other patients and staff. He's seemed drowsy much of the time and has complained about the medicine making him groggy. But he's agreed to take the medicine while it's gradually decreased contingent on his behavior not worsening as a result. He's been given two hours of unsupervised time off the ward per day and so far has handled this well.

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NORTH CAROLINA DIVISION OF
MENTAL HEALTH/MENTAL RETARDATION/
SUBSTANCE ABUSE SERVICES

Dorothea Dix Hospital
Raleigh, North Carolina

James Blackman
38-42-98

38-42-98 BLACKMAN JAMES
PROT NMS IRR 01-21-83
11-14-83

Date Requested: 3-15-83 Referred By: Dr. [Signature] Case Manager: Becky Turner

Referred For Assessment In: Occupational Therapy Therapeutic Recreation
 Music Therapy Horticulture Therapy Other

Comments: _____

ACTIVITY THERAPIES DISCIPLINE ASSESSMENT:

Mr. Blackman was initially evaluated by Occupational Therapy on March 29, 1983 to determine level of function and establish treatment goals. Tasks used were: 1) Structured - copying a mosaic tile design, 2) Projective - drawing a person, and 3) problem solving - 9 piece puzzle.

Patient was cooperative. His dress was appropriate. Mobility was normal. Communications were clear and appropriate in content. Mr. Blackman was oriented times three. His affect was appropriate.

Patient stated his only interest was "making love". When asked what else he enjoyed, Mr. Blackman listed "walking, movies, T.V., and drawing" as other interests. Patient's goals are "to get a good paying job as a garbageman." He stated reason for admission as "Police brought me in." Manner of handling anger - "I don't get angry unless somebody makes me. Then I do nothing." Manner of handling anxiety - "I think about it."

Mr. Blackman was able to concentrate on the three tasks even when therapist was questioning him. He was able to initiate activities independently and stated "I know how to do this. I've done it before." Even though he appeared to understand the written instructions for the structured task, his completed task was not similar to the example. When asked if he noticed a difference between these tasks, he stated that "the only difference is I didn't glue my pieces down." This demonstrates an ability to organize a task, but an inability to sample pattern. Patient demonstrated fair overt and covert trial and error problem solving skills when working on the puzzle, but needed several demonstrations to complete the task. Patient's drawings of a person was a man's face. He described it as, "A self-portrait."

PLAN: Involve patient in level IC group on Monday, Wednesday, and Friday from 1:30 - 2:30 to meet the following goals:

CONTINUED

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STRENGTHS

- 1. Appropriate affect
- 2. Expressed desire to participate in O.T.
- 3. Cooperative
- 4. Ability to follow verbal and written instructions

WEAKNESSES

- 1. Difficulty completing structured task
- 2. Lack of insight into realistic goals
- 3. Difficulty completing problem solving task

SHORT TERM GOALS: (30 days)

- 1. Patient will attend 75% of scheduled sessions.
- 2. Patient will be able to complete a one step structured task independently.
- 3. Patient will demonstrate covert trial and error problem solving at least 2 times per session.

LONG TERM GOALS: (90 days)

- 1. Patient will be able to complete structured tasks requiring two to three steps with minimal assistance.
- 2. Patient will show insight into realistic goals.

EH/fss

Elizabeth Hunt, OT
 Elizabeth Hunt, OT
Sharon Somerville, OTR

OCCUPATIONAL THERAPY

DOROTHEA DIX HOSPITAL
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**NORTH CAROLINA DIVISION OF
MENTAL HEALTH, MENTAL RETARDATION
AND SUBSTANCE ABUSE SERVICES**

Dorothea Dix Hospital
Raleigh, N.C.

ADDRESSOGRAPH *2 p.m.*

36-42-98 BLACKMAN JAMES
PROT NMS IHK 01-21-83
11-14-83 wife

MED-SURG CLINIC/CONSULT REPORT

Referring Unit/Institution Use Only

Referral To: Neurology Clinic Date: 5-24-83 Referring Physician: Dr. Rollins

Reason for Referral: oral-facial movements

Allergies/Drug Sensitivities: _____

Tetanus Toxoid (Year): _____ Hepatitis B Antigen + Yes _____ No _____ Date Tested _____

Clinic/Consult Use Only

NURSE: Admission Time _____ Discharge Time _____ T _____ P _____ R _____ B/P _____

Nurse's Signature: _____ Date: _____

X-Ray:	Medications Given:	Time	Initial
Lab:			
Neurology Clinic	5/31/83		

A 29 year old black male patient admitted to this facility for the second time on 1/21/83 because of his chronic psychosis.

Alert but oriented only to place. Complaining of blurring vision and involuntary movements of his face. Intermittent facial grimacing involving the mouth was noticed during this examination.

Cranial nerves are well preserved. Optic discs well outlined. Motor and sensory system of the four extremities are also normal. Tendon reflexes equally active bilaterally. Plantar response is flexor. No muscle rigidity nor tremor of any extremity. Coordination tests and gait done properly.

Impression: Other than the oral dyskinesia, rest of the neurological examination is unremarkable at this time.

Recommendation: Use the lowest feasible neuroleptic dosage. Try Deaneer 250 mg b.i.d. and increase gradually to 1 gm daily.

Return to clinic in two months for follow-up.

CAS/rh
5/31/83

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DOROTHEA DIX HOSPITAL
RALEIGH, N.C. 27611

Carlos A. Saldias
Carlos A. Saldias, M.D.
Staff Neurologist

Physician's Signature

Date
000023

Though not included in full here, Blackmon's medical records contain nursing progress notes. Although, as noted above, it appears possible that Blackmon's full record is not available, the progress notes that are available show that nurses were noting contacts with Blackmon frequently during each of his hospitalizations at Dorothea Dix. Overall these notes show agitated, assaultive, and otherwise inappropriate behavior toward staff and other patients which was marked by periods of calm and appropriate behavior. In addition, Blackmon occasionally exhibited suicidal ideation and expressed ideas that were not rooted in reality. He also threatened to kill staff and other patients, and made general threats to kill "somebody." (RPD—PLS, Bk. 6, 35-36).

Blackmon was able to recall the reason for his January 1983 hospitalization as his "wish to kill his girlfriend." (RPD—PLS, Bk. 6, 26). Blackmon expressed suicidal thoughts at least once which resulted in his church calling with concerns about his contacts with them and his suicidal thoughts. (RPD—PLS, Bk. 6, 30). Blackmon was noted, several times, as having a Bible with him, though the nurses' notes do not make clear what religion Blackmon ascribed to specifically. (RPD—PLS, Bk. 6, 32, 36). Blackmon expressed concern about where he would live when he was released. (RPD—PLS, Bk. 6, 33, 44). There is one incident noted of Blackmon exposing himself to a female patient on October 2, 1983. (RPD—PLS, Bk. 6, 106).

Specific to interactions with police regarding this case, the nurse's notes provide on November 4, 1983 that Blackmon "has been pleasant and cooperative. Speech is logical and goal oriented. On 10/31 he left with police for a line up but was returned to hospital. On 11/2 & 3 he was looking for work. He was offered job at [unreadable] but this would not start for some time. He plans to look again Monday." (RPD-PLS, Bk. 6, 140). On November 5, 1983, Blackmon was

noted to have left the hospital on October 31, 1983 with detectives for questioning and to be in a line up. The notes provide that “Mr. Blackmon seemed very glad to see the detectives and related he had been spending time with them and they were his friends.” Blackmon also asked the nurse to call police and ask if Blackmon would be spending time with them that day, though he indicated that the “business” was “private” and he could not talk about it. The notes also indicate that he had been looking for work during that week and that they would encourage him to continue his “goal directed behaviors.” (RPD—PLS, Bk. 6, 141-142).

The medical records that are available to the Commission did not include any mention of the details of this crime to nursing staff. Furthermore, no nursing note provided that Blackmon mentioned St. Augustine’s College or any past murder at all. Also, while Blackmon did make threats that involved “cutting” he did not discuss a particular weapon or knife. (RPD—PLS, Bk. 6, 25-48, 54-83, 90-169).

Police Interviews with Witnesses Who Knew Blackmon

Police also interviewed several witnesses regarding their knowledge of Blackmon. Police interviewed Barbara Ann Richburg, who was a librarian at the Newcombe Road Library in Biltmore Hills, Raleigh, NC on August 24, 1983. Richburg told police that Blackmon exposed his penis to her several times. She described that Blackmon had been in the library most of the morning, that he approached her desk and then exposed his erect penis. She left her desk and walked to the other side of the room, but Blackmon followed her with his penis exposed. The police report says that Richburg reported that Blackmon “actually laid his penis on her desk as he stood there.” Blackmon pulled his penis back into his pants when Richburg’s assistant approached him.

The report then provides that “sometime later” Blackmon went to the back room in the library where the restrooms were and stayed there a short while before calling for Richburg. When she walked over, she “walked to the door where he was without going into the room he was in” and Blackmon said he needed more toilet paper. Richburg told him where he could get more toilet paper and went back to her desk. Blackmon left after this occurrence. She told police that she believed Blackmon was trying to get her to go into the bathroom. Afterward, Richburg said she checked the bathroom and found “plenty of tissue paper.” Blackmon returned the next day before the library opened and tried to get Richburg to let him in, but she refused. He left before it was time for the library to open.

Richburg said the incident occurred sometime during the week of January 17 through 21, 1983. Though she could not remember the day exactly, she did remember that it occurred the week before Blackmon was involuntarily committed to Dorothea Dix Hospital. Police provided

that a “record check” with Dorothea Dix hospital showed Blackmon was committed on January 21, 1983. Richburg told police that she had seen Blackmon before at the library without incident and stated that previously he would just come to the library and read the paper. She also stated that Blackmon told her he was from New York. Richburg said she knew Blackmon was staying close to the library with Erma Williams on Old Garner Road. Richburg also indicated in the interview that she recalled Blackmon at one time wearing a dashiki and a headband. (RPD—DA, Bk. 9, 128-130).

Police also interviewed Yvette Peebles, Erma Williams’ sister, on August 24, 1983. Peebles knew Blackmon as Williams’ boyfriend and met him as such approximately a year and a half to two years before the interview in September or October. Williams met Blackmon through a friend at Dorothea Dix Hospital. Peebles said Blackmon lived with Williams at her address on Garner Road “starting in August.” Peebles moved in with Williams shortly thereafter and reported being afraid of Blackmon because of his behavior and ultimately called to have him committed. Peebles told police that though Blackmon mentioned that he had killed two people, he did not provide any details. She also told police that Blackmon wore dashikis and headdresses. She said that Blackmon sometimes used the name “Terry.” Peebles said she did not know Blackmon in 1979 and so could not say where he was at that time.²⁶ Peebles full interview is provided below.

²⁶ In this interview police stated that they knew Blackmon was on the street during September 1979. However, while there is no document in the file that indicates Blackmon was incarcerated or hospitalized during September 1979, there is no other evidence in the documents reviewed by the Commission which provide anything further to indicate that Blackmon was in Raleigh in September 1979.

RALEIGH POLICE DEPARTMENT SUPPLEMENTARY REPORT

1. COMPLAINT NO.

558471

2. OFFENSE Homicide	3. CLASSIFICATION Murder	4. DATE/TIME OF THIS REPORT 8/24/83 1003	Page <u>1</u> of <u> </u>
5. VICTIM (LAST, FIRST, MIDDLE) Peyton, Helena		6. ADDRESS Latham Hall, St. Augustine College, City	
SOLVABILITY FACTOR CODES	A-TRACEABLE PROPERTY B-PHYSICAL EVIDENCE	C-WITNESS D-M.O.	E-NAMED SUSPECT F-LOCATED SUSPECT
7. SOLVABILITY FACTORS FOR INVESTIGATION FROM CRIME INVESTIGATION REPORT		G-DESCRIBED SUSPECT H-IDENTIFIED SUSPECT	
8. ELIMINATED BY INVESTIGATION		9. DEVELOPED BY INVESTIGATION	

INTERVIEW WITH YVETTE PEBBLES:

Q. Today is 8/24/83; it is now 10:03 hours. J. C. Holder and A. C. Munday are present at this interview. Give me your name, please?

A. Yvette Peebles.

Q. And where do you live?

A. 2231 Old Garner Road, Raleigh.

Q. What's your home number?

A. 834-7191.

Q. You're employed with...

A. Raleigh Housing Authority.

Q. And your work number?

A. 755-6670.

Q. Ms. Peebles, the reason we're here is to discuss with you James Blackman. Could you tell me how you and Mr. Blackman became acquainted?

A. Through my sister, Erma Williams. That was, I guess, you would call her boyfriend. And I was living at another residence, and the first time I saw him, she just said that she wanted me to meet someone that she had been talking to over the telephone; she hadn't ever seen him before. So the first time she met him, I met him, I guess, that same day. And that's how I got to know him, it was through my sister.

Q. How long ago was that, Ms. Peebles?

A. I'd say a year and a half ago or two years, somewhere between there.

Q. About what time of the year was that?

A. I would say September or October.

Q. And she met him over the telephone?

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A. Uh-huh, through a friend that was at Dorothea Dix Hospital.

Q. Do you know who that friend was?

A. The name, no.

Q. When did you actually meet Mr. Blackman?

A. My sister brought him over to my apartment.

Q. On Old Garner Road?

A. No. I was staying in Foxridge Manor.

Q. At the time?

A. Mm-hmm.

Q. How long have you been staying on Garner Road?

A. Since the latter part of August of last year, so this would be a year.

Q. What can you tell me about Mr. Blackman?

A. Only thing I can tell you is that I'm very fearful of him, you know. When I first saw him, I guess he put on an impression that nothing was wrong with him, the way he related to me, you know, when I first met him. But, well, I quit work, and I had to move with my sister the latter part of August, and he was staying up there then.

Q. He was staying up there?

A. Yes, he's been staying up there ever since she met him.

Q. Where is "up there"?

A. 2231 Old Garner Road. And so when I moved in with her, because I didn't have no other where to stay, you know, he was already staying there. And, you know, I always stayed away from him, because I could tell there was something wrong with him, you know. I never talked to him or carried on any kind of conversation unless it was very short. And while I was staying up there, I noticed, I kept observing his actions and he was

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acting. And my sister, she was on medication because she had had treatments out at Dorothea Dix before. And she was on medication and stayed sleepy and everything all the time, so she really didn't know, you know, what he was doing or why he was doing things. I guess it was just a God blessing I was sent up there. And, you know, after two or three months he would have someone call him there, and they would give an alias name, call him Terry, I don't remember the last name. And that made me become suspicious that, you know, something was going on and I didn't know what. And, you know, she would put him out, and then he'd come back in a week or two, and he'd say he'd been to Florida or somewhere, and then he'd come back. And then all the time he was just doing things that made me suspicious, but what it really boiled down to is when he'd start bringing in what he would call roots--voo-doo in the apartment. And midnight at night he would cut out all the lights when he'd think everybody was sleeping, and throw his stuff over my children, and he'd put stuff in front of the doors, around the house, gasoline around the side of the house, like he was going to set it on fire, and, you know, just suspicious stuff. And all the while, my sister, I'd keep trying to talk to her and tell her that something's wrong and I don't know what, but she wouldn't ever do anything, so I was the one who actually had to go down and sign papers, you know, to have him leave. And the day prior to me signing papers on him, he had went across the street to the library and exposed himself indecently to a young lady that worked there. And she was afraid of him, so she called me that night and told me what happened, and I asked her why didn't she call the police. She said that he threatened her and tried to get her in the bathroom, and she was afraid that he was going to come back. And so they just talked it off, and when he came back in that night, he had a suitcase of stuff, and he said that he was going to kill everybody, that the world was going to end in three days, and he was mixing up all this mixture and stuff. So that's when I really went down and had him signed. But, you know, I had seen him abuse my sister before, which she never did anything. She did call the police a couple of times to have him taken out of the apartment, but they said they couldn't do anything until they saw him in action, actually, you know, hurting her. And so she just decided not to do anything to him, and he wouldn't ever leave until I had him committed.

Q. Where is that library?

A. Newcombe Road.

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Q. Is that where the old grocery store was?

A. A&P.

Q. Who is the young lady that he exposed himself to, her name?

A. Barbara Richburg.

Q. And she still works there?

A. As far as I know.

Q. And he threatened her too?

A. Far as I know.

Q. Do you know where Barbara lives?

A. No.

Q. Did you know her prior to this incident?

A. Just in seeing her. I didn't know her as a friend, no. She knew my kids by them coming to the library. That's how she got my telephone number to call me.

Q. When you had James Blackman involuntarily committed to Dorothea Dix, what was his reaction?

A. Well, when I went down there, you know, I'd never told him that I was going to do this. You know, just by his actions, I went down there and I came back; and my sister was supposed to go to a part time job that night, and she stayed there. And when he came in, he asked her why didn't she leave. And then by that time, I was gone. And she said, she told me that after he had left, the police came to pick him up, that he asked her where was I at, and she told him she didn't know. And he said "Well something's going on funny around here. That's why I got to end everything right now. I got to end everybody and everything." But she didn't tell me this until I had come back from the police department. He said "And when you go to work tonight, it's going to be all over with, with her, when you come back." And she still didn't say nothing to him; she just sat down, you know, and listened to everything he said. And so when I came back in there, you know, he looked at me suspicious, and all the (0000) he

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was mixing up this stuff, I don't know what it was, in the bathroom; and every time we'd pass by, keep looking at me. And by that time, within I guess 15 or 20 minutes, the police had arrived, you know. And they asked him--he asked the police what do they want. And they said "Well, we have papers that, you know, we need to take you downtown." And he said "For what?" And they tried to explain to him, and he said "Well let me go in the back and get my stuff." And when he came out, he had a suitcase, and he called the police to the side and said "Do you know what's in there?" He said "Yeah?" He said "Looks like some voo-doo stuff," you know, cause you could see the little bottles of stuff and everything. And he just walked out peacefully, you know. He didn't look at nobody when he left, or anything. But the police told me to call the doctor at Wake Medical to see if they were going to keep him at Dix; and so I called the doctor, and he said "The best thing for you to do is for you and your sister to go out at Dix and talk to the doctor out there when they bring him out there, because I'm going to send him over there." So my sister and I went out there, and I guess we stayed about 20 or 30 minutes before they brought him. And when he came in, he was just like a madman. He was peaceful and quiet when he left the apartment, but by the time he got to the hospital, he was out of his head, incoherent and everything, and he said he was going to kill just everybody, everybody he saw; he was just hollering, and they had him handcuffed and everything. He was just wild.

Q. The time that you were around James Blackman, did he ever tell you anything at all about what he had done in the past?

A. Yes.

Q. What did he tell you?

A. Well he told me that, this was just in general conversation, that he had never been to school, and that he lived on the street and he learned everything from the street, that he had been in prison, I think he said Attica, and that he had killed two people, and that he was just a street person talking in general; and he said that, you know, you could tell about he never had a family or nobody to care for him, you know, the way he was trying to bring it on, and you know, he really liked my sister, but he just didn't know how to carry on a relationship. And that's why he would harm her, you know, and I actually saw him one time choking her half-way to death. And so he mentioned his name I

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guess he talked to my sister more than he talked to me, because by him living there. But in general conversation he did, you know, speak about how he had been in prison before. And he said he killed two people. I don't know whether it's true or not.

Q. Did he say any more about where these two people were supposed to be, or anything like that?

A. No.

Q. Or how he might have killed those people?

A. He never mentioned the name or nothing.

Q. Did he ever mention St. Augustine College to you, at all?

A. Not to me. I don't remember anything about St. Aug.

Q. Did he ever mention anything to you or to Erma that you know of, or Erma mentioned to you about him carrying a knife?

A. Carrying a knife? I can't remember seeing one or anything. No, he never said anything about, you know, carrying one. He could have had one in his possessions, but I never encountered him with a knife or anything like that.

Q. How about Barbara Richburg, when he supposedly assaulted her at the library? Did she say anything about that he had anything, any weapon at all, with him then?

A. No. She didn't tell me. She just said that he tried to force her in the bathroom, or, you know, force her in the bathroom or call her back there, and when she didn't, you know, he stood behind some shelves and exposed himself to her.

Q. What happened then? Did he leave?

A. I guess he just left, because I don't know what--I guess that happened around 5:00 or 6:00 in the afternoon, and she didn't call me until 8:30 that night.

Q. But she didn't call the police, either?

A. No. She told me she didn't.

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Q. Now, after that committment, you and Erma went back home?

A. Uh-huh, that night.

Q. Did either of you hear from James Blackman later on?

A. The next day.

Q. How?

A. He called on the telephone, and that's when I became upset; and the first thing he said, both of us picked up the phone at the same time, and he said "You know I'm going to get you when I get out, don't you?" And she said "What are you talking about?" He said "You know your sister had me put in here, and I'm going to kill her, you, the children, your momma, and everybody, because everybody was behind it. I'm going to get you all when I get out." And that's when, after he hung up, I called back to the hospital, and I told them that he had just called and threatened me and my family, and the head nurse there, I guess, she said "Well, we're going to write on his record that he can have no telephone calls." So the telephone calls stopped, I guess, for about two weeks, or a week or two, and then he called back again. I guess he'd been transferred to another building, I don't know what. And he started talking--I guess he was on medication; he kind of sounded sedated or what; and then he was saying, you know, how he was doing better, he was on his medicine, he wanted to come back there to stay again. But my sister still told him that he couldn't come back no more.

Q. When is the last time you heard from Blackman?

A. And we've had the telephone number changed since he's been calling, so I guess that's the reason why he hasn't called. We've got an unlisted telephone number now.

Q. May I ask, why is your sister Erma Williams, who is the girlfriend of James Blackman, why is she in Dix? Is she a mental depressant, or what is her status?

A. I would say it's more depressed state than anything else.

Q. She had been to Dix prior to your meeting James Blackman?

A. Yes, for about three months, I believe.

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Q. And as of today's date, she has gone back to Dix?

A. Yes.

Q. Did she voluntarily commit herself?

A. She called the doctor and told him that she thought she was going back through some depressed stages, and he told her to come out there to be examined. And when he examined her, he kept her.

Q. How long has she been out there this time?

A. She went back June 24th.

Q. Has Blackman, since he was committed by you, ever been back to the apartment?

A. He has called there, and he's had visit--I remember one time he had a visitation right, and he called her before we had the telephone number changed and told my sister to meet him, that he was afraid to come to that apartment because he thought that I was the Devil, and that I was working evil against him, and that for her to get in the car and meet him somewhere, which she did. But she came back within 45 minutes.

Q. But he's never been over there...

A. To the apartment.

Q. Or seen you since that time?

A. No.

Q. What did he have to say to Erma that time, do you know?

A. I asked her, and she said that he just wanted, he wanted some money, and she didn't have any to give him, and then, that, you know, he still wanted to come back there when he got out. And to this day I don't know whether he knows she's over there, but she has seen him since she's been over there June 24th, and she said that he didn't say anything to her. So I don't know whether he's talked to her since then or not, but, you know, she comes home on weekends, and she doesn't say anything.

Q. Do you communicate fairly regularly with her?

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A. I don't go over there to visit, but I'm there on the weekends when she comes home.

Q. Do you two get along?

A. Mm-hmm.

Q. Being totally up-front with you, and like I said, really concerned with your safety, knowing how explosive that James is, if James told someone that he killed a girl, and I'm interested in your opinion, and this is strictly confidential between the three of us--I wouldn't even want Erma to know about it at this point, that he killed two girls, but one of these girls that he killed was the girl at St. Augustine College, in the bathroom, what do you think of that, knowing James Blackman for the period of time that you've know him? We really don't know the man.

A. Yeah.

Q. How do you feel about it?

A. Knowing him, I would say he's capable of doing it.

Q. This happened in 1979, you know what I'm saying, but he's still contending that he killed two girls, and one of the girls that he killed was the girl over at St. Aug. Does that seem a little strange to you? I mean, this is 1983 and he's still talking about something that happened in 79?

A. Well, he didn't give any dates, but he told me he had killed two people, and, you know, I didn't ask no names or anything, because I became wary then, you know. But he didn't give no detail or anything. He was just talking about that he had been in prison and that he knew the streets well, and the street life, because he had been out there. I didn't take it any further, but I would say by his nature and his temper, that he's capable.

Q. Do you ever recall James Blackman wearing a Dashiki or mentioning wearing a Dashiki?

A. He wore them at the apartment, and he wore headdresses, and Dashiki's, uh-huh.

Q. You don't know whether or not he was around here in 79, do you? Remember when the incident happened at St. Augustine College?

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A. Yeah, I remember when it happened, but I didn't know him.

Q. You didn't know him at that time?

A. No. When my sister met him, he was in Dix, because she started visiting him over here. So I don't know how long he was over here.

Q. We know that he was out on the street during that period of time.

A. He was?

Q. Mm-hmm. How would your sister react if we talk with her? Because we don't want to do anything to upset her, and we would work through you, of course, before we'd talk with her. But I think we probably need to talk with her.

A. She, knowing my sister, she holds everything inside. Like I say, everything that was going on between, while we were staying up there, she would never tell me. She never told me that he was treating her like he was treating her. I had to find that by observing on my own.

Q. And you observed him choking her, and what else did he do to her?

A. Well, he picked her up and dragged her through the house, and then he took her back in the room and locked the door. So what he did behind closed doors, I don't know. And that's when, you know, after everything had happened, she told me what, you know, how he had been treating her like that before and threatened her life and threatened to kill her many times before, but she never said anything.

Q. To you?

A. No. To nobody. And only through me was I able to let my momma and them know what was going on.

Q. What is your mother's opinion?

A. She always told us to get him out of the house, you know, always, ever since he'd been up there, that he should leave. And, you know, she even got him a part time job working with her. She was cleaning up at night. And he lost that job because he was messing with a girl up there.

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Q. Where was that?

A. I don't even know the name of the people that she was cleaning with. I could probably get it from her. But they fired him because the girl said that he touched her or fondled her or something.

Q. They fired him?

A. Mm-hmm.

Q. Driver's license, does he have any?

A. No.

Q. Does he drive a car?

A. No.

Q. Does Erma drive?

A. Uh-huh. She would take him back and forth.

Q. Is that her car out front, the Ford?

A. Uh-huh, it doesn't work now.

Q. Have you ever known him to drive a car before?

A. No.

Q. Have you ever known him to work anywhere?

A. No.

Q. Other than that one time that your mother tried to help him out?

A. No.

Q. He never worked with Black & Decker?

A. He tried to get a construction job with, it was either Black & Decker or They's, I don't know which one. But I don't know of him working with them, no.

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Q. Do you know where these places were located, Black & Decker or They's Construction?

A. No, he just showed me a card where he was trying to get a job with them.

Q. What is your mother's name?

A. Elizabeth Terrell.

Q. Where does she live?

A. 2112 Gilliam Lane.

Q. Raleigh?

A. Yes.

Q. Does she have a phone?

A. 829-9438.

Q. Does she work during the day?

A. Mm-hmm, at NC State College.

Q. Is there a phone number there that you call her?

A. 829-9438, no, that's her number. 733-2889.

Q. The day that we have been told that he might be released is around September the 6th, the Tuesday after Labor Day on Monday. We will keep you informed. We will stay in touch. I think that date might be postponed. I think at this point we would like to keep him over there.

A. Yeah.

Q. And I know you would certainly like to keep him there.

A. Is he doing better? That's why they're going to release him?

Q. Well, we don't really know. We have just been given a tentative day, and again, this is strictly confidential between you and I, around September the 6th. We do intend on speaking ~~000093~~ the

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doctor. That's one reason we wanted to speak with you, to express to the doctor our concern and your concern involving James Blackman. Obviously, Mr. Blackman, when he is on his medication and is in a controlled environment, he can cope pretty decent; but once he gets back on the street, he reverts to street life, doesn't take his medication, becomes very violent, and it wouldn't surprise me a bit if he doesn't kill when he gets out. And I'm not saying that to scare you. You know him as good as I do.

A. Well, I figure, you know, if he got out, I always thought that he would come back, you know, that way, you know, my way.

Q. He has been described by people that know him, that a lot of time he does carry out what he says he's going to do. Does he appear to be that kind of person to you?

A. Mm-hmm.

Q. Are you afraid of him?

A. Yes.

Q. Is your mother afraid of him?

A. Yes.

Q. I know your daughter is; we've talked with your children. How many children do you have?

A. Four girls.

Q. Okay. I've talked with the oldest, and I know that she is fearful of him. She told me she just didn't like him, scared of him. Is there anything you would like to ask of us, maybe something we haven't mentioned?

A. Have you talked with the doctor at all?

Q. Not yet.

A. Oh. I was just wondering if he had mentioned, you know, me or my sister or anybody.

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Q. We will check on that. And we will stay in touch with you, and we'd like for you to stay in touch with us.

A. Okay.

Q. Do you know of anyone that may have been close to him or that may know anything about him other than you and your sister?

A. I don't know the girl's name, but she called there all the time and she would bring him money, and all she would call him was Terry. She would ask for Terry. And I don't know what her name was. She stayed in Raleigh.

Q. She brought him money?

A. Mm-hmm. She would bring him money, and then he would get money through the mail, \$300, or \$400 at the time, sometime.

Q. Did you ever see the envelopes or anything?

A. My sister did.

Q. Do you have any idea where they were coming from, the money?

A. She would know. I don't.

Q. You don't know whether it was in Raleigh or from out of state somewhere, or anything like that?

A. She did mention Lumberton one time. I don't know whether that's where he was from or what. I don't know whether the money was coming from Lumberton; but I know the girl that called was in Raleigh.

Q. Do you think your sister knows this Terry?

A. That's his alias name.

Q. Do you think your sister knows the girl that called him Terry?

A. She may know.

Q. Do you think that she would tell you?

A. She would be more apt to talk to me than you.

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This concludes the interiew with Yvette Peebles.

J. C. Holder
Investigative Division
RPD - Career Criminal Unit

A. C. Munday
Investigative Division
RPD - Career Criminal Unit

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Erma Williams was also a patient at Dix at various times, including when she was interviewed. Williams stated she only knew Blackmon as “Jimmy.” Williams said that Blackmon told her he was going to “do something wrong” so he could get put back in the hospital again once he got out. Williams said that even when Blackmon was hospitalized, he would get a “pass” that would allow him to leave the hospital and come visit her. She said that they lived together for about seven months at her apartment on Garner Road. She also reported that Blackmon did janitorial work with Black and Decker, but he was fired for molesting a girl named Barbara.²⁷ Williams told him to leave after she heard about the firing and believed Blackmon went to Florida. She told police that he was gone to Florida for approximately a month and that he returned in November 1982 and stayed until he was committed by Peebles.

Williams said Blackmon reported strangling a girl in New York but did not give any further details. Police also discussed her sexual relationship with Blackmon in detail but while she reported Blackmon would hit her during sex she said she never felt threatened by him. Williams said that Blackmon never wore a dashiki but he did wear a turban. Williams also said that Blackmon could not drive. Williams also reported that Blackmon got all his money from a girl in Holly Springs named “Nesby O’Neal” but police were not able to locate anyone that matched the information provided by Williams. (RPD—DA, Bk. 9, 182). While Williams reported that

²⁷ It is unclear whether police ever determined that Blackmon worked at Black and Decker. Police located employment applications at Sanitek Corporation on North Glen Drive in Raleigh for Blackmon and Williams, though it is unclear what led them to Sanitek. Police confirmed that there was no contract between Sanitek and St. Augustine’s College. Blackmon listed prior employment as IBM on his application at Sanitek. It is not clear from the records available to the Commission whether Blackmon was actually employed by Sanitek or if he only submitted an application for employment. Blackmon also reports in his medical records that he worked at Black and Decker for four months after his previous discharge, which was sometime after 1981. However, there is no record that confirms whether Blackmon or Williams ever worked for “Black and Decker.”

Blackmon talked about going to meet girls at a school, she said he did not mention St. Augustine.

Williams' full interview is provided below.

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INTERVIEW WITH ERMA WILLIAMS:

Q. The following interview is conducted on 8/29/83 at approximately 1418 hours; those present at the interview are J. C. Holder, A. C. Munday, and Chief Whitehead with Dorothea Dix Security. We are talking with Erma Williams. Will you give me your full name?

A. Erma Amelia Williams.

Q. Erma, where do you live?

A. Garner Road, 2231 Garner Road.

Q. What is that phone number?

A. 834-7191.

Q. Are you employed anywhere?

A. No.

Q. I would like to mention at this time that this interview is being conducted in the Egerton Building on the grounds of Dorothea Dix Hospital. Yvette Peebles, what is her relationship to you?

A. Sister.

Q. What is your status now as it stands?

A. Divorced.

Q. Who is your husband?

A. Milton Williams. Milton Ray Williams.

Q. How old are you now?

A. 32.

Q. Your date of birth?

A. May 6, 1951.

Q. What was your last place of employment?

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A. Black and Decker.

Q. You used to work for Black and Decker?

A. For the sanitary building services.

Q. Where were they located?

A. On Old Wake Forest Road.

Q. Anywhere near the Farmer's Market?

A. No. Off Navaho Drive.

Q. How long did you work for them?

A. For about a year.

Q. Erma, if you would, we're interested in a man that you know and have been associated with, by the name James Andrew Blackman, and what do they call him?

A. Jimmy.

Q. Do you know him by any other name?

A. No.

Q. Jimmy also is at Dorothea Dix now. Have you seen him?

A. Yes.

Q. Did you speak to him?

A. Over the phone.

Q. What did you have to talk about?

A. Nothing, really, my problems and what he was going to do when he got out and all that kind of stuff.

Q. What did he tell you he was going to do when he got out?

A. He said he would do something wrong so he can get back in again.

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Q. Is that what he told you?

A. Yeah.

Q. Did he say what he was going to do wrong?

A. No.

Q. Why did he say he wanted to come back in?

A. I don't know, because he couldn't find a job or didn't have anywhere to stay.

Q. Does he have any idea when he's going to be discharged?

A. He said soon.

Q. If you would, I'd like for you to be as relaxed as you can. If at any time that you get upset and you'd like to take a break, just let me know, and we'll do that. Okay?

A. Okay.

Q. I'm here on your behalf. So anytime you feel you're getting uptight, just let me know. We'll stop. We got plenty of time. We've got all day.

A. Yeah.

Q. Okay. So just kind of lay back and relax. Do you smoke?

A. Yeah.

Q. Do you want an ash tray?

A. No.

Q. Okay, just take your time. We can stop any time you need to. I want you to go back to when you first met Jimmy.

A. It was over the telephone. A guy that was here when I was here gave him my telephone number, and he called me. That's how I met him.

Q. Do you recall what time of year and what year this was? **000099**

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A. It was during the summer, I think.

Q. During the summer of what year?

A. 82.

Q. And he called you at your house?

A. Yeah.

Q. Do you know the individual who set up this phone call?

A. William Jones.

Q. Is he still here?

A. No.

Q. Do you know him?

A. Yeah, as a friend.

Q. Do you know where he is now?

A. No.

Q. He was a patient here, wasn't he?

A. Yeah.

Q. After the phone call, tell me what was said over the telephone between you and Jimmy?

A. Well, we just talked about where I worked and what I was doing during the summer. We just talked in general.

Q. Then what happened before you ended the conversation?

A. He didn't want to hang up.

Q. Did you and Jimmy agree to see each other later?

A. Yeah.

Q. Where did you see each other later?

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A. I came out here to the hospital. I was out then.

Q. And this was when?

A. 81 or 82, one.

Q. 81 or 82, in the summer?

A. Mm-hmm.

Q. So you came out here to see Jimmy.

A. Yeah.

Q. Where was he at?

A. Counsel Building.

Q. Do you know why he was in here?

A. No.

Q. What happened when you two met?

A. He came to my house and I didn't like him. He probably didn't like me, but we talked, just carried on a conversation from there.

Q. Let me see if I understand you correctly. You said first of all you came to the Counsel building to see him.

A. Yeah, but I changed that.

Q. You changed that.

A. He came to my house first.

Q. On Garner Road.

A. Yeah.

Q. What happened then? Did you let him come in?

A. Yeah, I let him in, and we sat on the couch and talked, then I took him over to my sister's house and introduced him to ~~000101~~ and

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from there we came back home, or we rode to the park, Pullen Park I think; then I had to take him back to the hospital.

Q. Which hospital?

A. This one.

Q. Was he out on leave when he came to your house?

A. He had a pass.

Q. He had a pass. What day of the week was this, do you remember?

A. Saturday--Sunday, I think it was Sunday.

Q. So you brought him back the same day that he paid a visit to you?

A. Yeah.

Q. When was the next time you came in contact with Jimmy?

A. That next week, I think. I came out here.

Q. This was when you came to the Counsel building and talked to him?

A. Yeah.

Q. What happened at that time?

A. Just talked about things in general, that's all.

Q. Did he tell you anything about himself?

A. No. I asked him what was his problem, and he said Manic Depression, or something, and I wasn't sure what that was.

Q. Okay, what happened next?

A. That's about all. We just talked.

Q. Okay. When is the next time you saw Jimmy after you saw him at the Counsel building?

A. I saw him often, nearly every weekend, I think it was.

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Q. You came over to visit him?

A. Yeah.

Q. Did he ever come back to visit you on a weekend pass?

A. Well, the last time that we met was I went and got him, but he didn't have a pass.

Q. You came and got him?

A. Yeah.

Q. But he didn't have a pass?

A. No.

Q. Where did you all go?

A. To my house. That's when he stayed.

Q. Had he been released from here?

A. No. He just called the hospital and told them he wasn't coming back. And they said if he wasn't back in three days, they would discharge him.

Q. Do you recall when this was, Erma?

A. No.

Q. Was it warm weather? Cold weather?

A. Warm.

Q. So he stayed with you for how long?

A. For about seven months, I think.

Q. Okay. Now, during this seven months that you and Jimmy stayed together, where were you staying with him?

A. At my apartment on Garner Road.

Q. That's 2231 Old Garner Road?

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A. Mm-hmm.

Q. Who was in the apartment with you and Jimmy?

A. Well, at first, my sister was staying with me, Brenda Alston; then Jimmy and I, and then when Brenda left, my other sister came and stayed with me, Yvette, and her children.

Q. That's the one we met.

A. Yeah.

Q. Okay. You got a nice family.

A. Thank you.

Q. Your children are real nice.

A. Thank you.

Q. For seven months you and Jimmy and some of your family stayed there. During that seven months, did Jimmy ever get a job?

A. Yeah, I had him employed where I worked.

Q. Where was that?

A. Black and Decker.

Q. And that was off Navaho Drive, you said?

A. No, that's off Number 1 North, Highwoods.

Q. Highwoods, Number 1 North. How long did he work with them?

A. For about four weeks.

Q. What kind of work did he do?

A. Janitorial work.

Q. Why did he end the employment?

A. He was fired for molesting a girl.

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Q. What did he do to the girl?

A. From what I heard, he felt all on her or something. I'm not sure.

Q. He felt of her?

A. Yeah.

Q. They fired him because of that?

A. Yeah.

Q. Do you know the girl's name?

A. Barbara something. I'm not sure. She didn't work there long.

Q. She worked in what department?

A. Same place I was working.

Q. Then Jimmy comes back home.

A. Yeah.

Q. Then what do you two do?

A. When we came home?

Q. Yes, he came home, and you were there, and you still lived together, right?

A. What did we do about the situation?

Q. Yes, what happened about that situation? Did you discuss that?

A. Yeah, we did, but I didn't know about it until the next morning, until the supervisor came over and told him he was fired, and I asked him why, and he said he'll tell Jimmy, he wanted to talk to Jimmy. So Jimmy went to the door, and he told him he was fired because of his molesting that girl. That's what I heard of it, and then he left. After I told him to leave, he left.

Q. Jimmy left?

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A. Yeah.

Q. The apartment?

A. Yeah. He want to Florida, or somewhere.

Q. Okay. How long did he stay gone in Florida?

A. For about a month.

Q. Then he came back to your place?

A. Mm-hmm.

Q. Then what happened?

A. Then I let him stay, but we couldn't get along too well after that.

Q. Why?

A. I don't know. We just didn't trust each other or something.

Q. Was he any different after he came back from Florida than he was before?

A. Just more, had more energy.

Q. When he came back from Florida, what time period was this?

A. This would be November, I think. It was during the winter.

Q. Of what year?

A. 82, I suppose.

Q. How long did he stay with you this time?

A. He stayed with me until he was sent back out here.

Q. Is that the time Yvette came back and had him committed?

A. Yeah.

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Q. During that period of time, the latter part we're talking about, when he came back from Florida, did he discuss with you anything that he had done in Florida?

A. Just said he was sleeping on the streets and stuff like that.

Q. Had Jimmy ever discussed with you what he has done in the past?

A. No. He just said he killed a girl in New York.

Q. He never mentioned to you anything about killing two people?

A. No.

Q. He just mentioned to you about killing that girl?

A. Yeah.

Q. One girl in New York?

A. Right.

Q. Did he tell you how he did it or why he did it?

A. He said she was cheating on him or something.

Q. Did he tell you how he killed her?

A. Strangled her.

Q. Strangled her with what?

A. His hands.

Q. Did he say he got caught for that?

A. No. He said he didn't.

Q. Did he tell you what period of time this happened?

A. No.

Q. Did he tell you her name?

A. No.

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Q. Did he tell you where he lived at that time?

A. No.

Q. Do you believe him?

A. I don't know.

Q. You don't know?

A. No. I'm not sure.

Q. Could I ask you something very personal?

A. Yeah.

Q. Do you recall the times that Jimmy took you into your bedroom, closed the door, and Jimmy was into some type of voodoo or witchcraft with the herbs and so forth?

A. Yeah.

Q. Did he do anything against your will while you were in the bedroom?

A. Well, he used some of that stuff once.

Q. What did he do to you with that stuff?

A. Well, he didn't do anything to me. I mean, he didn't touch me with it.

Q. He didn't?

A. No.

Q. He didn't sprinkle it on your body or anything?

A. No.

Q. What did he do in the room then?

A. All he did he would sprinkle some kind of dust or something and have candles lit, stuff like that, or draw on the walls and stuff like that.

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Q. With the lights out in the room?

A. Yeah.

Q. The only lights you had were candles?

A. Yeah.

Q. How did Jimmy act to you sexually? I know this is very personal, and bear with us. I have a reason for asking, and when I get through talking to you, I'm going to let you ask me questions. Okay?

A. Mm-hmm. Well he was kind of wild sometimes.

Q. He was kind of wild sexually sometimes?

A. Yeah.

Q. Could you explain it to me, what you mean by wild?

A. Well, when I say wild, hit me and slap me and stuff like that.

Q. Before he had sex with you?

A. Yeah, or while he was having sex.

Q. So while he was having intercourse with you, he would hit you. Did he actually hurt you?

A. No.

Q. But he would hit you?

A. Yeah.

Q. Where would he hit you?

A. In my face, on my face.

Q. Only on your face?

A. Behind, too.

Q. On your buttocks?

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A. Yeah.

Q. He would whip you on your buttocks with his hands, or with a device?

A. A device.

Q. What was that?

A. It was either a stick of something.

Q. That he would hit your buttocks with?

A. Yeah.

Q. And then he'd have intercourse with you?

A. Yeah.

Q. So it took this type of, I guess, stimulus for him sexually before he actually had intercourse with you?

A. Mm-hmm.

Q. Did you go along with this?

A. Well, I don't know. It was just confusing.

Q. Confusing to you?

A. Yeah.

Q. I'm sure it would be. Tell me about the time that he hit and beat you and drug you across the floor. Do you recall that?

A. Yeah. He had been accusing me of going with my supervisor, talking to different guys out there where I worked, and I told him I hadn't, but he was determined that I had been, so he kept strangling me and choking me until I would say I had, but I knew if I had said I had, he would really kill me then, so I kept saying no, I hadn't, and I kept talking to him, and finally he let me go after I asked him to let me get some air or something. Then I ran out the building.

Q. Did he ever discuss the use of a knife with you?

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A. No.

Q. Did you ever see him with a knife?

A. Only when he's making Kool-Aid.

Q. What did he do with a knife when he was making Kool-Aid?

A. Well, this was before, just before Yvette had him committed, he was stirring Kool-Aid with a knife, and he didn't usually do that, and all the while he was looking at me and the knife at the same time. That frightened me.

Q. That bothered you?

A. Yes.

Q. How do you feel about Jimmy? Are you scared of him?

A. Yeah.

Q. Has Jimmy threatened you recently?

A. No.

Q. Has he threatened you in the past before he came here?

A. No.

Q. Did he threaten your family?

A. Yeah, Yvette, he did.

Q. They don't get along, do they?

A. No.

Q. Did he ever threaten you while he was here?

A. Threaten me?

Q. While he was here, over the phone or anything?

A. Not me, no. But he did say the whole family, and I probably was included.

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Q. Erma, you know Jimmy better than we do. You stayed with the man for about seven months, and you knew him for about 8 or 9 months?

A. Mm-hmm.

Q. Did he ever discuss with you on what occasions that he wore the dashiki? Do you know what a dashiki is?

A. Mm-hmm.

Q. What is that?

A. Some kind of pullover garment or something.

Q. That the African students wear.

A. Yeah.

Q. Have you seen him with dashikis?

A. Not dashikis, but turbans.

Q. Turbans?

A. Yeah, he used to have a turban.

Q. On the head?

A. Mm-hmm.

Q. Okay. You never saw him with a long dashiki on?

A. He would put on this cape because he didn't have one, a long dress. He had an orange suit, and he'd put on the cape.

Q. But you never saw him with a dashiki on?

A. No.

Q. Have you ever seen him with a short sleeved shirt like a dashiki? A lot of college kids used to buy those at the Super Dollar store and places that were not very expensive. Did you ever see him in a shirt like that?

A. No.

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Q. How do you feel about Jimmy, when he says he killed somebody?

A. I don't know. I think he's talking out of his head or his mind. I don't think he would tell anybody something like that.

Q. You don't think he would? If he did it, you don't think he would tell about it?

A. No.

Q. How do you feel about Jimmy now?

A. As a friend, but I wish he wouldn't call me.

Q. The last time you heard from Jimmy was when?

A. Last week, I think.

Q. Last week, and he wanted to know what?

A. How I was doing and all that kind of stuff.

Q. And that's the extent of what he wanted to say to you?

A. Yeah, he would be leaving soon, said he was going back to California or somewhere.

Q. Back during the seven months that you knew Jimmy, did he drive?

A. No, he can't drive.

Q. He can't drive?

A. No.

Q. What do you mean he can't drive?

A. I mean he hasn't any license. He never learned how to drive.

Q. How did he get around?

A. Walked, or thumbed.

Q. You mentioned before, when he first came over to your house, that later on that day you all went by the park.

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A. Mm-hmm.

Q. How did you all go to the park then?

A. I drove.

Q. So you do drive?

A. Yeah.

Q. You never seen Jimmy drive any time?

A. Yeah, he drove my car one time out there at the license place, you know, parking lot, but he couldn't drive.

Q. Have you ever seen him drive on the road?

A. No.

Q. Could he drive a car if he wanted to?

A. I don't think so.

Q. He tried to drive your car and didn't do very well?

A. Mm-hmm.

Q. Have you ever known him to have any relationship with any other girl?

A. Yeah, a girl name Nesby in Holly Springs. Not no sexual relationship, but a telephone and mail.

Q. You've never known him to have a sexual relationship with anyone else?

A. No.

Q. Again, I know this is personal, but whenever you all would have sexual relationships, would he always do something with the powder first?

A. No.

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Q. Did he ever have what you would consider just regular natural sex?

A. No.

Q. He didn't?

A. No.

Q. During this period of time when you knew Jimmy and you did experience sexual intercourse, did he actually strip you completely nude or would he make you wear some clothes?

A. Nude.

Q. Completely nude. How about himself?

A. Nude.

Q. And then the beating?

A. Yeah.

Q. Did he ever tie you up any?

A. No.

Q. Never put anything around your neck or anything like that?

A. No.

Q. Did he ever put anything into your vagina other than his penis, any objects?

A. Yeah. I can't remember what it was, though, but he did.

Q. He did?

A. Yeah. I'm positive that he did.

Q. Was this more than once?

A. Yeah.

Q. But you don't recall what it was?

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A. No.

Q. Could you describe it?

A. I don't know what it was.

Q. Do you ever remember anything like a bottle, anything like that?

A. No.

Q. Did he make you stay in your room a lot?

A. Yeah.

Q. When you were in your room, was he in there with you?

A. Most of the time.

Q. What happened then, when you all were in the room together? I mean were you just there?

A. We'd be just there, just doing nothing. He might be reading the Bible, and I'd just be sitting there or doing something.

Q. If you tried to leave the room, what would he do?

A. Just ask me where I was going.

Q. Did he ever try to stop you from leaving at any time?

A. Just once, that night he tried to strangle me. That's the only time that he really stopped me.

Q. Could you get up and leave whenever you wanted to?

A. Just about, yeah.

Q. Was he able to obtain or reach a climax whenever he had sex?

A. No.

Q. He was not?

A. No.

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Q. Did he ever, at any time, that you know of?

A. Yeah, I think so, yeah.

Q. But not often?

A. More often than not.

Q. Jimmy was a street person, wasn't he?

A. Street, mm-hmm.

Q. - What's his education level, do you know?

A. Sixth grade, I think.

Q. Did he tell you where he went to school?

A. Cumberland High School.

Q. In Fayetteville, North Carolina?

A. Yes.

Q. Do you know who his mother is?

A. No.

Q. Did he discuss his mother with you?

A. Some.

Q. He said his mother was having a hard time, and she was blind, and he still makes contact with her. Where is she now?

A. She stays in, it's not Cumberland. I can't think of what it is.

Q. Drew a blank?

A. Yeah.

Q. Jimmy will soon be released, it looks like, or there's at least that possibility. How do you feel about him getting out?

A. Well I hope he'll leave town.

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Q. You just hope he leaves town?

A. Yeah.

Q. You don't want him to stay around Raleigh?

A. No.

Q. Why not?

A. Cause, he's not himself. I mean...

Q. He needs help.

A. Yeah.

Q. He don't need to be out here on the street?

A. No.

Q. Did Jimmy tell you about some of his prison life?

A. Just that he had been in prison, that's all.

Q. Did he tell you where?

A. Well, my sister reminded me yesterday, and she said it as Attica somewhere.

Q. I think you have been honest, and I really appreciate that. If Jimmy has told you that he's killed a girl in New York, do you think Jimmy would ever tell anybody about it? He's telling you about it.

A. He might.

Q. Do you think he'd tell me if I talked to him?

A. He might. I don't know. That's how unpredictable he is. He might.

Q. Really?

A. Yeah. If he thinks he can get something out of it, you know, something good comes from it, he might.

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Q. What do you think he'd be looking for, when you say something good?

A. Money or something.

Q. Would you trust Jimmy now if he got out?

A. No.

Q. You would not. How do you feel about him now? I mean at one time you apparently had feelings for the man.

A. Yeah.

Q. Enough feelings to go to bed with him and to live with him. How do you feel about him now?

A. Well, I wish he was better, that we could be more best of friends, but as far as that, nothing.

Q. That's the end, to be just friends?

A. Yeah.

Q. Has he ever mentioned to you about going over to St. Augustine? Do you know where St. Aug is on Oakwood Avenue?

A. Mm-hmm.

Q. During the time he was living with you, did he ever discuss with you about going over there to school or hanging around over there or anything?

A. Yeah.

Q. I know he's a street person.

A. I think he did. I'm not sure, but I think he did.

Q. Give that some thought just a minute.

A. Yeah, I know he was talking about different schools, but it didn't have to be St. Aug.

Q. What was he saying about the schools?

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A. Just going over there.

Q. Did he say what he would be doing when he went over there?

A. No.

Q. St. Aug is very important to us, and do you know why it's important to us?

A. Yeah. Yvette told me some girl was murdered over there.

Q. That's right. And just between you, myself, and Munday, and Chief Whitehead right here, and Yvette, I want you to keep it between us, okay?

A. Mm.

Q. You might tell the doctor, I don't know. That's fine. I'm sure that would be okay. But what I want you to do is to give it some thought. Don't answer right away. Give it some thought, and see if you can remember what he might have said about going to some of these schools, if he ever mentioned St. Aug.

A. Well he, well, no, I can't remember anything about St. Aug.

Q. Did he ever mention anything about going to the schools to see any girls?

A. Yeah, he said something about girls, "meet the girls."

Q. But you don't remember anything about St. Aug?

A. No.

Q. Did he ever, to your knowledge, use any kind of drugs?

A. Reefers, that's all I know.

Q. Marihuana?

A. Yeah.

Q. How did he get his money?

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A. His girlfriend, I mean the girl that liked him in Holly Springs. She was sending money.

Q. Who was she now?

A. Nesby O'Neal.

Q. Nesby O'Neal?

A. Mm-hmm.

Q. And this was before you and he met?

A. Yeah, while he was in the hospital.

Q. Nesby O'Neal. She lives in Holly Springs?

A. Mm-hmm.

Q. You don't know an address or anything like that on her, do you?

A. No.

Q. How much money would she usually send him?

A. \$200. Sometimes more, and sometimes less.

Q. How often?

A. At least every three weeks.

Q. Do you know where she got her money from?

A. She said her daddy owned a store and he would give her money or her people would give her money, and she would give it to him or brother, whatever.

Q. But to your knowledge, he never had any kind of close relationship with her? He was just a friend of hers?

A. Mm-hmm.

Q. They never had any kind of sexual relationship that you know about?

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A. No. Some guy gave him her telephone number.

Q. Have you ever talked to her?

A. Yeah. She came out to the house one night. Me and Jimmy had gone to the movies, and Yvette said she came out to the house.

Q. How old is she?

A. I think she was 16 or 18.

Q. Did her and Jimmy get along in your presence?

A. I never seen them together.

Q. She just came out to your house...

A. Yeah, one time.

Q. But Jimmy met her before he met you?

A. Yeah.

Q. Did Jimmy ever tell you anything about her?

A. No. He believed that she was a prostitute and all that stuff, but he believed that about every girl.

Q. He did?

A. Yeah.

Q. He doesn't like prostitutes?

A. He likes them, but he don't like for his women to be that way, but he believes that they are.

Q. Did Jimmy tell you what his mother did to him while he was growing up?

A. No, he just said his daddy wasn't too nice.

Q. His father?

A. Mm-hmm.

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Q. Did he ever say what he would do if one of his girls got to be a prostitute?

A. That's why he said he killed her.

Q. So the girl he killed, she was a prostitute.

A. That's what he says.

Q. That's what he says, to you.

A. Yeah.

Q. You may have answered this question before, but did he in any way at any time ever threaten you with a knife in any way or say anything that he would do anything to you with a knife?

A. No.

Q. He didn't ever carry a knife of any kind that you know about?

A. No.

Q. Did he ever have any male friends?

A. Yeah, some of these holy people.

Q. Holy people?

A. Yeah. Yahweh, people like that, Jehovah Witnesses.

Q. Jehovah Witnesses?

A. Yeah.

Q. Any particular one he'd talk to or run around with?

A. It was one on Hargett Street, but they stay on Edenton Street now, him and his wife. And there was one on Garner Road that drives a van that needs to be painted. It's speckled with different kinds of paint. I don't know their names.

Q. When Jimmy came to stay with you, did he bring any clothes with him?

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A. Yeah.

Q. What did he have his clothes in?

A. In one of those sacks, cloth sacks.

Q. A big bag?

A. Yes.

Q. Did it have a handle on it?

A. It was more like a laundry bag.

Q. Draw strings on it?

A. Yes.

Q. Did you ever see in that bag?

A. Mm-hmm.

Q. Tell me what you saw.

A. Well, I saw his suits, his pants, and some shoes and stuff like that.

Q. Did you ever see his witchcraft or voodoo stuff?

A. Well he didn't get that until after he moved in with me.

Q. He didn't bring it with him?

A. No.

Q. Is there anything that you saw in that bag that looked real strange to you?

A. No.

Q. Would he let anybody handle or touch his voodoo witchcraft stuff?

A. Well, I don't know. His friends where he got it from he probably would, but anybody else, I don't know. I never touched it.

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Q. Where did he keep it when he was there?

A. On the dresser, I think, or he hid it somewhere, I'm not sure.

Q. Have you ever known Jimmy to shave his beard?

A. Yeah. I asked him to shave it.

Q. You have asked him to shave it?

A. Yeah. He shaved it when I asked him to.

Q. So he's been both ways, with the beard and without the beard?

A. Yeah.

Q. When you first met him, did he have a beard?

A. Yeah.

Q. So he never discussed with you, Erma, any of the murders or anything like that that was in the newspaper or news media here in the Raleigh area?

A. No.

Q. Was he born here in North Carolina?

A. Yeah.

Q. Where, do you know?

A. No.

Q. You said he read the Bible. Did he read the paper very much?

A. Newspaper? No.

Q. He didn't?

A. No.

Q. Watched TV a lot?

A. Not that much, not as much as I did.

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Q. Were you aware of the situation that happened at the library not too far from your house?

A. Yeah, my sister told me about that.

Q. Where were you when that happened?

A. At work.

Q. Where were you working then?

A. Black and Decker.

Q. Did that surprise you?

A. Yeah, but I couldn't believe it, so I asked him, and he said he didn't do it.

Q. Said he didn't do it?

A. Yeah.

Q. Did you believe him then?

A. No, I didn't believe him either.

Q. What kind of relationship did you have from that point on?

A. I was scared of him. That was just before he was brought back out here.

Q. I think you described Jimmy as, he would look at you funny?

A. Yeah.

Q. But you don't know if he would hurt you or not. What do you mean by look at you funny?

A. I mean that threat or death look or something like he would kill you.

Q. I understand the night that Jimmy hurt you in front of Yvette and her boyfriend, how did he react to Yvette? Was he afraid of her? Did he ever beat up on her in any way, or what?

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A. No. He acted like he was afraid of her.

Q. Did she stand up to him?

A. Yeah.

Q. And he didn't do anything to her?

A. No.

Q. Did he ever say anything about her, that he was going to do anything to her, do you think?

A. That he would kill her or something. He told me that.

Q. He didn't ever tell Yvette that?

A. No.

Q. Was he mad when he told you?

A. Sort of.

Q. Did it scare you that he talked to you about Yvette in that way?

A. Yeah, well, it scared me when he would walk around from the bedroom to the bathroom just watching Yvette.

Q. Did you think that he would hurt her?

A. Yeah.

Q. He was in that state of mind. Do you think he ever looked at her sexually?

A. Yeah. She told me about that too.

Q. About what?

A. One night she was sitting in the room listening to the radio and I was in the bed, and he kept walking from the bathroom to the bedroom, and he finally went and stood right there and just looked at her, and she got mad and fussed him out, told me and fussed him out.

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Q. Do you think Jimmy can kill you?

A. Yeah.

Q. Do you think he can live with it okay?

A. Yeah.

Q. When he hurt you that time, did he ever say he was sorry? Or did he feel sorry about it or anything?

A. No.

Q. Like it never happened?

A. Right, never happened.

Q. He didn't try to make up to you?

A. No.

Q. How did he normally dress, day in and day out? What would he wear?

A. Shirt and pants, short sleeve shirt, pullover shirt, and pair of jeans.

Q. Did he ever get into an argument with men?

A. Not that I know of.

Q. Any friends of yours? Or were they afraid of him?

A. Well they were afraid of him. Most of the time he went downtown and just stayed downtown all day.

Q. Did you have any of your friends ever tell you they were scared of him?

A. No.

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This concludes the interview with Erma Williams.

J. C. Holder
Investigative Division
RPD-Career Criminal Unit

A. C. Munday
Investigative Division
RPD-Career Criminal Unit

dd/j20

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Blackmon's Statements to Police

Blackmon was arrested on December 7, 1983, just after he was discharged from Dorothea Dix hospital. His discharge summary provided that his treatment was voluntary as his psychosis had been treated and he would not cooperate further with treatment. At the time, hospital records indicated that Munday had told hospital personnel that Blackmon was likely to be arrested and was under constant surveillance when he was not in the hospital.

Police had multiple contacts with Blackmon over the course of several months. He was interviewed several times and gave many different statements concerning his alleged involvement in the Victim's assault. Police even took Blackmon to visit St. Augustine's College on two occasions and then interviewed Pauline Latta, resident advisor at St. Augustine's College, regarding her interaction with Blackmon on the second occasion.

In addition, just after his arrest, Blackmon made statements to a nurse at the Wake County Jail and wrote a letter to Shaw University. Blackmon also made statements to police after his arraignment.

Below we have provided all of the records related to Blackmon's statements to police before he was arrested, the interview with Pauline Latta, and the statements made by Blackmon after his arrest and at his arraignment as described above.²⁸

²⁸ These interviews may have original batestamped pages that are not chronological. Some pages were determined to be out of order when produced. We have provided the pages in the correct order for your review.

BLACKMON'S STATEMENTS

HELENA PEYTON HOMICIDE
CASE NUMBER 558471
DATE OF OCCURRENCE: 9/28/79

Principal talking is James Andrew Blackman, speaking in the first person. Investigators are J. C. Holder and A. C. Munday, Raleigh Police Department.

- Q. You're a very interesting man, and you called me and Munday today, and we came over and met you.
- A. Yes, sir.
- Q. You called me last Friday.
- A. Right, but you were busy then.
- Q. Yeah, but you called me from Dorothea Dix, and I think the police officer, Cash, he called me, and my partner Munday, he was gone some other place; and you came down, and we talked awhile, and then you left. You been down here several times before.
- A. Yes.
- Q. And we're friends.
- A. Yeah, we're real good friends.
- Q. Okay. I want to learn a little bit about you.
- A. Okay. Anything you want to know, just ask me, and I'll tell you.
- Q. You seem a very interesting individual. Just tell me a little bit or something about yourself. Give me your full name.
- A. Okay. My name, my slave name, is James Andrew Underwood, III. But my mother had my name changed to James Blackman when she married this man named Sir Coleman Blackman, you know. And I been going through hard times all my life. My education is not that well advanced, but I have a whole lot of common sense. I know how to treat people and talk to people and be friendly with people. That's why I don't want my thought and my mind just based upon black, black, black. I want it to be national, you know, because the world is based upon God himself, and the world is based upon love. And some people don't know how to show that love, and some people know how to show their love and say "I need money, money, money," cause that's not, you know, the solution to their problems. The solution to the problem is being in harmony with one another as a people, you know, being in love in its rightful perspective, you know, common sense, it's having knowledge, wisdom and understanding, encouraging and responding,

and knowing about the identity of all peoples as a nation and as a race and as a tribe. Because the world came from the Creator.

Q. Okay. The Bible that you have here in your bag?

A. Yeah.

Q. That's very close to you?

A. Yeah.

Q. Okay. Go ahead and tell me something else about yourself, then. Your slave name, we know what that is, and then your mother married a Blackman.

A. Yes, sir.

Q. And you took on his name.

A. Uh-huh.

Q. Where were you brought up at, James?

A. I was brought up in Lumberton and raised in New York City, Syracuse, New York.

Q. Okay, tell me a little something about yourself in New York.

A. When I was in New York, I went to like reform school when I was a child, (name of school) school, when I was a child, and I stayed there until I was about 12 or 13 or 14, whatever.

Q. Why were you there, James?

A. Cause of my nerves. I was, like, I solicited a little child when I was 12 years old; but I didn't do nothing to her but pull her panties down, you know, and I was just in error, cause when I was small, I used to drink a whole lot of liquor, lots of liquor, I mean home made liquor. And myself and my problems were so bad, that they had to send me somewhere to get my mind straightened out and to get that liquor and stuff out of my eyes, you know, and make myself better. But other than that, I'm not no violent person.

Q. Yeah, I know that. You're good people.

A. Yes. I believe in being nice to everybody. But some people, they don't like nice. I been trying to find my wife for a long time, and it's hard, because you find out what's happening, what's she doing, whatever, cause I still love her, and she has a first child by me, my son, I've never seen him. I been all over Buffalo looking. I mean all over. Calling numbers from all over, trying to find my lady, and it's still hard for me to find

her. And it seem like she don't want me. I don't know what it is, you know.

Q. What is her name, James?

A. Her name was Erma Jean ; her maiden name was Erma Jean White. We called her Norma White.

Q. Norma White?

A. Yes, sir. If I can find my woman, my first love, I'd be so happy in the world. I'd do the whole world some good. The whole world. I wouldn't have no racial thoughts or nothing. Cause when I make love to her the first time, she was crying like, you know, like we won't going to be apart for a long while. I don't want to see them when I'm 30 or 40, I mean when I'm 50 or 60. I'm trying to get her to come back now at the age I am, so that I can understand her and she can understand me, and we both can live in happiness, you know, harmony, for eternity, you know. Cause the body's just going to die, it's going to cease, eventually. But when it exists a new form of life and creation is going to come out to be, it's like if you have a son, your son's going to take up the courage of you, unless you teach your son the right way to be like you, there will always be you, there will always be a Mr. Munday, there will always be a Holder, you know, because you have sons. And the son is more or less obligated as the father.

Q. Is your first-born a son?

A. Yes. But I never did really get to see his pictures of him.

Q. Never did?

A. Nothing. And I'd be a working up there, walking, trying to find so long.

Q. How long did you stay in New York, James?

A. I stayed until about 20 or 24, 25, 26, something like that.

Q. Then what did you do?

A. Just got tired of this, got on a bus, jumping on a bus, you know, when the bus driver pull up, I go in the bathroom with somebody; when he come out, I come out and sit down in a seat, I get off, and do the same thing over and over. I just get tired of rambling in a city, and I just walked away. But I love my home Raleigh.

Q. Is Raleigh your home?

A. Raleigh is my birthplace. My mother had me in prison when I was a child here in Raleigh. And I don't want to leave Raleigh. Mostly I want to go to Lumberton, cause my family is doing bad.

Mostly they have being poor for a long time. My grandmother, she is beautiful, she like everybody in the world, and she taught me how to like everybody, because she raised me, not my mother. My grandmother raised me, and she knows what's best for me. She'd tell me to love the world, don't hate nobody, get along with all nationalities of peoples, and it would be a blessing from God, you know, unto me. But when I'm here, I have to study black man, black man, black man's place. The history and the coaching is good. It's good. But the way it is, it's got to be unified as the world is one, not as you have your thoughts, I have my thoughts; we are different individuals and peoples, but we function the same, and we live the same. So there should not be no kind of experiment or no kind of confusion or more or less any kind of down for it of anything going on. Everybody's trying to be the head. Nobody wants to be the tail. Want to get ahead. But none of the people is getting ahead, because they are going according to the law and the rules and regulations. Everywhere like the commandments.

Q. I understand.

A. Cause we are a people. I don't want to hate nobody. I don't want to turn my thoughts against nobody. I've been believing to love people for a long time.

Q. I believe down deep you do love people, don't you?

A. I do. But when I express my feelings here, you know, no whites, you know, just blacks.

Q. What are you referring to, James?

A. I'm referring to the book, the Bible. History is good for people to know their origins. It's good. But the main basic concept of it is knowing the history, and still getting along, and treating people as people. Don't dog-treat--"You the devil, I'm God, I'm the chosen child." Mohammed used to talk that Islam; Mohammed who is the original man? The Asiatic black man, the maker, the only. The cream of the earth. Far Eastern religion got a view that it was the colored man, Caucasian white man colored. We all, our national is colored, it's nationality. A race or a group or a sect of people. No individually, you know. That's not the right way, because if the world goes on as it goes, and then there be no colored black, I don't care how many flying saucers or UFO's are there, you know, or where the ships may be, we all going to do as a people if the government do not change or better conditions of the racial and the people, the homes, houses, living, and jobs. There's plenty of people staying in the streets with brilliant minds and no education, but they need to be reformed or framed or looked into in a way that it can be helpful to everybody. Cause we got to live together; can't have this confusion. That's why the law is good, having the law is good, and upholding the law is good. Everybody has their own thoughts. Everybody has mistakes. Everybody has problems. But

people should unify and come together. That's what the scripture says. There are poor whites, poor blacks, poor Jews, poor Muslims, poor everybody in the world. Money do not, you know, break the problems. Wish were better. But it's there for a purpose to keep things under control and, you know, recorded "In God we trust." There's nothing a dollar bill is going to make you be what you want to be, but God what's inside the eternal soul as such.

- Q. Tell me something else about yourself now. You said, I know what your slave name was, and you got up to a certain point, and obviously you had some downfalls in your life.
- A. Yeah, I have, all of my life; got my toes cut off, got a third degree burn, got a birth mark on the left side of my leg with Number 1 on it. Ever see a man with a birth mark ?
- Q. A birth mark?
- A. I'll show it to you. Wait a minute. I'm a man. We're all man, you know. I'm not afraid to show nobody. I'll show it to you right here. See that 1 right there?
- Q. Yeah, it is a 1. How did you get that?
- A. That's my birth mark. Only God gave it to me when only a child.
- Q. How did you get your burn?
- A. My mother was giving me a party one day, and I was a little kid, and I went rushing into the house, and my aunt she was cooking pies and cakes, and there was a cup, like a cup with a handle, with hot water; I went and grabbed it to drink it, but God Almighty did not let it hit my mouth, it just hit my chest but it gave me a bad burn.
- Q. How did you get your toes cut off, James?
- A. I was playing on a saw mill with some friends, you know, and the thing fell back and cut them off. I didn't feel nothing there.
- Q. Where was this at, in Lumberton?
- A. It was in Lumberton. And I never did get anything for me, cause my parents did not know what to do.
- Q. How old were you when you left Lumberton, 12?
- A. I was about, I'd say, 9, 10, about 12.
- Q. How long did you stay in New York?
- A. I stayed there for a good while.

- Q. Did you have any hard times growing up there in New York?
- A. Hey, I had--I been catching hell all the way around the world.
- Q. What kind of problems did you have in New York when you were growing up?
- A. School. School problems. I didn't want to obey the teachers. I was always fighting them, you know, going to school, high or drunk or whatever.
- Q. Did you ever have any problems with the police when you were up there?
- A. Not really, no. Unless I shot some bricks and then they caught, and I was in my mother's house, and they tried to get me, you know.
- Q. Would you shoot a brick at the car?
- A. Yeah.
- Q. What were they trying to get you for?
- A. No, see, my mother put out of the house, right? And my step-father cause I was disobedient, and I wanted to get back in the house, and I wanted to leave, so they called the police and I started throwing rocks at the car over by the house there, and as I was trying to run and not looking where I was going, there was the end of a car sticking out a driveway. I went pow, hit it, and I fell, and I was trying to go under the car, and he pulled his gun out on me, saying "If you move, I'm going to shoot you." So I surrendered. So they put me in jail.
- Q. Did you ever use any kind of drugs or anything while you were up there?
- A. I smoke reefer, uh-huh, when I was there. I smoked cocaine once in my life, once. I don't like cocaine. I like smoking reefer every now and then, you know. But that hard stuff. And I took acid two, three times, microdots, them little black dots, them. I took them just two or three times in my life.
- Q. Did you ever take any heroin?
- A. Never.
- Q. Never took any heroin?
- A. Never in my life.
- Q. They had a lot of that up there, though, didn't they?

- A. Yes. I never touched none of that stuff in my life, man. What I'm telling you is the God honest truth.
- Q. I believe you. I think you're telling us the truth.
- A. Cause I don't like that hard stuff, to fool around with. I went so far when I was up there in jail, I put these on me like tracks like I was shooting dope; but when it came my time, I was trying to get to the house, but they'd knowed I wasn't shooting and they put me in jail, I was trying to get out. Didn't even make on a match book, we had it like that piece of wire. I went like that. Like that, you know. Put them on so I could go to a drug house cause that's where I wanted to do my time, you know. But they knowed I was not on the drugs, you know, so I went up and did time in prison.
- Q. I appreciate you telling us the truth about all this, too, James, cause we've been truthful with you.
- A. I know you all been nice.
- Q. And we want you to be truthful to us.
- A. I respect all society. I don't come here to lie. I don't come here to cause any confusion. I don't come here to cause fear. I come here to learn, I come here to be nice and be truthful with people, you know. See, my eyes is messing up, you know, when I get nervous, you know.
- Q. That's all right, you are among friends. That don't bother us. Any time you want to get up and take a break, get a drink of water or something, you know, get a Coke, just let us know. Okay?
- A. Yeah. Uh-huh.
- Q. Cause nobody's not forcing you to do anything, are they?
- A. I know. No. No. This is on my own will.
- Q. Okay. Okay, now, what else have you been involved in, or what else, you know. Obviously you're a man of the streets.
- A. Yes.
- Q. You are a survivor.
- A. Yeah, I am going to tell you.
- Q. You're a very intelligent man, even though you only have a second grade education.
- A. Right.

- Q. You've done things, I'm sure, like all men have.
- A. Yeah, I mentioned homosexuals. I admit it, you know, done it one time. One guy, he had control of my mind. I went down on him. But, you know, I was sick then. I didn't know no right. I didn't know wrong. I didn't know no better. But then when I realized it, I knew that it was a great sin, even when (made a motion of having anal intercourse) you know, one time, and that's no, it hurts, you know. I been through that, too. But I still have my dignity.
- Q. Sure you do. And, like I said, we've all done things in the past that we wish he hadn't done.
- A. Yeah, regrets. But as time goes along with God, he changes all that, you know, from the deeds of your goodness what's inside your heart, so purifying, you know, the soul. Only getting yourself together with God completely. That's why here, I try, you know, to talk with the people some way I can, and look and just keep on walking, you know.
- Q. That's the reason you are not ashamed of that now, are you, James, because you are right with God, now, aren't you?
- A. Yes.
- Q. That's the reason you've told us about being involved with a homosexual.
- A. Yes.
- Q. You're not ashamed to talk about that.
- A. No, I'm not ashamed of none of that. Cause everybody, you know, makes a mistake.
- Q. Everybody does.
- A. There's nobody under the sun that is perfect except God Almighty himself. That's the only one.
- Q. Say amen to that.
- A. Amen, and hallelujah.
- Q. Yes, sir, we've all made some mistakes, and we all have to face them one of these days.
- A. That's right. One of these days, there's going to be a long time before I do.
- Q. We hope so, anyway.
- A. Yeah, I know so. A long time.

- Q. Have you ever had much doings with girls?
- A. Some of them are not attractive to me, you know, but I tell you, I love all ladies, black, white, cripple, blind, whatever; I love them all, and I try my best to respect them all. That's why I need me a girlfriend.
- Q. Well some of them a lot of times aren't real good.
- A. I know. Some of them aren't. I can see the good from the bad, the way they carry themselves, what they do, what they say, and how they walk and how they talk, and how they present themselves as ladies. I know the good from the bad.
- Q. Have you ever had many experiences with girls?
- A. Yeah. I paid for woman body when I was in Florida; I gave her \$20. That's the only time I ever did it in my life.
- Q. Was that a pretty good experience?
- A. Yes, it was a nice experience. Nice.
- Q. What did you all do? Did you have like regular sex?
- A. Had a regular relationship. She didn't come down on me, I didn't go down on her. You know, it was just up, head up, up here, and that was it. I need it that time....
- Q. After you go for so long, you occasionally need something sometimes, don't you?
- A. Yeah, you have to pay to get it, I'll pay, you know. Long as I was still working, I'd see a girl I like, you know, I'm going to pay, I got \$20, I'll give it to you, give me some your body, you know.
- Q. Yeah.
- A. But I ain't raping nobody.
- Q. Right. Did you ever have any girlfriends in New York?
- A. Yeah, a lot of them. I had so many I couldn't remember their names.
- Q. Is that right?
- A. I'm serious.
- Q. They all did you pretty good, did they treat you okay?
- A. Yeah, all my ladies treat me nice, but see, I'm getting out of my violent stage, you know, I'm growing. I'm getting older. As I

mature, I'd get wiser. You know, I don't get foolish. I don't care if a girl or who may have slept with her, I'm going to treat people as people, you know. Even if they want to laugh at me, I'm going to smile and say "Praise God," or "Praise Jesus," and Praise the Almighty, you know, praise Mohammed, you know, all cause there just but one God and there's one way.

Q. Have you ever had any girlfriends that didn't treat you right?

A. Ahh, no. They all love me. They all love me.

Q. Where did you come from here, James? I take it you were brought up in Syracuse and set up there for awhile until you got in some trouble. Did you spend any time in prison?

A. Yes.

Q. In New York?

A. Yes. Like, see, when my girlfriend was having a baby, and she told me, and I called her on the phone where she was living with her sister, I said "I had to get some money; I can't work nowhere." So I stuck up a grocery store. I had two blank, you know, a 38 and a 25; they were blank guns, you know. So me and some guys got the money, and I wanted to send her some, so when I got the money, I took the cab driver off, and the cab driver who I took off was, he was a white man, was this girl's brother, and he recognized the gun, and he let me off by where I stay, and they picked me up walking the streets one day.

Q. What happened to you, James?

A. They gave me time. I first went to Elmira correctional center facility. You know, where they evaluate you to see if you are slow or whatever. And from there they sent me to Bekin, and from Bekin they sent me to Albany, and from Albany to Attica. I only got four years; I maxed out.

Q. Four years?

A. Yes.

Q. So what year did you get out?

A. In 1974, I believe.

Q. What did you do?

A. I tried to get a job, work, whatever, in the streets again and living off my brother, you know.

Q. Okay. All right, how long did you do that?

- A. For a good while, until I got a part time job, temporary job putting wood frames together for sanding; there was not much money in that until I got a job working in McDonald's, you know, grill, man, and there was no money in that, and then from then on, I was out in this world, trying to provide and make it the best way I know how.
- Q. Out on the street again?
- A. Yeah, out on the street again. Been in the streets there all my life. Ever since streets have been out there.
- Q. Yeah, I know what you mean. All right, when did you work your way back down here?
- A. I was pushing some reefer for this guy in New York. He wasn't paying me no money, wouldn't give me nothing. So I, beating him out, I just took a couple of ounces of reefer, and I was getting tired of Binghamton, so I wanted to leave, I wanted to come and live and see my grandmother, but then she was catching bad times and going through bad difficulties, and I got tired of that, and I said I'm going to, you know. When I was in Lumberton I got put in jail for stealing a 40-cent bag of cookies, and I cursed the magistrate out, and I called the judge to fall out of his chair, and he sent me to McCane, and then from McCane was sent here to Raleigh at Central, and from Central they put me in Dorothea Dix, and in Dorothea Dix, you know, I met this girl and went and lived with her, and things didn't turn out right; we had lots of bad talks. But I would call a woman listing on the phone, you know, that was me doing all that (note: made hand motions of masturbating). Yeah. But I changed, you know. I can't live that life no more.
- Q. How did you cause the judge to fall out of the chair?
- A. Now, I was working some masonry on it, and the crash, you know, his chair went down like this, you know.
- Q. You were working some what on him?
- A. I was working some masonry.
- Q. Is that kind of like magic?
- A. Yeah. I got one girl well over there at Shaw last week she was sick. I worked some on her, and she got well. She doing good now.
- Q. Oh, yeah, how long have you been knowing how to do that?
- A. All my life.
- Q. How did you learn how to do it?

- A. I don't know, from the thoughts, you know.
- Q. Just kind of came natural to you?
- A. Yeah, came natural. And my friend Melvin Jamacian guy, he was sick, she was possessed with a bad spirit. He was tearing her up. I took it off of him. And when I took it off of him, it came on me. Now it's out of me, and it's nowhere. Ask or call him, and he'll tell you about it. I got it off of him and his daughter too, his little baby, and his wife.
- Q. James, while we're talking, and we're talking very honest with each other, you remember the bad things that you've done?
- A. Yeah, a lot of them. A lot of them.
- Q. Would you tell me about them?
- A. I burned a girl's house down one time in Syracuse, New York. She was going to be messing around with some other guy, but she was there when I burned the house down. I was crazy then. I hadn't did too many bad things back then. That was the only thing bad I ever did, except having sex with fagots, you know. That's about it. Other than that, you know, I've been through it all.
- Q. Have you?
- A. Yeah.
- Q. How about here in Raleigh? Have you done any bad things in Raleigh?
- A. I just made solicited phone calls, talking into the phone, you know, like that day cause I couldn't get no lady, you know (note: made hand motions of masturbating).
- Q. Just called them up and masturbate while you're talking to them?
- A. Yeah. I did that. I did a lot of that.
- Q. Any other bad thing you've done here in Raleigh?
- A. No, that's all, that's the only bad thing I did. I don't even do that no more, because, you know, I feel good inside, and I'm not ashamed to tell nobody, you know.
- Q. You'd tell us if you had done something, wouldn't you, James?
- A. Yeah. I'd tell you if I do anything, cause I'd definitely tell. I ain't got nothing to lie about.
- Q. Now that you're straight with God, you don't mind telling us about it, do you?

- A. No, I don't mind. No way. Anything that you want to know about me, just ask me, and I'll try my best in my mind to talk.
- Q. Well you know, a lot of times if people got to really get straight in their life, get everything that they've done wrong behind them, and then they can kind of take it from there and go on and try to lead a normal life.
- A. Yes.
- Q. Because that's the way a lot of people have to do that have done some real bad things, you know, just kind of need to get everything out and get it behind them and get it squared away, and then take it from there.
- A. Yes. And that's the way I look at it, you know, because I don't want to go back, you know, doing that no more.
- Q. I think the Devil causes us to do a lot of things like that, don't you?
- A. People talk about white man is the Devil, okay? In the beginning God was black, then the Devil was black, well then the black has to be the Devil. You see what I'm saying?
- Q. Yes.
- A. But people don't see it that way. But the Devil is nothing but a thought of mind of ignorance of someone doing wrong or doing unjust to someone; anybody that is not function of the basics of understanding...as loving the world as people like that, but no matter what color or nationality you may be.
- Q. James, we'd like to get your opinion on some things and, like I say, you are a very responsible person and you have a good mind, and you have a mind for street survival, for survival, and you will be here for years.
- A. Yes.
- Q. When did you go to Dorothea Dix from Central?
- A. I don't know, about a year ago; I mean, I don't know exactly. Can I have some more coffee?
- Q. Yeah, go on, get some coffee. Okay. You know where it's at.
- A. Yeah, I see it.

(Note: ~~12:33 p.m.~~; today's date ~~October 25, 1983~~.) James Blackman has gone to the coffee maker to get a cup of coffee. This interview began at 12:05 p.m. this date. During this same break James Blackman was shown the bathroom by Detective Holder. Blackman went to the bathroom and returned by himself to the interview room.)

- A. Man, when I got to go to the bathroom, got to go to the bathroom, ain't he James.
- Q. Yeah, you gotta go.
- A. Sometimes I have to go on the street, you go around a tree, you know, but I don't let nobody see me though pee in a public place, you know, I used to always find a little corner or something I can run into a real lot of thick bushes that, you know, and go there.
- Q. You found the bathroom all right, didn't you?
- A. Yeah, I found it. I know where it's at now.
- Q. Okay.
- A. It's got so many floors in here.
- Q. It's a lot of offices in this building.
- A. Is that lady work anything, that black lady, the one that time where I came in the first time?
- Q. She will be here at 3:00, I believe. She comes in at 3:00; she'll be here at 3:00.
- A. She's a nice looking lady.
- Q. That's about 2½ more hours before she'll be here.
- A. Oh. All I want me a nice, young, beautiful black woman, you know.
- Q. What did you do, James?
- A. Huh? What did I do? I worked hard. I worked hard. I worked, I love her, I respect her, and I'll do all the things in my powers of us being together.
- Q. I believe you would.
- A. That's what I need is a good wife for my lady to love me. I don't know where she is.
- Q. And never tried to find you?
- A. Man I tried....
- Q. A good looking black girls?
- A. One girl gave me, wait a minute, she gave me an address. I don't know how to get this. That's all she gave me, put it in there.

- Q. Raleigh North Apartments.
- A. Apt. what, 1?
- Q. Yeah.
- A. Where's that at?
- Q. That's over on the east side of town.
- A. I don't know where it's at. She told me to come back sometime. I met her in the club, I was out there dancing, you know, I told her to teach me how to dance. I can't dance that well I just immitate dancing, you know. You know, that's all I can do. And I like to where I can set at home and talk.
- Q. Go ahead.
- A. Yeah, I be looking, you know. I made something you may not believe. Okay, you see like this here? I found it in a book, right?
- Q. Yes.
- A. If I draw the moon, cut the moon out of a piece of paper and put a star there and a flying saucer, and then put the 9 planets round that, you will see things at night.
- Q. Is that right? What kind of things?
- A. You see things move. You know like when you're watching on TV, right, watching TV, and all the electricity waves and volts, they is coming through to see the whole of the big picture, all over the world. I used the mirror for a focus, right? Penetration, sending things out. And I get it in my mind, and they come on into being.
- Q. A form of hypnosis.
- A. Yeah. And concentrating to it at the same time, what I want to come about, you know, and as I look and get deeper into the details, the elements begin to move, you know. A lot of people don't know that. The mirror is the substance of reflection of time and place.
- Q. That's interesting.
- A. Yeah. And I'm the only one know how they work.
- Q. James, you know what we do for a living?
- A. Keep law and order. I know that.
- Q. Okay. We need some help.

- A. Mm-hmm.
- Q. We've had a rash of young black females that have died in Raleigh.
- A. Mm-hmm. Young ladies?
- Q. In the area recently, yeah.
- A. Uh-huh.
- Q. And we're having, you know, a pretty difficult time, from time to time, in finding out exactly, you know, who these...
- A. Murderers that are doing the killing.
- Q. Yeah.
- A. Hey, that's crazy. I seen some people that--I can look at a person and be beside, and listen to the conversation, and I can feel who's doing this, who's doing that. But then they say if you can read the mind, they can figure out who they are, that's...but if I'm in the midst of people and I'm around them, and I smoke, I can see. I know. Cause people out in the street, they talk, talk, talk, talk, talk. They have no conscience of acknowledging. Everything they do, they...on this earth. You know. Well, I'm the type of man, I can go in all the joints, you know, all around the whole area, and I acknowledge and look and see and understand, then I know.
- Q. You know, do you read anything or know anything about any girls in this area that have been killed?
- A. No. I--I--don't even listen to the news come like that there, but I heard that the guys buried people at the house back there, by his house they found bodies, you know the place they found the woman shot. People just like that, they're crazy, they stupid. That's black doing it to black, and the reason might be is because they know something or they're feeling and something or some kind of organization...and they just take their life away, cause people are going crazy. If I knew which guy it was, I wouldn't care if he was a giant. I'd bring him down. I'd bring him down. And the same way he killed them, I would kill him the same way.
- Q. You would?
- A. The same way, but even worsen than he did his I will burn him and take him to the hell fire.
- Q. James, these bad things that you have done in the past, you remember what they are, don't you?

- A. Mm-hmm. But you know something, sometime I can send out, I have to learn how to control my thoughts, you know, but I can telegraph something to someone, and it happen to somebody, and somebody's going to do something, you know? And I seen that happen to me.
- Q. Explain it to me, James.
- A. Okay.
- Q. You've seen it happen to you?
- A. Yes. I be thinking about something, someone dying or someone getting hurt, whatever, and it's like a what-you-call it?
- Q. Telepathic.
- A. Yeah. Telepathic, you know, thought. You know I perpetrated somewhere and the goes was there, and had some kind of a own body, meant somebody going to go out there and do something to her. But then, when I think of righteousness in the name of God, you know, there's no confusion. Everybody...I walk the streets all over Raleigh. All over. And I see somebody doing something to a woman.... You all going to know about it, you know? And I'd get help, you know.
- Q. You think that's ever happened to you before, do you think anybody has ever telepathed a thought to you to cause you anything?
- A. No. Never in my life. Cause my thoughts are too strong for them to get into my mind. Too strong. No. I don't even like that business, people killing somebody. I don't like.
- Q. That's the way of life.
- A. But they got some freaky people out of here now, you know?
- Q. Mm-hmm.
- A. It's a crying shame.
- Q. A lot of time people will do things like that, that have some real purpose or some real reason for doing it, that you know, under ordinary circumstances, they will do that.
- A. Yes.
- Q. Know what I mean?
- A. Mm-hmm.
- Q. Just occasionally people get loose of their soul or whatever.

- A. Hey, it's not right, cause I told you, some people are into something heavy, you see? Makes no difference whether they are black, organization, or what ever. Now, those are the ones that are doing these thing. I know.
- Q. That's a good point. When you said organization, it just struck my mind. Shaw University, they have a lot of religious organizations.
- A. They have a whole lot.
- Q. St. Augustine is another black college.
- A. Uh-huh.
- Q. They have a lot of religious organizations.
- A. Mm-hmm.
- Q. Because, on one occasion, I remember I had an occasion to meet, I can't think of his name now, they call him Father something over there. What kind of religious outfits do they have on campus?
- A. They, you know--it's--I don't know much about it, but some of the brothers don't let me in on what's going on. But it's something which is controlled, you know, the ladies, you know.
- Q. Control ladies?
- A. Control the ladies.
- Q. Okay.
- A. I used to go them through the pyramid that showed like this here, they showed you like this, like that, and then, no, yeah, like that. Now if you go there you'll see the pyramid. The pyramid is upright. Okay, bottom, top, to side. Three point dimension, you know, and that be within the between, and the confusion of the snake's head of those master and rules over the people head, and they sent out the word that the reverend was going to cut them off.
- Q. Let's start with St. Augustine. Do you know where St. Augustine College is?
- A. No, I never been there before.
- Q. You've never been to St. Augustine's?
- A. No, I go to Shaw.
- Q. You go to Shaw?
- A. I'm still going there, you know.

- Q. You've heard of St. Augustine's haven't you?
- A. Yes.
- Q. Wonder what kind of religious people they have over there?
- A. I really, probably the same thing, where it's like there's a district, you know. Each kind would have their own significance, you know, their own rule and advisor, nationality, or origin, history or courtship or lifestyle of an environment. I really can't say. If I go there and look for myself and observe, then I could see. When I don't go there, I can't see, I can't pick up on that.
- Q. Do you think your body has maybe been to St. Augustine College before but your mind has been some other?
- A. Yeah, yeah.
- Q. That's the way you feel?
- A. Yeah.
- Q. That your body has been there but your mind is somewhere else?
- A. Definitely; I'm serious.
- Q. But if you would go there now, you could tell if you had been there or not?
- A. Yeah. Uh-huh. Yeah.
- Q. Okay. And this religious thing with women, you know, like in Augustine's College and like Shaw, they have a lot of beautiful women.
- A. Yeah.
- Q. They have women of all kinds.
- A. Uh-huh.
- Q. Fat, short, ugly, pretty, homosexual, whatever. And they have dorms just for females. Have you ever had an occasion to visit any of these dorms where all these women might be?
- A. Yes, I had occasions to, you know, like going and talking, cause like when I was in New York, you've heard of Harvard University?
- Q. Mm-hmm.
- A. Like they go coed, you know, the girls and the guys together. But they don't sleep together...they...but I was there, I was doing that, you know, going from girl to girl, talking, talking,

you know, going from then from there, I would be on my way. There was no confusion, and everything was in accord with itself. Excuse me. But if I make that move and go there and talk one to one, I'd be able to see. That's why when I see a sister in the street, she got problems, I give her one of these here, and I say "Call my Elder, if you need any help with your boyfriend. It can be with your boyfriend or friend or whoever is causing you any problems or hurting you, call this number." And they'd say "Yeah, we'll call it," you know. And that's with this, I know it. I supposed to pick up on his soul anyway, but now that you tell me, I begin to understand it.

- Q. St. Aug interests me because there's so many different religious groups there, and listening to you talk, these religious groups are formed to learn how to control women I guess.
- A. Yes.
- Q. Do you think in body you might have been to one of these dorms at St. Aug like you did in New York, but your mind was...
- A. Somewhere else. Yeah. Yeah. I see that a lot.
- Q. Could you explain that to me?
- A. Like, okay, say this is your house here. My house is over here. I never come to your house, but although I know that you live in this house and I've been to the house before, and then when I get there, I'll be trying to put the puzzles and the pieces together with where and then and how. Like when I met that man there, I said "He looked like someone I know," I seen him somewhere, but I can't figure, it's hard for me to replace or recall it in my mind of who that person I think he was. You know. That's the same way.
- Q. Okay, that's very interesting. What do you think your body did? You said you felt like you had been to St. Aug before in body, but your mind was some other place.
- A. Yeah.
- Q. What do you think your body might have done in that dorm?
- A. It's taught, educate and teach the right way; but anything of any desirable or confusion, no. I mean peace, love, and happiness, no discussion, morals, principles, and respect.
- Q. If your body were to be at St. Augustine College in the dorm where these women are, where would you go? Where would your body go if you were on the...?
- A. Well, see, my body, first it would go into the entrance, right?
- Q. Okay.

A. I would acknowledge, sit around, drink a coffee or whatever, and then from there, I would talk to a sister or anyone, have a conversation, and then I would go from room to room seeing sisters talking to them, one as a guardian, you know, over them, something wrong that no harm would come unto them. And then when guys see me there, it will change their minds, because they'd know that I know that I'm there to protect them and not let nothing happen to them. When I got Shaw, I protect the sister there. I won't let nothing happen to them. Nothing. And the brothers see me, they respect, cause I don't let nothing go wrong. I be looking out for self. And I'm not the type of guy I don't have no sex life or sex motive, you know, but I say I do need me a wife, you know, a lady or beautiful woman, you know, to help me, you know, in order for me to help myself.

Q. Suppose the girls didn't want you to be there, James.

A. When they tell me not to be there, I would have to go ahead and move on. I would not stay, stick around. I will not stick around. I will not. I'd go someplace else, either walk the streets or talk to people, you know, on the streets.

Q. When your body, James, went to the dorms, and your mind was some other place but your body was there, how would you dress?

A. I have my suit, this color on, my pants, my shirt, my vest and my coat and my cape and my children.

Q. James, you said you had worn some other kind of shirts at some time.

A. Yes.

Q. ~~What kind of shirts were they?~~

A. ~~Oh, like Dashiki shirts,~~ you know, a Muslim shirt I have, or this or this, or a little short cut shirts with black lines in it.

Q. Has your body ever been to one of these dorms, you say you feel like your body has been, but your mind is here...

A. Yeah.

Q. And you had gone to preach to these girls, protect these girls. And what you're saying is you would be wearing what? What kind of shirt would you be wearing?

A. I'd be wearing this one. This one. Or either I'd be dressed red, or if not in red, in blue, or if not in blue, then the color of this here.

Q. Okay, if you were in red and wearing a shirt, what kind of shirt would that be?

A. Be this one here.

(Note: James Blackman pointed to the color of a red tape cartridge.)

Q. Okay, but you mentioned different styles of shirts.

A. Yeah, different styles. But see...

Q. You said something about a Dashiki?

A. Yes.

Q. ~~What color Dashikis did you wear?~~

A. ~~It would be this color.~~ I only got one this color. (Note: ~~Referred to red tape cartridge.~~)

Q. Okay.

A. I got two shirts this color, but the fabric is like a shirt like that, you know, this color here, you know, gold like. (Note: Referred to the color of a yellow legal pad.)

Q. You never wore a red Dashiki? Never had a red Dashiki?

A. No. I had one when I was small, a long time ago.

Q. But say your body was over in the dorm, and something happened. What would you do?

A. What would I do? If a brother messing with a sister, I would come between them. I would come between them. I would stop all confusion. I would try to make him think and deal with it on a powerful basis of understanding and relating and talking or ironing the problems up. If that don't do no good, I would brace him, you know, bring him down. My first thought would be is to call here. That would be my first motive, but before I do anything, to get your all advice.

Q. Lets turn back the pages of the calendar a few minutes in our mind.

A. Okay.

Q. About lets say 1979.

A. Yeah, 1979, lucky year. That was a lucky year..

Q. A lucky year?

A. Yeah.

Q. What do you mean?

- A. In 1979, this is 19 what?
- Q. 83.
- A. 79, what comes after 1979?
- Q. 80.
- A. That was a year ago.
- Q. Okay, 1979.
- A. 1979. I can't see that. I can't see nothing, cause my dates and times are crossed up. I can't see nothing. I only can keep up with the calender at a time, you know, that's day by day, you know.
- Q. Put your body on the time that you were over at St. Aug University in the dorms. Can you recall anything else, thinking in your mind now, 1979? You were at St. Aug University.
- A. I was talking to a sister. She was short, very lovely, very pretty, and very considerate, you know, I mean very consent, I mean very concerned.
- Q. What is she saying to you?
- A. She's saying "Yes, Lord, I love you."
- Q. Close your eyes again now for me, James. Just think a minute, 79, St. Aug University, you talking to a young girl. What time is this? What time is this?
- A. It's about in the evening, at noon.
- Q. About noon?
- A. And about noon.
- Q. By lunchtime?
- A. Yes. And me and her we start walking. We walking and we talking, and she's just laughing, having a good time, and I'm having a good time, cause she really do love me, and she want me forever, and she don't want nobody else to be with me; if anybody else try to come to get me, she said she would kill me.
- Q. Where does she stay?
- A. I'm trying to think now.
- Q. Do you go back later, looking for her?
- A. No.

- Q. You don't go back looking for that woman?
- A. No, I don't go back looking for her, but I really would like to see her again.
- Q. Okay.
- A. And then I see this girl that I was staying with here in Raleigh; she's coming into the picture some way. No. But all what she has to say, you know, relevant of no concern, but she is getting jealous, very jealous. That's all I can see. I can't see no more. My eyes be open; I can't keep them closed. But when I sit down and meditate some days, some days I sit down and think and things happen like that (snapping fingers, 3 times), you know, (snapping fingers once) just like that. But I can't stop them cause I'm not there. If I was there and had my stuff to work with, my medicine and stuff, the whole ground would be safe. They have my medicine at Dix Hospital, my root medicine. I need to get that, because...put spots you know, around, to make their...appear again, you know, that's trust, you won't have to worry about being it could cause problems, cause I got the medicine...some things with, you know, nice things bad, but it's good. But I told them to hold that up to the hospital for me, you know. The only time I can get that is when I get myself situated, you know, then I can still helping people, cause I know how to use it, you know, I know how to work it. I'm the only one that knows how. Hey, I used to drink baby oil and water, and coffee; it flushes you out, you know. That's where conscience of mine comes in spiritually mind. Baby oil is pure. See, there's no chemicals in there. I used to put about that much in some coffee, water, sugar, brown sugar with it, and drank it. When I drink it, my throat gets, you know, heavy, and my eyes begin to get brighter. Like there was a lot of girls walking out here on the street now prostitution, you know, and if you don't get off the streets, someone going to get them, because I see a white man somewhere too, but I can't, he drives a Cadillac; it's white or yellow. I can't place them in my mind.
- Q. How does he fit in?
- A. Picking up some girls, she's trying to make money to survive, support herself and keep her kids in school, because jobs are kind of hard and scarce to get, you know. So that's where a lot of girls go wrong...and they get up there with the beast. The beast could be black or white. There is no such word as white, you know, but there is such a word as white if it was black, like the Bible, black and white and good. If you were white, you'd be white as that shirt; and if I was black, I'd be black as this here. So then, only God upholds these significant of different levels of shades and colors and textures, you know, only God. So actually in reality it's a whole body, you know, everything is neutral, normal, and well concerned. We are pigmentation people.
- Q. That's good.

- A. (Finger snap) I don't feel like talking no more.
- Q. Okay. That's fine. You're interesting.
- A. Yeah.
- Q. You're a very interesting man.
- A. I don't feel like talking no more. Can you cut that off?
- Q. Yes. Yes, sir.

INVESTIGATIVE NOTES:

Date: ~~October 25, 1983, Tuesday~~ (Holder, Munday, and Blackman go to St. Augustine College campus.)

James Blackman wanted to go to St. Augustine College Campus to look around. Detective Munday was driving. Detective Holder was sitting in the right front seat of the automobile, and Blackman was in the back seat sitting directly behind Detective Holder.

At St. Augustine College campus, Blackman got out of the car by himself, unescorted, and walked on the north side of the campus. He was observed by Detective Holder and Detective Munday talking with several male and female students. James Blackman was on his own, and he stayed gone at times out of sight of Detectives Holder and Munday, for approximately 35 minutes before returning to the car. At this time Blackman was introduced to Chief Adams who is employed with St. Augustine College as their Security Chief. After talking with Chief Adams, Blackman turned around and started talking with an employee of St. Augustine College campus that was cleaning out a plant border. A few minutes passed, and Holder, Munday, and Blackman got back into the car, preparing to leave the campus. Detective Munday was driving the automobile, and as he continued to circle the campus, he took a right to leave campus, going by the Security Office. Just before leaving the campus and enroute to the Security Office area, Blackman was asked by Detective Munday if the area that we were in at this time looked familiar. Blackman said "yes." Munday stopped the car to back up and Blackman asked could he get out. Holder asked Blackman if he wanted him (Holder) to go with him. Blackman said "no." Blackman got out of the car by himself, unescorted, and walked down over an open area into a wooded area onto a path. Blackman continued to walk down this path until out of sight. Several minutes passed and Blackman returned to the car. Blackman said "There is evil down there, and bad spirits." (At that time we had turned the car around and were waiting for Blackman to return.)

After Blackman got back into the car, we continued to drive out onto the circle of St. Augustine College campus and prepared to leave the campus at that time. As we were leaving, Blackman was seated in the back seat, and suddenly he said "That's the girl's dorm. That's the girl's dorm." (Blackman pointed out Latham Hall.) Blackman continued

to say "I have been there before." At that time we continued to leave the St. Augustine College campus. (End of INVESTIGATIVE NOTES.)

(Note: ~~The time is 1309 hours; the date is still the 25th of October, 1983.~~ Mr. James Blackman has gone to the bathroom by himself. He said he does know the way.)

- Q. Want a napkin?
- A. Yes.
- Q. We'll get you a napkin now. All right. Why would you like to go over there, James?
- A. I just said to go over there and look and see how everything is, you know, cause I been going to Shaw, you know, I'd see what's over there by its own bodies you know. I ought to be go over the other place and look around there for awhile, you know, see what kind of pickup, you know, people's movements, their actions, their thoughts, you know, their motives, you know.
- Q. You say you think your body has been over there before, but your mind hasn't?
- A. Yeah.
- Q. You think you might would recognize it if you went back over there now?
- A. Yeah, I would. I would.
- Q. Does your mind communicate with your body at all, James, while you were over there, while your body is over there?
- A. Yes, my mind. If my body goes there, my mind would correspond with everything I notice, like what I see, and then I'll know, you know, which way the problem is being geared, or the way the thing should be understood.
- Q. Okay. Would that help clear your mind as to why your body was over there and what you were doing over there?
- A. Yeah, that's what it would do.
- Q. So what you're saying, if we ride over to St. Aug...
- A. And put me out and let me know.
- Q. Just sort of let you see the area, you can probably tell us where your body went?
- A. Yes.

- Q. Okay. You were mentioning a few minutes ago, it was a bad thing about these sisters out here that were being killed.
- A. Mm-hmm.
- Q. What does that bring to your mind, James? What situation does that bring to your mind?
- A. Like, it hurts me, you know?
- Q. What girls are you thinking about?
- A. Some of the most beautiful, precious you know, jewels of the world.
- Q. How are these girls being killed, James? Does your mind tell how these girls are being now?
- A. Several are getting choked. Some are getting cut, and some are getting shot.
- Q. Some are getting cut? How do you mean cut, James?
- A. You know, cut with a knife, bad, or shot with a gun, or either you know, just like that.
- Q. Do you see any of these things like you described in your mind seeing as happening over in St. Aug? Do you see any of this happening?
- A. Yeah, I see some madness.
- Q. You see some madness?
- A. Yes. A whole lot of madness.
- Q. Do you see anyone getting hurt?
- A. Not really, no.
- Q. In the past when your body was over at St. Aug, does your mind see any lady getting hurt?
- A. No, not then.
- Q. Not then?
- A. Not then.
- Q. Has your mind been told of anything like that happening?
- A. Yes, yes, it's been told. That's why I want to go and look, you know. Look and talk.

- Q. What has your mind been told about St. Aug, James?
- A. That they have a lot of pretty intelligent sisters there, and that a lot of them mess around with marihuana, reefer, wine, and drinking, and a lot of them are not doing what they should be doing to benefit themselves. They are hanging out with the wrong crowd, in other words they don't got no real sincere buddies and friends, because the man is using them for the purpose of his body and would be wanting his own pleasure, and he denies them the natural things that they should have for themselves. This coffee is good.
- Q. Good. Does your body and your mind, do you see one of the sisters or some of the sisters getting hurt?
- A. Yes. I see a light-skinned girl, real pretty with long hair, real pretty.
- Q. Big girl? Small girl? Describe the girl to me.
- A. Like she's in between. She is not thick and she is not fat. She's got a small body, and she's real pretty and she look real nice and she talk real nice, the way she have a whole, a whole lot of good things in her mind to benefit her future life living in comfort, and she just beautiful all over.
- Q. What happened to her? What does your mind see as happening to her?
- A. I see her coming talking to me, and I see me and her getting together, you know, being together forever. And although I see a whole lot of chaos that was once there, gone away. There's no more. Everything is going like natural place spective, you know?
- Q. I want you to back your mind up to when your mind tells you about the girl being hurt at St. Aug. How is she hurt? What happened to her to make her hurt?
- A. She's in love with somebody, and they had it out for her, and she really loved him a whole lot, but he don't want her, because she did something on him, and he found out about it, and he was real jealous, real jealous, and he did not know how to cope with the problem, so what he did, he took her life.
- Q. How did he take her life, James? How did he take her life?
- A. Either he choked her or gave her some kind of drugs to mess up her forever to kill her or some poison. That's what I see. I can't see no more.
- Q. Okay.
- A. You want to take me over there now?

Q. Yeah, we'll ride over there.

A. Okay. Can I put my stuff away?

Q. Mm-hmm.

A. I ought to go over there and look around. That was some good coffee. You don't have the tape on do you?

Q. No.

A. Yeah, I like come talking to you.

Q. Okay.

A. Well, Mr. Holder, you got 50 cents on you?

Q. Okay.

A. That's all I need, 50 cents.

Q. All right. Take your cup and just throw it in the trash out there.

A. Okay.

[REDACTED]

Q. James, lets see, today is Wednesday the 26th.

A. 26th?

Q. Yeah, of October, of 1983. You're a little fast.

A. Yeah.

Q. Let's see how your memory is.

A. Okay.

Q. You came down here this morning, looking me and Munday, right?

A. Yes, sir.

Q. And Munday and myself, we were out, and we took a few minutes to get here. What did you do while we were gone?

A. I sit in the office there, waiting for the lady to get in contact with you, and I asked the woman for a cigarette, and she had a couple and said that's all she had, so I took that with respect

and just smiled and laughed a little, and just thought of goodness all day.

Q. Well, nobody didn't make you sit in here and wait for us, did they?

A. No. She told me to have a seat out there. So I was like a gentleman, and I even listened to my Elder, you know, sit there and wait.

Q. Okay. And then we came in and then what did we do?

A. We shook hands, got some coffee, and then later on we got something to eat.

Q. Where did we go?

A. Where is that, McDonald's?

Q. McDonald's?

A. Yeah.

Q. What did we do when we got to McDonald's?

A. We sit down and, you know, the chair, and we talked, you know, and just had a nice conversation.

Q. Okay, but before we went to McDonald's, you gave me your bag, right?

A. Yeah.

Q. And then what did you do?

A. I can't remember that.

Q. You said you had to go take a leak.

A. Oh, yeah, had to go to the bathroom.

Q. Right. And you knew where the bathroom was, so you went by yourself, didn't you?

A. Yeah.

Q. Then you came on back out and got in the car?

A. Yeah.

Q. Okay. Now, you came down this morning to talk to us. What did you want to talk to us about, James?

- A. See, I don't want to stay where I'm at, you know, and I want to try to get a place before the snow comes, and a decent job so I can support me and my girlfriend, wife, and she's going to get a job too, working so we can support each other, cause I want to get her a baby, you know. I have to have a child. Cause all the babies I do got, I don't know if they are mine or not, you know. Cause back then those girls was fast, you know, going with this guy and that guy, and they get this guy and they think he is all right or falsely accuse or blame...not mine. That's been part of my problem for a long time, I need a baby.
- Q. And the Chief. You met the Chief in there.
- A. Yeah, he's a nice guy.
- Q. Yeah. We were talking, and you mentioned the mustache. You haven't always had that type of hair cut.
- A. Yes.
- Q. You have?
- A. Mm-hmm, always.
- Q. Have you always had that much hair and this much beard?
- A. Uh-huh, ever since I was 18 or 19.
- Q. What we were just talking about, what probably a nice looking guy you would be if it were shorter or something, you know.
- A. Yes. It would look better. Then I'd be considered a good citizen toward society....
- Q. But you always had that much hair and that much beard?
- A. Uh-huh, it grows fast.
- Q. James, our trip yesterday (note: ~~Tuesday, October 25, 1983~~), you were in both mind and body yesterday (10/25/83).
- A. Yes.
- Q. Your mind and body were together.
- A. Mm-hmm.
- Q. And we went over to St. Aug University.
- A. Yes.
- Q. How did you feel when you were over there?

- A. I felt nice, you know, felt like I was wanted, you know, like those people who want to talk, wanted to comment and see about very different things, and people just want to see life live on forever and exist in a positive form of imagination, and everybody being in love with somebody. Communication and harmony.
- Q. Okay, very good. Ask you something else. Yesterday, you were thinking about a few years ago.
- A. Uh-huh.
- Q. Your body was at St. Aug.
- A. Mm-hmm.
- Q. And you mentioned yesterday that your body, separate from your mind...
- A. It goes somewhere, just like, you know, at times when I lay down to sleep, something come out of me and goes somewhere, you know. And then when I go there to that place or wherever I'm at, I can remember everything I been there.
- Q. Right. Now. I think you remember the wooded area yesterday.
- A. Yes.
- Q. You went right to the woods.
- A. Yes.
- Q. Why did you go to the woods?
- A. Because that's where I been sleeping there a lot, you know, in the woods, where a lot of grass is and nice warm spot. And I got a blanket, I wrap up in that, you know. Well, I call the woods safety ground, holy grounds, you know.
- Q. You feel secure in the woods.
- A. Yes.
- Q. You feel safe in the woods.
- A. Mm-hmm.
- Q. Very good. Yesterday you also said "That's the girls' dorm. That's the girls' dorm."
- A. Mm-hmm.
- Q. You're smart. I didn't know that. Is it a girls' dorm?

- A. Yes.
- Q. How do you know? I don't know.
- A. I don't know, my mind tells me, you know. It foresees things that later on in the past and present comes, you know. And I can just penetrate to certain things, and I can see certain things, you know, and I know what a matter of problems which is consistent in being there, where guys treating girls bad, girls treating guys bad, there's a whole lot of confusion. But now they're going to do right.
- Q. What do you see? I try to close my eyes, and I try to see like you see. What do you see going on in that dorm? You said you see the bad things going on.
- A. Yeah. I can see some guy going there and girls taking them to their room, they smoke and get high, they get drunk and do all kinds of fornication, and some guys get jealous of the girlfriends, and some guys hurt the girls and keep fear in them, so they can control the environment, you know, unless if anyone know anything about something going to happen to them too.
- Q. Has your body been there before, to that dorm?
- A. My mind, spiritual body, been there.
- Q. That's right. Your spiritual body has been there.
- A. Mm-hmm.
- Q. Where have you been in that dorm?
- A. I'd say, I'll say about on the top floor, actually through the whole complete building.
- Q. You've been the whole complete building, and you see your body on the top floor?
- A. Uh-huh.
- Q. What do you see as you close your eyes and you think, you know, what do you see your body doing on the top floor?
- A. I see myself making love to a very beautiful sister, and she was pleading with me to make love to her, but I didn't want to make love to her because I'm already situated with somebody else, and she got jealous, and she was real mad and very disappointed, and she didn't have no way of getting me, so she tried everything in her power to get me put in jail. Some girl. I can't figure out who she is. It was not Erma White, I mean Erma Williams. It's not her. It's some other lady, you know. It's hard for me to pick up on that.

- Q. What does this lady look like?
- A. Oh, she got long pretty hair; she's black skinned about my--a little lighter than me. She's real nice, and her family and her people have a whole lot of money, and she been trying to get me a long time to coop me in.
- Q. What is it like on the top floor, James? What does your mind and your spiritual body, you're on the top floor in the girls' dorm, and what's going on up there, James?
- A. Someone was smoking reefer and drinking, and I was talking to a girl and I smoked some reefer with her, and she just fell all into my power, all into my love, myself, and I keep telling her I already have somebody that I love and that I truly want to be with, and all I can do is respect you as my sister and treat you as a friend, because I cannot make no physical or sexual love with you.
- Q. Very good.
- A. She got mad, real mad, then she tried to start sending different organizations of masonry out to hunt or to take my head, so she can have someone forever preserved.
- Q. Very good. Your body, spiritual body, is there.
- A. Mm.
- Q. On that top floor. How many times has your body been up there?
- A. Quite a few. I think about 7 times.
- Q. About 7 times.
- A. But it goes other places too, you know that. I can't pick up on anything, you know.
- Q. I understand. I understand. Just concentrate now on that dorm that you picked out yesterday as your body being in there, and you're on the top floor now. You've been there about 7 times.
- A. Uh-huh.
- Q. How do you get to the top floor? How does your body get to the top floor?
- A. I walked up the flights of the steps, and as I was walking up, I was stopping from one room to another, fourth floor, until I elevate myself to the top; and when I elevate myself to the top, I see some of the most physical ladies in the world.

- Q. Very good. Now. Your body, spiritual body is going up the stairway. You get to the top floor and you see some more beautiful women.
- A. I just fall in love with all of them to the extent as brother, you know, of sister. But it's to the extent of me loving specifically people as individually, I can't go for that. I can't see it. And that's the problem why a lot of ladies do not like to sit and talk to me, because they want me for themselves and they don't want me to be with nobody else, and they love me, only me; but I keep telling them, denying them, "I can only treat you as my sister or my friend or companion. We cannot have no physical love."
- Q. Very good. Now let's just take just a minute and with your eyes closed and thinking about your body through your mind. Look up on the top floor, James. You're on the top floor.
- A. Mm-hmm.
- Q. And you come in, you come up the stairway.
- A. Mm-hmm, and that's on the side.
- Q. That's on the side.
- A. Mm-hmm, the left hand side, or the right, either one, I think it's to the left.
- Q. What time is your body going up the stairway, when you get to the top floor, what time is it?
- A. It's about noon, almost night.
- Q. Almost night.
- A. Mm-hmm, and a lot of girls are doing a whole lot of studying and reading, and when they see me, they fall in love.
- Q. Very good.
- A. I got to go to the bathroom.
- Q. Okay, you know where the bathroom's at.
- A. Are you going to turn it off?
- Q. Yes. Okay.

(Note: It is now 10:29 a.m. (Wednesday, October 26, 1983), and the interview started at 9:35 a.m. James has gone to the bathroom by himself, unescorted.)

- Q. James, it is now about 10:34 a.m. in the morning, and you just came back from the bathroom.
- A. Yes.
- Q. Did you have any trouble finding it?
- A. No, I found it, I actually having trouble finding this place here, but now I know where it's at.
- Q. Okay. You tried to come down here before and couldn't find it.
- A. I was mad, man, I was walking all the way down the...I was so mad I took that cup and threw it down and wanted to step on it, and that man laughed at me, man, like that. But then something cooled me, the voice of God told me to "Take your time, my child, walk one step at a time, and then very patiently come together with yourself." I see an angel saying to me, angels sound like white people, but they're black and white together.
- Q. Make good sounds.
- A. Beautiful, man, the music was so beautiful, like the song the one the angels sing now, because, wait a minute, I want to think of it. It goes, one song goes (singing) "In the universe, tum tum tum, in the universe, tum tum tum, in the universe, tum tum tum, God create the earth, tum tum tum, in the universe, tum tum tum, God giving birth, tum tum tum, in the universe, tum tum tum, God create the earth, tum tum tum, he gave me eyes to see, tum tum tum, what you mean to me, tum tum tum, in the universe, tum tum tum, God creates the earth, tum tum tum, he gave mother time, tum tum tum, to stand be alive, tum tum tum, in the universe, tum tum tum, God create the earth." That's one song, then he gave me this song, goes like "You're black, you're white, you got to unite, you're black, your white, don't got time to fight. Identify yourself, tum tum tum. My white brother, tum tum tum. Identified yourself, tum tum tum, my black brother, tum tum tum. Identified yourself, tum tum tum, my white brother." And that's the one that he
- "Tum tum tum tum tum"--I can't think of the other one now, can't remember.
- Q. The angels...
- A. They sang to me.
- Q. Sang to you.
- A. I am serious, they really sang to me.
- Q. I believe you.
- A. When I be out there in the cold and laying down, they sang, they sang that song. And when I learned the song, remember from the

guy over here on Garner Road, my friend, I sung that song to my friend's baby and the baby went right to sleep. You can ask him. She went right to sleep and was resting good.

Q. Peaceful song.

A. Mm-hmm. I know a lot of music that I make up in my own mind, a lot of music.

Q. James, I want you to go back and lets concentrate again mentally totally separate from the body...

A. Hey, do you think that my spirit body can go somewhere and do somebody some wrong or hurt somebody?

Q. Do I think that?

A. Yeah.

Q. I do, James.

A. I believe the same thing too.

Q. You know...

A. Hey, I used to suggest things on my mind and it happened. I don't even think of it. But it would help if I could get some control over it, you know?

Q. Right. Right.

A. And I don't even be there in the present, but the present of myself and my soul and my body, you know, it form a ghost and they see in a physical form.

Q. You're right. You're right. Now. The top floor.

A. Mm-hmm.

Q. Something happened. Something you had no control over.

A. Mm.

Q. Your body was there. You were re-formed.

A. Uh-huh.

Q. And something happened, James, something you had no control over.

A. Mm-hmm.

Q. It was a lot of what you call it?

A. Madness?

Q. Madness.

A. Yes.

Q. And a whole lot of things just going together, you know.

A. Mm.

Q. And, you know, somebody got hurt.

A. Mm. It was a girl.

Q. Tell me.

A. I can't picture it, and I can't see her.

Q. What's happened to the girl. She gets hurt. What happens to her?

A. She start crying and hollering, and no one come to her aid, and nobody can see anybody cause everybody was under their spiritual powers that I had there, so that's why they couldn't see nothing.

Q. Right.

A. But she only saw it within her body, it goes like this; but I gotta get that under control.

Q. Right. Right. It's what you're working for.

A. Yes.

Q. This girl is screaming for help.

A. But she, but she, but he was possessed by a very bad spirit, and then my spirit came looking to help her.

Q. Right. What did your spirit do, want to take it away from her?

A. Yes.

Q. What did your spirit do, James, what did your spirit do?

A. Just make confusion all over everywhere.

Q. Confusing everywhere.

A. Mm-hmm.

Q. What kind of confusion?

A. Yeah, everything.

Q. Everything's going wrong.

- A. Mm-hmm.
- Q. What did your spirit do to take this evil out of this girl?
- A. Ah...
- Q. What did your body do?
- A. My body made love to her, and I talked to her in a voice "(speaks about 8 seconds in foreign tongue or mumbo-jumbo)".
- Q. Okay. Where was this girl screaming?
- A. Up at the dorm there.
- Q. Where was she when she...
- A. She was in her room.
- Q. In her room?
- A. Mm-hmm.
- Q. What kind of room?
- A. It's like a room like this one looks, bigger, she had stereo, TV, and all the good things like that, and I was trying to make her see what she was doing was bad, that it wasn't right, it wasn't exact, and then I sure put the wrath of God on her and I showed her the good part and the bad part too, but now she's doing better.
- Q. Where is the girl?
- A. She's at school now. She's doing better. And any life that I take in a form, it comes back and go into another body. That's why I say I have to get my medicine and place my candles on the ground of all places, a gold candle on all the school campuses. I must place, cut them in halves and place them, and sit them burning, and then the light will shine, and there will be no more trouble in any of their lives.
- Q. James, I want you to focus on this top floor.
- A. Uh-huh.
- Q. There are rooms with beautiful women..
- A. Mm.
- Q. And you hear a scream. Do you hear screams?
- A. Yes. She hollered when she called me. She wanted me bad.

- Q. What other rooms are there up there? Do you see any more rooms up there on that top floor?
- A. I see about five, six, or seven, about 4 or 5, something like that.
- Q. What other kind of rooms do you see? Do you see closets?
- A. Yeah. I see a lobby.
- Q. All right, what else?
- A. I see a phone.
- Q. All right, what else do you see now?
- A. And I see a whole lot of pretty women standing around, they want to talk.
- Q. What are you doing, James, what are you doing when you see all these women standing around?
- A. I'm talking, I'm talking to all of them.
- Q. Are you walking? Are you running? Are you crawling? Are you sitting down? What are you doing?
- A. I'm sitting down.
- Q. You're sitting down. What happens next, James?
- A. This is the--it's the ultimate test, the ultimate. She got to slow herself down. And she must think on God, and she must read Psalm 1 to 23, and then she will be free.
- Q. Let me ask you something. Your body, separate from your mind, reformed into another James Blackman over on the top floor of the dorm.
- A. Yes.
- Q. Do you think if we went over there and we went on the top floor?
- A. I will know everything.
- Q. You will know everything?
- A. I will know everything.
- Q. You want to do that?
- A. Yes. Now.
- Q. You want to do it now?

A. Now.

Q. Let's do it.

INVESTIGATIVE NOTES:

~~October 26, 1983, Wednesday.~~ Holder, Munday, Blackman and Chief Adams meet at the St. Augustine College Security Booth. From that location we went to a parking area located across a roadway and in front of Latham Hall. Blackman requested earlier that he had wanted to show these investigators where he went in Latham Hall and also show them what he did and where it happened.

Chief Adams was driving his vehicle which he parked in the parking area across from Latham Hall. Also Detectives Holder and Munday, and Blackman parked their vehicle in the same parking area in front of Latham Hall. After getting out of the automobiles, Blackman was walking in front of Detective Holder and Chief Adams. Detective Munday was walking along beside James Blackman.

James Blackman entered the front door of Latham Hall. Once inside, Blackman walked down the stairway to a door and stopped. Blackman said, as he entered through the door "This door was unlocked." From that location Blackman walked (normal walk) up the steps. He stopped on the second floor, saying "This is the way he did." James Blackman stopped briefly on the second floor. Blackman said "I just walked inside, got a drink of water, looked around, then left." (Blackman stopped on the second floor but stayed near the door that he entered the floor on.) Blackman walked up the steps past the third floor, continuing and finally stopping on the 4th floor. Staying just briefly again on the 4th floor, as he did on the 2nd floor, and staying very near the door that he entered the 4th floor through. (Leaving the 4th floor, Blackman said "He did this way.") Walking up the steps past the 5th floor, continuing walking up the steps, entering onto the 6th floor, as Blackman entered the hallway of the 6th floor, he said "There it is. That's the lobby I was telling you about, and there is the telephone I was telling you about." From the lobby of the 6th floor, Blackman walked down the hallway (east side), stopping at room 608 (victim's room), staring at the room for several seconds (appeared to be 15-30 seconds). At that time Holder asked Blackman "Does that look familiar to you?" Blackman said "He had been there before." At this time Blackman walked down the hall (north side) to room 610. Looking at room 610, Blackman said "He has been in that room before." (Blackman entered room 610.) At this time Mrs. Latta (employed with the St. Augustine College as one of the matrons to Latham Hall) and two girls were in room 610. When he left the room, Blackman walked back up the east hall to room 605. Blackman requested at this time if he could into that room. Chief Adams went into the room first to clear out the room and to make sure there were no females in there at that time. Blackman went into the room, looked around, stayed just a short time and said that the room looked familiar. At this time Mrs. Latta also walked down to the room we

were at, at the present time. (Again Blackman said that he had been in that room before, and it looked very familiar.) Leaving the room, Blackman went into the hallway, and this is the south hall, and he walked in a westerly direction. He turned right at the west hall and continued down the west hall, headed in a northerly direction to the end of the hallway. (This hallway dead-ends to the hallway on the north end of Latham Hall.) Blackman turned around (looked like Blackman was avoiding going into and looking at the bathroom area). At this time Holder asked Blackman to look into the bathroom to see if it looked familiar to him. Blackman went into the bathroom at that time (Blackman entered the bathroom from the west side), walked past the bathroom stalls until he got to the last stall. Blackman turned to his right, facing the stall, pushed open the stall door, and said "This is where it happened." Holder asked Blackman "What happened, James? Where were you?" Blackman said "I was here and she was there. (See interview on transcript.) From that location Blackman went to a sink and washed his hands, again saying "This is what I did." From this location Blackman went out of the east exit of the bathroom. From the bathroom, Blackman turned right, walking in a southerly direction, and this would have been the east hallway. Blackman walked to the stairway leading down, being the same stairway that he entered the sixth floor on. He turned slowly, opened the exit door, and walked down the stairway. At this time Blackman made the statement that he walking and describing his walking as a "cat walk." Walking down the stairway, Blackman picked up his walking speed. He was still walking, not running, down the stairway and entering onto the first floor. After entry on the first floor, Blackman took a right, walking toward the front of the building, walking for several feet, and then he took a left into a sitting room. (At time of this offense on 9/28/79, this room was a game room.) While in this room Blackman slowed down his walking pace, almost stopping, went to the curtain that was covering the front window of the building, paused just a second, took a right, went to the front door, and at that time he did exit Latham Hall. Blackman walked out the front door, took a left, continued walking left, until he reached the east side of the building. Walking north to the rear of the building, at the rear of the building Blackman asked Detective Munday if he could go into the other dorm. (This dorm was located just behind Latham Hall.) Blackman walked into the other dorm, walked into a room that was located on the ground level of that dorm, and asked the occupant for a drink of water. (Blackman was given a drink of water.) (This room was occupied by the Dorm Matron.) Blackman said that he had been there before. Blackman walked out of the dorm at this time and went to the rear of Latham Hall. Blackman walked and looked around the area. He stopped behind the dumpster and urinated. Blackman at this time said he went into the woods but he did not want to go now because there were "bad spirits" in there. From that location Munday, Blackman, Holder, and Chief Adams walked to the parking lot. Chief Adams at that time got into his vehicle. Detectives Holder, Munday, and James Blackman got into their vehicle and returned to the Investigative Division of the Raleigh Police Department. (This concludes the INVESTIGATIVE NOTES.)

(Note: ~~October 26, 1983, Wednesday.~~)

Q. It is now ~~10:43 a.m.~~ and at the request of James Blackman, he wants to do it now; we are going over to the St. Augustine Campus to the Dorm that...

A. Yes.

Q. ...James Blackman picked out as being the girl's dorm yesterday.

A. Yes.

(Note: ~~October 26, 1983, Wednesday.~~)

Q. It is now ~~10:32 a.m.~~, we have just briefly returned from St. Augustine campus, right, James?

A. Yes, sir.

Q. And while we were there, James went into the dorm that he pointed out yesterday as being a girls' dorm. (Note: Yesterday was Tuesday, October 25, 1983.)

A. Mm-hmm.

Q. James, tell me how the other James Blackman went into the dorm.

A. He went in from the entrance way downstairs, and then went up the steps, and light a match and smoked a cigarette, and some girl that's name was Debra I was talking to, but she's not there no more, and she left and she went somewhere, but, ah, there was a whole lot of static of confusion there, and all the ladies trying to get me to talk to them or make love to them, you know, and I kept denying them and telling them no, I have somebody. And when I told them I have somebody, they'd get real upset and very confused, and then they girls of the night or the organization to try to get me to come to them and make love to them. But I said "No, I can't make love to you because I have somebody."

Q. All right, James, I want you think for a minute.

A. Mm-hmm.

Q. Close your eyes and concentrate for me, okay? Now, you're over in the dorm. What floor do you end up on?

A. The sixth.

Q. All right. How do you go up to the sixth floor?

A. You can either go up by elevator or I usually go up by steps.

- Q. You went up by stairway. All right. Now once you were up there, you recognized the sixth floor, you described the sixth floor to me.
- A. Mm-hmm.
- Q. You described the lobby.
- A. Mm-hmm.
- Q. You described the telephone.
- A. Mm-hmm.
- Q. You also walked around on the sixth floor.
- A. Mm-hmm.
- Q. How long were you up there before the girl started screaming?
- A. I was just about an hour and a half.
- Q. Where were you, James?
- A. I was like where the entry there, where you go to use the phone, and I sit there in the lobby, I was talking to her, and then I went in her room where we made love spiritually.
- Q. All right, James. You were up there, and as you walked around just about an hour ago...
- A. Mm.
- Q. You went around, and you went to a couple of rooms, and I jotted the room numbers down that you said that you...
- A. ...been in...
- Q. ...yeah, and looked familiar to you. Now. On the way up the stairway, you stopped on the third and fourth floor before reaching the sixth floor.
- A. Yes.
- Q. Okay. Now, you mentioned up there that you had been in this room, and you pointed to room 615.
- A. Mm-hmm.
- Q. All right, then you cut through the bathroom...
- A. Mm-hmm.

- Q. ...and you said you had "This room looks familiar," and you were entering and pointing to Room 608.
- A. Mm-hmm.
- Q. Okay, now, something had happened in Room 608, and you were talking with somebody. Something was happening.
- A. Mm-hmm.
- Q. Okay. Before this happened, coming through the bathroom, you were looking at the stalls, coming through from Room 615 to 608.
- A. Yes. Mm-hmm.
- Q. Do you remember, an hour ago, where you stopped in that bathroom?
- A. Yes, I stopped where the ventilator in the wall where it's been taken out of...
- Q. Right.
- A. I stopped. I met a girl there, and I made love to her there.
- Q. In that stall.
- A. Yeah, in that stall.
- Q. Okay. Now, what happened after you made love in that stall?
- A. She got jealous and mad, cause she wanted me to stay, and I told her I had to go, and she screamed for help. And then I ran out real quick and got a...
- Q. So she screamed for help, and you ran out real quick.
- A. Yes, I went down the steps fast.
- Q. Okay. You walked--how did you walk in the hallway?
- A. I, I was cat-walking, taking my time, walking slow. Then when I came to her room, she called me in, and I made love to her, and she did not want me to go, so when I left, you know, she made a whole lot of noise.
- Q. Okay, did you--what did you do to her, James, anything?
- A. No, I just had made love to her. She did not want me to leave.
- Q. Okay.
- A. And she say if I leave, she was going to call the police or whatever, and I told her I had to go, so I left, I left fast as I can, that's why I came down the steps real fast.

Q. She was hollering?

A. Mm. And the reason why I didn't want to go back into the woods, cause that's where my form changed, you know, and then I go somewheres and I be going, and that's my way of escape, you know, getting away from everybody.

Q. The woods beside the dorm over there, you didn't want to go back in there today.

A. No.

Q. But you did go back in the woods that day?

A. Uh-huh.

Q. But you don't want to go back in there today.

A. No.

Q. Why do you not want to go?

A. Because the Devil and I talked together, you know, and his spirit and his forces tried to over-dominate the power, like I was trying to kick him out and take his place; but then, you know, as I look in the book for references, something told me to be still and go on my way; then I just go and leave. Cause there is a like me here in the world, and he's in Miami, Florida, Yahweh, and he's supposed to be my brother. We are identical twins.

Q. All right, James. Now listen to me again. When you were on the top floor...

A. Mm-hmm.

Q. And you started to leave, how were you walking?

A. I was, I was walking with finesse.

Q. Okay, was there any other girls around looking at you?

A. (Note: James nodded yes.)

Q. James, it is now 12:39 p.m. on (Wednesday) October the 26th of 1983.

A. Mm-hmm.

Q. And I've just finished changing tapes. The first tape ran out, okay?

- A. Yes, sir.
- Q. Now. Let's pick back up, now think for a minute now, a lot of things are coming back to you.
- A. Mm-hmm.
- Q. You were walking with finesse on the top floor.
- A. Mm-hmm.
- Q. This is after the girl had screamed, not wanting you to leave.
- A. Yes.
- Q. And there were several girls looking at you, watching you. They did not want you to leave. But you were walking with finesse. Tell me where you walked to.
- A. I went to the bathroom, and I got some water, and I drunk it. Now she was telling me to "Stay, stay; if you go I will call the police, I will call the police." Then I came out the exit door, and I start taking big long steps down, trying to get out. And then when I got out I went over by the woods, and I prayed. And when I prayed, I was completely somewhere elsewhere. I don't even have no idea in my mind where I was at the time, but although I know I was resting in the spirit.
- Q. Very good. Think a minute for me, okay? How long were you on the sixth floor?
- A. About an hour and a half.
- Q. Okay. Do you remember if there was dark or light?
- A. It was kind of dark when I left.
- Q. Still kind of dark?
- A. Yes.
- Q. But not real dark?
- A. No. I always move in the dark, you know.
- Q. You always move in the dark?
- A. Mm-hmm. That's when my spirit come through, like, if the lights are out in here, I have a match and I strike it, and I look in the mirror, I can see myself in places and thing, you know, but when the light is shining I cannot see nothing. It's like you know how they show the movie on TV about Dracula, he looks at himself, and he cannot see him invisible? That kind of form come out of me. At that time my teeth be biting the side and my jaws,

it's like I got some kind of evil spirit in me sometimes or something, but I try to control that.

Q. Well rest now, and think again for me, okay?

A. Okay.

Q. And when you leave, how do you leave, James? You walk down the stairway sort of fast, taking long steps.

A. Uh-huh.

Q. And how do you get out?

A. I get out--I came in the door, my spirit came in there, and then my body formed itself in there; and the way I had to get out was at the entrance I should come in.

Q. Okay, that's the way you went out, but you came in the side door...

A. Yes.

Q. ...a different door.

A. Uh-huh.

Q. Okay, when you came out the entrance door, what did you do then? You said you went into the woods.

A. Right.

Q. What did you do before you went to the woods? Did you walk around, or what?

A. No, I stayed there on the side for a pretty good while, you know, making sure that the coast was clear. I just stayed there. And then when the time was right and it was then for me to go, I left fast.

Q. Okay. Did you leave anything behind in the woods?

A. No. Ah, sometimes, like, you know, pieces of sticks and things that I may mark on the ground, where I might make the square and put a G in the middle, breaking leaves and keep it only or put it in my teeth and walk and think and pray. That's why I didn't want to go back into the woods.

Q. Because that's where the evil is?

A. Yes.

Q. When you left the woods, you were...

- A. I was like on the streets, you know, safety, you know. And then I was walking casual, you know, keeping my head up in the air, and thinking about goodness and not trying to let no bad thought come into my mind. And then I get away.
- Q. Very good. Okay. After you left, after you got on the street, you were walking.
- A. Yes, I was walking. I walked so fast that, you know, I'd be totally out of it, and then I'd be somewhere else, and I can't picture myself and catch onto that past of the old time, only the present of that day as time goes and move itself, then I try to go accordantly with it. That's why I have no watch and my watch is bad on me, cause I usually keep the time, you know. I didn't know I had a cigarette there.
- Q. Okay.
- A. That's cool.
- Q. How do you feel, James?
- A. I feel good after eating this orange.
- Q. Think something, things are coming back to you?
- A. Yes. Mm-hmm. I have to get my eyes under control, you know, see what my eyes doing?
- Q. James, cut that off for me right there, just pull that little switch off.
- Q. Okay, James.
- A. Yes.
- Q. Say, it is now 12:58 p.m. (note: Wednesday, October 26, 1983), and we've just taken a break, right?
- A. Yes.
- Q. You got some coffee and walked around, we talked for awhile, right?
- A. Yes.
- Q. Okay. I want you to do something for me.
- A. Okay. Anything. Only good.
- Q. Things are beginning to come back to you.

A. Mm-hmm.

Q. And we want one thing from you.

A. Mm-hmm.

Q. From this James Blackman, the third; you know, the other James Blackman.

A. That's my name, James Andrew Underwood, the third.

Q. Okay. Look, this is what we wanted. We're talking about this man.

A. Mm-hmm.

Q. I want to show you something, want you to look at something and see if this can bring back anything at all.

A. Okay.

Q. All right?

A. Yes.

Q. Okay. James, what you're looking at here, what is that? Describe to me what you're looking at.

A. That's a Dashiki.

Q. Exactly.

A. That's pretty. I'd like to have something like that.

Q. Have you ever seen that before?

A. Never in my life, but I would love to have one. They got a whole lot of spiritual power, you know? A whole lot of significance and everything that exists in a world, a life form of people being themselves as a people, unity with God. That's the wise and truth victorious.

Q. Think for me just a minute, please.

A. Okay.

Q. Okay? Thinking for me?

A. Mm-hmm.

Q. Now, this Dashiki, did the other James Blackman's, not this James Blackman's, but the other James Blackman's. Did he have a Dashiki like this?

- A. Yes.
- Q. Did he wear the Dashiki like this?
- A. Uh-huh.
- Q. What kind of powers did this Dashiki have?
- A. It has mystic powers. Super powers. It has certain all things of knowing how to control and interact, how to act, changing form.
- Q. Is this bad, does this bring back bad memories to James?
- A. No, that, no, that bring good memories. No bad has been done there.
- Q. Okay.
- A. That's mine anyway, but whoever got it, they ain't using it right.
- Q. Okay. Why is that yours, James?
- A. Got a Y on there. And It's U, that unity, but they using it to the extent causing a whole lot of confusion, that's when those of my like guide-ways of my wings to ever thing of unifying people together in harmony.
- Q. When the other James Blackman was over at St. Aug...
- A. He had that.
- Q. He was wearing this?
- A. Mm-hmm.
- Q. What did he do with that?
- A. He put it away somewhere where I can't find it, where it cannot be, you know, brought back to me, and I would either have my astral, you know, celestial powers, or the cosmos or the universe as being in control with nature itself.
- Q. He put it away so...
- A. I can't find it..
- Q. You cannot find it.
- A. I cannot find it, me, particular, as an individual.
- Q. But the other James Blackman put it away somewhere.

- A. Yes.
- Q. Where did he put this, do you know?
- A. I don't know. I don't know where it is. I been looking for it for a long time. And that's the old original stated love and unity.
- Q. Did James Blackman, at St. Aug, he was wearing this?
- A. Yeah. Mm-hmm. Definitely. He had it on. I told you, my brother here like me, Yahweh, we a alike, you know, and that's the one that gets other peoples your nationality or your race Moslem, and he come out in the spirit, and he's in Raleigh somewhere, but I don't know where, but he keep his eyes on me, because he is ruling wrong, he is ruling, and his proper expect and all of us being God's chosen people, this, you know, outlaw passivest ask for his own self purpose of being, as getting black peoples together. But it's no, it's got to be a unified, you know, organization of the undepression.
- Q. The James Blackman at St. Aug. was wearing this on the sixth floor?
- A. Mm-hmm.
- Q. Was he wearing this when he made love to the woman?
- A. Yes. Everything.
- Q. In the stall?
- A. Yes.
- Q. And it caused a lot of confusion?
- A. Yes. And all the ladies there that seen my next to my other self are wanting me too.
- Q. Did the other James Blackman wear this Dashiki into the woods where he kneeled down...
- A. ...and prayed. Yes.
- Q. And prayed.
- A. Mm-hmm.
- Q. What, think for a minute. Think. Did this James Blackman that was in the woods wearing that Dashiki...
- A. Yes.
- Q. What did he do with the Dashiki?

- A. He had some candles. A gold candle, a black candle, and a white candle, and he was chanting prayers to God, like they say "(chants in foreign language or mumbo-jumbo for approximately 8 seconds)".
- Q. What did he do with the Dashiki? Is there something wrong with the Dashiki?
- A. No. There's nothing wrong with it. It's completely self, it's like in the cloth of Jesus' robe, you know, the upraising or the power come from within this of the texture of many generations back, you know, observing.
- Q. Very good. I understand. Now think for me.
- A. Mm-hmm.
- Q. I want you to close your eyes and think of this other James Blackman. Something happened on the sixth floor. You said a lot of confusion going on, a lot of screaming. I want you to, when I tell you to, just think for me now.
- A. Mm-hmm.
- Q. The other James Blackman with the Dashiki and the girl that's causing a lot of confusing things to happen on the sixth floor.
- A. Mm.
- Q. Open your eyes now and just look a moment at this. The other James Blackman. Do you recognize this? The other James Blackman we're talking about. Not this James Blackman. The other James Blackman, several years ago.
- A. Mm-hmm.
- Q. Wearing the Dashiki. Did he have this? The other James Blackman.
- A. Mm. He had that.
- Q. What did he do with this?
- A. He cut somebody. Killed them.
- Q. Why?
- A. It's, it's, it's hard for me to tell you; because they know the life and they do not want to go accordingly to it, and you know, that's suicide as a sacrifice to make others to see, to uphold down the truth of--of black people's unity.
- Q. Very good. I understand. Now think for me.
- A. But I never had a knife like that.

Q. I'm talking about the other James Blackman. I'm not talking about this James Blackman. I'm talking about the old...

A. James.

Q. ...James Blackman.

A. Yes.

Q. Did he have a knife like that?

A. Uh-huh.

Q. The old James Blackman...

A. Yes.

Q. ...that we are talking. Not this James Blackman that we're talking to now.

A. Mm-hmm.

Q. Did he have this knife with him when he was making love to the girl?

A. Yes, but he did not do nothing to her.

Q. Okay. Just relax for me now. Just think a moment. As he was making love to the girl, the old James Blackman at St. Aug on the sixth floor, he wanted to wish to make love. The girl wanted James, the old James Blackman, to make love to her in the stall.

A. Mm-hmm.

Q. James Blackman, the old James Blackman and the girl were in the stall together, and the girl started screaming because she did not want James Blackman to leave.

A. Mm.

Q. What did James Blackman do with the knife?

A. Cut her.

Q. Did he mean to cut her, the old James Blackman?

A. That was the execution that was of the mind at the time as the exodus.

Q. I understand. Okay. Now close your eyes for me. As James Blackman was walking out, sort of cat-walking, what did James Blackman, the old James Blackman, what did he do with the knife?

A. He buried it somewhere.

Q. He buried it somewhere?

A. Mm-hmm.

Q. How did he bury it somewhere?

A. You know, take and dig a hole, you know, and get it ground in the ground, the edge, making it round, digging down in, and then he put it down in there and grass over, over top, and it's somewhere I can't find.

Q. You can't find that knife?

A. No.

Q. The James Blackman now we're talking to can't find the knife.

A. I can't find it.

Q. It's been buried somewhere.

A. Somewhere, can't find it.

Q. Okay. Now. I ask you to close your eyes for me again. Keep your eyes closed for me now, and think, and concentrate for me. The other James Blackman, the old James Blackman that was at St. Aug University and wearing the Dashiki and had the knife...

A. Mm.

Q. He looked much like your brother.

A. Mm-hmm.

Q. Sort of reformed into the James Blackman now.

A. Mm-hmm.

Q. A little different.

A. Mm-hmm.

Q. Open your eyes and look at this for me.

A. That look just like me.

Q. Huh?

A. That is me.

Q. What?

A. That's me.

- Q. Are you sure that's you?
- A. Yeah. That's me.
- Q. That's the old James Blackman?
- A. Yeah. I look just like that.
- Q. That's the old James Blackman?
- A. Yeah, that's me. I came back again, but that's me.
- Q. Okay. Is that the old James Blackman that was at St. Aug University?
- A. Yep, that's him. All the way. Yeah. Uh-huh, the cross too.
- Q. Now, the beard, you didn't have much beard then.
- A. No.
- Q. And your hair was a little shorter?
- A. Uh-huh. That's me right there. That's my old self.
- Q. That's your other self. All right. I want you to relax just a minute, and I want you to look at those things, and let's take a break, okay?
- A. Mm-hmm.
- Q. Just sort of stretch your legs?
- A. Mm-hmm.
- Q. All right?
- A. Mm-hmm.
- Q. You can get some more coffee if you want, sort of warm that up, if you like.
- A. That's me.
- Q. Okay. That's you.
- A. If I shaved, I look just like that. And my hair cut, just like that.
- Q. Have you ever worn your hair like that, James?
- A. Mm-hmm.
- Q. You say if you shaved you look just like that?

A. Just like, a-alike. And you can tell from this cut on my, you know, up here, it's not there.

Q. Mm-hmm.

A. That's why I cover it up, you know.

Q. When did you grow the beard?

A. Huh?

Q. When did you grow your beard?

A. When I was in just sitting in jail.

Q. James, go ahead and cut that off and we'll leave it off now, there you go, and stretch our legs.

A. Susan forgot her cigarettes.

Q. She'll be back. James, we just took a break again, and it is now 1:20 or ~~1:30~~ hours, okay? (Note: ~~Wednesday, October 26, 1983~~)

A. Yes.

Q. And nobody was forcing you to stay here, were they?

A. No, no, nobody. I come on my own will.

Q. Okay. And we been talking on your own willing.

A. Yes.

Q. And you came yesterday and you said you had a lot of things to talk about.

A. Mm-hmm.

Q. This is some of the things we've talked about today.

A. Yes.

Q. Here she comes now.

(Female voice: May I come in?)

A. Yeah, come on in, Susan.

(Female voice: Okay.)

Q. I want you to let me know when you get tired, when you don't want, you know, to talk any more. You did yesterday.

A. Yes.

Q. And that's fine.

A. Mm-hmm.

Q. I know you're having a little bit of problem seeing what James Blackman, several years ago, what he did. You, it is coming back to you slowly...

A. Yes.

Q. ...but you got a good mind.

A. Mm.

Q. You got a good spirit.

A. Mm-hmm.

Q. I want you to concentrate for me now, thinking, and just think before you answer, in your own mind as you see the other James Blackman at St. Aug.

A. He was vicious.

Q. Okay. What was he doing up there?

A. Trying to control the ladies.

Q. Okay. Now, I want you to concentrate and see if there is anything unusual about this lady that James Blackman cut.

A. You have a picture of her?

Q. No.

A. Oh.

Q. Can you see anything unusual about this young woman?

A. She was nice. She was nice over him. She loved him so much. She looked at him as been a god, that's why he took everything off his face, and he came and fell from heaven, you know.

Q. Okay. Okay, now, just concentrate a minute, now, on this other James Blackman. How long did James Blackman stay in the woods?

A. Sometime for hours.

Q. On this--after the girl had been hurt by James Blackman, and James Blackman walked away, how long did he stay in the woods?

- A. Not too long, because he had to make his getaway, and he probably could have used the woods to get to the streets instead of going out the security way of them recognizing what he looked like who he is as a person. He was back sliding, you know, stepping from the woods.
- Q. How was he dressed?
- A. In that Dashiki, you know. It looked like it's a cut short, but it could have been longer, you know, but he had it cut short, and then he changes his identity, dresses his clothes that he has with him stashed elsewhere.
- Q. Can James Blackman see this girl?
- A. No.
- Q. Okay. That's fine.
- A. Every time I think of bad, something happens. That's why I'm trying to keep a peaceful mind in my mind, all in control with love, then good things happen. Sometimes I see things before they happen, and some places I go, I have to get away from there and be around somebody that knows me or really understands who I am, you know. But there are about seven of me in the world.
- Q. Okay. Did this thing that happened, happen by James Blackman, the bad, vicious James Blackman?
- A. Yes.
- Q. Not this James Blackman.
- A. No. No. Not me. I believe in loving everybody, you know, treating everybody with respect, and doing what I can for peoples.
- Q. What did James Blackman do to this girl as she started screaming?
- A. He cut her.
- Q. Where did he cut her?
- A. I--either he cut her in the woods somewhere where he had her at or either up in that building.
- Q. Where on her body did--can the other James Blackman remember where he cut the girl?
- A. The cut is on the throat, he either stabbed her or, you know, choked her to death with the knife around her neck.
- Q. But the other James Blackman just doesn't know where he cut her?

A. No, he don't know.

Q. Okay. James, I want to ask you something.

A. Mm-hmm.

Q. We--and I'm talking to this James Blackman, not the old James Blackman.

A. Yes.

Q. You came up, you know, the other day on your own free will...

A. Mm-hmm.

Q. ...and we talked.

A. Yes.

Q. And you mentioned the thing that bothered you was that some of the black sisters were being killed.

A. Yes. And abused and used by their own so-called people.

Q. This James Blackman, this one right here...

A. Mm-hmm.

Q. Did you discuss with anyone at Dorothea Dix about the old James Blackman...

A. No, I never.

Q. ...hurting the girl at St. Aug?

A. I never did in my lifetime. Never I thought of that.

Q. You never...

A. Thought of it.

Q. You never thought of it at St. Aug?

A. No, at Dorothea Dix, but when I was there, I was seeing things and me going out hurting peoples, doing things I didn't want to do against my will.

Q. Did you tell some people about going out and doing things against your will over at St. Aug?

A. No. I just said out in the streets a lot of peoples were going to die.

Q. Out in the streets a lot of people were going to die?

A. Yes, black peoples that day.

Q. And you were seeing bad things happening?

A. Real bad things.

Q. Okay, and one of the bad things that you saw is what happened to the girl at St. Aug?

A. Yeah, that's when I was penetrating my thoughts and thinking that everybody hating me, no one was listening to subject, so I was sending out badness in the telegrams all over to the peoples that are similar look alike.

Q. I understand.

A. To work the crimes on them, you know, keep them under control.

Q. All right. So the other day when you were over at St. Aug, you felt good.

A. Yes, I felt real good.

Q. And you felt real good because you wanted to tell the girls what?

A. They have nothing to worry about, they're going to be watched, and everything's going to be under control, and if it is a boyfriend hurting you or fighting you, call the police, or to call that number that I give you for guidance, and things will set better; there will be no more static, problems, or no confusion.

Q. Does it make you feel better, now that you have told the police about the old James Blackman?

A. Yes.

Q. Is there anything else that the old James Blackman did that bothers the James Blackman we're talking to?

A. Yeah, he did a lot of way-out things, you know.

Q. Did he....?

A. Make love crazy, making people do things against their own will.

Q. Did he hurt anyone else?

A. He hurt quite a few people, but then they are not important though, cause, see, the eyes--let me see the picture. See the eyes?

Q. Mm-hmm.

A. And it's normal here. He is not smoking. But then, when he looks at the peoples, he has so much in his mind or common sense and knowledge, people felt so attracted to him, they would come and claiming to him as their God, you know?

Q. Okay.

A. And then he use his powers unaccording, not according to the nature of the heavens, he was more or less the Devil himself, in reincarnation, the reality, the opposite of myself. He's about bad, no good.

Q. Okay.

A. But he can be reformed and changed all over again.

Q. But this James Blackman has been reformed to this James Blackman we're talking to.

A. Yes.

Q. Did this James Blackman kill anyone else?

A. Many a peoples. Many--that he does not even know of. Many. Many. Many. Many. He's a real clever guy. You see the eyes here? Real clever. He's got the mind of a genius, you know? I mean, he used to persuade peoples to do things against their will.

Q. Can you tell me, do you remember what the other James Blackman, the other bad things that he did when he killed people?

A. He used to make love to them, get money from the girls, but he was hung up over the sister he killed there because she did not want no more relations to him of him having so many women, and she wanted him for herself; he just went mad and took her life. And he spect there was gonna be a way out for him, but it would only lead him deeper into hell instead of putting him into heaven.

Q. Okay. What other things do you remember that the other James Blackman did?

A. He had a job working, doing lots of work, but see, I'm going to show you something here. What does this look like here on the top of his head, like a halo, right? Like a halo, you know, like an angel has a halo?

Q. Mm-hmm.

A. See, that's up there. But then when he shaves to try to change up his identity, they stick out up on him and catch him anyway. But if he do time, and they grow everything, you will see myself into him, and he will be definite what he did. If I had my root

medicine that I got at Dorothea Dix, I can work the spirit out of him. But then I get sick because the spirit will come on me, and I don't want no affiliation, you know, want nothing bad any more.

Q. The old James Blackman...

A. Mm.

Q. ...his spirit moves from time to time into you?

A. Yes. Like I'm the one that governs.

Q. One and the same?

A. Yeah. I'm the governed body. You know, all of it comes to me. But if I execute on my mind, it happens, just like I told you, it's going to be a flood, like this going to be after dark, and it happens; like when I predict things and I see things, I get so involved, I want to tell somebody, but nobody don't want to listen.

Q. Okay. When this James Blackman came out of the woods and went on his way, where did he go? Do you know where James Blackman went after that?

A. Not really. I mean, the spirit came back to me, but didn't bring no indications of where he would be.

Q. Okay. All right.

A. Just like, like downtown in Raleigh, you know, where they got that clock, that pyramid clock?

Q. Mm-hmm.

A. I gave the people the knowledge how to build it, and I helped them conduct it, but only on my consent, it's like having somebody to write things out for you; but that's at times vision of my own complete system. I work at the bells ring (hums:) Humm, hum. I go (tone) Ahhhhhhhhhh, you know, like a chant of a prayer of a blessing; and people don't even understand the garden of paradise is right here in Raleigh uptown. I been out there. And even a foot came out of the ground that did scroll all over me again. I'm serious. Some black guy he saw me there when I was taking a bath. I had all my clothes off. I was praying inside myself, and I got one of the old rugs, you know, where they have the, ah, where the mall at, where they throwing the rugs away at times outside, I got me a rug that long, and I got in a lotus position, and I was facing, and I could see the moon inside the pyramid of the glass, and I see myself going space travelling or going back into times; but then I got off my course and I couldn't understand, and I decided not to deal with it, you know, and let it come one thing at a time. It really happens, too. That's why the reflection of the mirror, I always have to

look, you know, and check out my mind; because the mind is in space and time, and the reflection of a person as the individual as themselves anyway, you know. You can see yourself there physically, but can you see yourself there mentally? And that's how I travel. Everytime that bell ring, I get up there, you know.

Q. James, now that you have remembered and identified as to what happened over at St. Aug...

A. Mm-hmm.

Q. ...with the old James Blackman...

A. Yes.

Q. ...the other James Blackman...

A. Mm-hmm.

Q. ...how does this James Blackman we're talking to now, how does he feel?

A. I feel good about the whole matter, because something is being doing about it, you know, the peoples are just not sitting on their ass and not doing their job. People are beginning to work and strive hard and keep the law and everything and order the way it's supposed to be, that's everybody is being universal people, being in harmony and well concerned about each other low life, up life, down life, bad, good, and the ugly, you know. I love everybody. That's why I want to get my own place so I don't have to go into this and that, you know, work and be a citizen like everybody else, and have a little authority over God, he's the only one that holds that key, you know. He gives life and he takes life, you know, then me, I'm just a natural human being with a whole lot of godly intentions in my mind, you know, work-wise I don't know nothing, but as I watch you I can pick up and I would learn.

Q. Susan.

(Female voice: I don't think I have any questions.)

Q. You got any questions of us?

A. No. You're all nice people. I like you all, you know. I like you all a whole lot.

Q. We want only one thing, James...

A. Yes.

Q. ...and that's the truth.

A. Hey, I give the truth. I have nothing to lie about.

Q. Is what you told me and Munday and Susan Edwards the truth?

A. Mm-hmm. Hey, I never killed nobody in my life. I burned a lady's house down, you know, but I don't kill no animals. Even if a bug, if it goes through, I let it go. I don't kill nothing. But if it was a roach, I'd step on it, you know, or hit him (tap), knock him out. I don't like to hurt nobody, and I don't want to be hurt neither, cause I been hurt so many times, you know, it makes me get nervous and have bad feelings and bad thoughts; and when people talk to me rash, uglier, it gets me upset, and I feel like saying "fuck, you know, you mother, you," and but then something tell me "Don't talk like that. That's not necessary. Just have a smile on your face and keep on walking, and something better will come unto you."

Q. James, do you think you are in control of the other James Blackman now?

A. Yes.

Q. Is this the James Blackman of the past?

A. Mm-hmm, that's him.

Q. Okay.

A. That's him, all the way.

Q. All right. Go ahead and cut it off for us, James. It's 1:37 (note: Wednesday, October 26, 1983, at 1:37 p.m.).

A. Mm.

(Note: ~~Thursday, October 27, 1983, time: 10:56 a.m.~~)

Q. James.

A. Mm.

Q. Give me your name.

A. My name is James Andrew Blackman. I was born August 13, 1953.

Q. Where are you now, James?

A. This is the Sheriff's Department. I don't know which department.

Q. Do you know what my name is?

A. Ah, your name is, ah, I know Munday.

Q. Okay.

A. And you are Hunter.

Q. Holder.

A. Holder, yeah, Holder. Mr. Holder.

Q. Now. Today is the 27th of October of 1983 (Note: Thursday).

A. Mm-hmm.

Q. And it's now about 10:56 a.m.

A. Mm-hmm.

Q. And you came down this morning after spending the night...

A. ..at my friend's.

Q. At your friend's house.

A. Yes.

Q. And we are friends, aren't we, James?

A. Yes we're good. I like friends with everybody.

Q. I know that.

A. I don't have no particular closed up, blocked off mind, regardless of what happened in the past or in the present as the spirit used to be, things must get better nationwide.

Q. And you, you've had rough times. You've seen very rough times, haven't you, James?

A. Yes, sir.

Q. How do you feel about those times?

A. I feel like like I was, you know, a wowed child, you know. I was just the black sheep of the family. I didn't want to obey and go accordingly, cause I was doing things in my way.

Q. Okay. But you're changed now, aren't you, James?

A. I'm changing day by day.

Q. Day by day. Nobody forced you to come down here, did they, James?

A. No, I come on my own will. I know you all will help me.

- Q. How many times you been down here?
- A. About five or six, something like that.
- Q. Yeah. You know the way down, and you come down frequently.
- A. Yes.
- Q. Okay. What are your plans today, James? Tell me about your plans. Well, no, not today, but tomorrow, maybe.
- A. Ah, tomorrow I'm going to Durham.
- Q. Now, tomorrow's Friday, now.
- A. Yeah. Going to Durham tomorrow. Going to pass out the word to Yahweh, to black peoples for salvation of the white man, but not for some reasons of trying to hate, but knowing everybody have their own, you know, confidence, and getting along together as human peoples, you know, family of this earth.
- Q. How long are you going to be over in Durham?
- A. It will probably be about three or four hours, something like that, five or six, then we come back.
- Q. Okay, then you come back. Okay. What are your plans Saturday, James?
- A. That's the Saturday that I have to fast, you know, stay in and read.
- Q. All right.
- A. You can't, can't make up the beds, can't do nothing on that day, cause that's the day of the Lord, and when he creates everything in the beginning to the end.
- Q. All right. What are you going to do on Sunday?
- A. I don't know actually, particularly, you know. Depends on what my Alda ask me to do.
- Q. Okay. And what is his name?
- A. His name is Brother Bishop Alda Akaz.
- Q. Do you know how to spell the last name?
- A. No. I can't spell nothing. I can't even spell my name.
- Q. Okay. And what are you planning to do Monday, you know, this coming Monday?

A. Oh, I'm coming down here, yeah, Monday.

Q. Okay.

A. Cause you ain't going to be here.

Q. I'll probably be here Monday.

A. Mm-hmm.

Q. But we're talking about Friday. If you were to drop by here Friday, I wouldn't be here and you would, but you're going out of town working.

A. Uh-huh, yeah.

Q. So Munday and myself will both be here...

A. Monday.

Q. ...next Monday, yeah. How about your medication?

A. I--I kind of keep forgetting to take it, because I don't keep it in my possession, but what I'm going to do, I'm going to keep it in my possession, and when I get, soon when I get back, I'm going to take it.

Q. Okay. All right. Is there anything you'd like to ask us?

A. Yeah. How do you think I'm doing? How is your day?

Q. Been doing fine. My day has been doing fine, been sleeping well. I've enjoyed, you know, talking to you the last few weeks, and, you know, and especially the last few days we've had some very, very mind-reading interviews and conversations.

A. Mm-hmm.

Q. And you're a very interesting man.

A. Thank you.

Q. You asked me earlier had I seen your records.

A. Mm.

Q. Why did you ask me that, James?

A. Because, in order for peoples to understand me, they must read about me, you know, to figure my ways out and to know things about myself as an individual person. I don't look at myself as being on no pedestal or place above any other human being, because God knows what he did when he created the world, and he

knows the purpose of what he did when he created the world. As it is indicated is in the beginning as it should be in the end.

Q. Do you know what you represent?

A. Yes.

Q. What do you represent?

A. I represent the, ah, Hebrew Israelites, original black Jews, those that are lost and dumb and ignorant to the fact that they're true originality of knowing about culture and the origins of themselves and their history.

Q. Okay. What did this other James Blackman that we have talked about, you know, yesterday and the day before, not the James Blackman that we're talking to now, but the old James Blackman, what did he...

A. ...do?

Q. ...do, and what did he feel about life?

A. I mean, he feel like for salvation for the world of his ownly black people, you know, but he was kind of misled and did a whole lot of things that was contrary to make him fall, because one time he had the proper concepts of the ways of knowledge, but he used them in a form of a matter way that's caused the conflict and disturbed; because he did not want to see the whole world of peoples get along together.

Q. Okay. What does me, Holder, and what do we represent?

A. You all represent upholding the law, keeping things in order, and making sure that things don't get taken out of context or proportion of things going astray; more or less you're all like guardians, or like, you know, the staff of God as keeping the law "In God we trust," not only in the dollar, but in the salvation of the welfare and the healthy, and the help for peoples throughout the land.

Q. Okay. All right.

A. And although everybody in here have good common sense, you can have bad, there's good and bad in both races, in all races, regardless of what, you know, creed and belief.

Q. What has been your experience, before meeting Holder and Munday, with the police?

A. Aggravation.

Q. Aggravation?

A. Lots of aggravation.

Q. Okay. But this was the old Blackman, the other Blackman that had this aggravation.

A. Mm.

Q. Is that right?

A. Yes.

Q. Okay. All right. Go ahead and turn that, well, let's see, James, it's now, oh, about 11:32 a.m. in the morning... (Note: Thursday, October 27, 1983 at 11:32 a.m.)

A. Yes.

Q. And, just go ahead and turn that off for me.

(Note: Thursday, October 27, 1983, 11:36 a.m.) (At 11:36 a.m., James Blackman stood up and said he had to go to the bathroom. He has left the room.)

Q. James, where have you been?

A. Huh?

Q. Where have you been?

A. I been to the bathroom. I just came back. I go wash my hands when I go, you know.

Q. All right. Okay.

A. I got to keep myself clean.

Q. You went by yourself?

A. Yes.

Q. Okay. What is that man's name again on--where are you staying?

A. Ah...

Q. What's that address? 3...

A. The address is 328½ Saunders St.

Q. 328½ Smithfield...

A. Yes, Smithfield St.

Q. ...St., here in Raleigh?

A. Name is Akaz, ah, Elder Israel.

Q. Lets see, yeah, Elder...

A. ...Akaz...

Q. Akaz.

A. ...Israel.

Q. Israel. And that's here in Raleigh...

A. Yes.

Q. ...at 328½ Smithfield Street.

A. Uh-huh.

Q. Phone number 828-7447.

A. Mm-hmm.

Q. And that's where you're going to be spending the night, staying right now.

A. Yes. Until I get on my feet..

Q. Until you get on your feet. Okay.

Q. The time, 12:10 a.m. (Note: October 27, 1983, Thursday.)

A. Okay.

Q. James, you've been out of the room. You went by yourself, and you called, who did you call?

A. Debra Springer.

Q. Debra Springer?

A. Yes.

Q. And who is she?

A. She's my girlfriend in Dorothea Dix Hospital. I married myself to her on the Bible, you know.

Q. Okay. How is she doing?

- A. She's doing a little better, but she said long as she's taking medication, it bothered her. I say--she said "They ain't forced me to take it, but I said "If you get any bad thoughts in your mind or you hear voices and you ain't feeling good, about ready to do some harm to somebody or something, ask them for some medicine immediately," and she said she would.
- Q. Okay. That's good advice.
- A. Yes.
- Q. That's the way you feel, don't you?
- A. Yes.
- Q. When you feel like you're going to hurt somebody...
- A. ...I get me some medicine quick.
- Q. Okay. But right now you've gone for two days, now, and you haven't taken any medication.
- A. Mm-hmm.
- Q. What's the name of the medication?
- A. I don't know the name of it. I know I take Prolixin and some other kind of pill. Prolixin is the shot.
- Q. Okay. But you haven't taken any medication in the last two days.
- A. No.
- Q. Do you feel okay now?
- A. Yeah, I feel like, but I know I have to take it, don't you know, it's cause it relax my nerves, that makes me drowsy, rest, you know, and it ease my mind.
- Q. When do you usually take it?
- A. Huh?
- Q. When do you normally take your medication?
- A. At night.
- Q. At night?
- A. I'm supposed to take it three times, three pills a night, or you know, a day, at night.
- Q. Okay, you take three pills at a time?

A. Yes.

Q. At night.

A. Mm-hmm.

Q. Okay.

A. And I get the lithium shot every two weeks. But what they're going to try to do is increase my shot and cut me off pills.

Q. Okay. You can cut that off now.

A. Okay.

Q. James, it's now, what, it's about 11:19?

A. Mm-hmm.

Q. 19 minutes past 11:00 a.m..

A. Yeah.

Q. a.m. Okay. You can go ahead and turn it off, thank you.

A. Okay. You're welcome.

Q. James, today's date is October the 28th, 1983. It's now 12:15 p.m. You came down here on your own, didn't you, James?

A. Yes. I came here cause I got problems in my mind. I'm seeing things; I'm hearing voices, and bad spirits are telling me to do all kinds of bad things.

Q. Okay, let me ask you something, James. You been coming down here on your own for how long now?

A. About 5 or 6 days.

Q. Okay.

A. About a week now.

Q. Okay. You leave whenever you want to, don't you?

A. Yes, sir.

Q. Okay. Why do you come down here, James?

A. The reason why I come down here...

Q. Let me ask you this. Why do you come down here all along?

A. Cause you all will help me with food and stuff, and you are my friends, and when I need stuff you all help me out with it, and you just nice peoples to me.

Q. Okay. You said you're not feeling good today?

A. ...to talk to you about my father and things I am going through, and things that happen, and my grandmother taught me not to be a racist, you know, and that's part of my problem, just trying to do, do, do just for blacks. She taught me to be universal, you know, be nice and kind to all people, regardless of what they have put us through, and regardless of what things may have happened to us, but to love everybody. And she keeps coming back to me in my mind; and I miss her--long for her, you know. And everything just ain't working out.

Q. Mm-hmm.

A. It seems like it's not, but it is.

Q. Do you want to see if we can call her and let you talk to her today?

A. Yeah, I'd like to talk to her.

Q. Okay. We'll do that. You know when you left yesterday, James, do you remember that?

A. Uh-huh.

Q. What did you do yesterday when you left?

A. I went downtown and I bought me an ice cream with the nuts in it, and I spit them outside to the birds, they eat them, pigeons, and I feed them a lot of little dried bread yesterday. Then I walked to Shaw and played some pool with this black girl, and they remember my name. I was being nice to her and she was being nice to me. And I met this girl named Barbara Fox, that goes to Shaw University. And I took a very interesting attraction to her. And I'm going crazy, man.

Q. Well, when you met Barbara yesterday, did you all get along okay?

A. We got along beautifully. We had a nice conversation. She acted like she liked me, you know, and I like her too.

Q. What did you do last night?

A. Walked all around.

Q. Did you get cold?

A. Yeah, I got a little cold.

Q. Okay.

A. And then I went to a place for Yahweh.

Q. Did you spend the night there last night?

A. Yeah. I'm staying there until I get on my feet.

Q. Okay.

A. And some guy had a job for me, but I forgot what day to go there. I couldn't get it; he told me I'd make four dollars an hour for putting concrete on the ground and on the building.

Q. Yeah.

A. And I missed out on that.

Q. You said yesterday you were going to go to Durham today. What happened to that?

A. No, I didn't, decided to change my mind and not to go and to stay here in Raleigh.

Q. Okay. And you say you're not feeling real good now?

A. I'm feeling bad, man.

Q. Okay. Why don't we go and see if we can get your grandmother on the telephone and let you talk to her.

A. Okay, I appreciate that.

Q. Go ahead and cut that recorder off.

A. Okay.

Today is Wednesday, the 2nd of November, 1983. The time is 4:10 p.m. This reporting investigator, Detective J. C. Holder, just talked with James Blackman via telephone. James Blackman called Detective Holder, wanted Holder and Munday to meet him at McDonald's across from Shaw University. The reason he wanted us to meet him was so we could get his clothing from the location where he had previously been staying and to take him to Dorothea Dix Hospital. The clothing and James Blackman were taken to Dorothea Dix Hospital. Time of arrival was 5:10 p.m.

The date is Thursday, the 3rd of November, 1983, time: 2:18 p.m.; location: the Wake County Courthouse, 3rd floor in the office of Asst. D. A. Susan Edwards, discussing a trial for Monday, the 7th of

November, 1983. Detective Holder was notified that James Blackman was outside in the hallway wanting to speak with him. Detective Holder spoke with James Blackman. Mr. Blackman stated he had been out looking for a job; he had had a very good day. Mr. Blackman also talked with the Asst. D. A., Susan Edwards. After talking to Mr. Blackman for several minutes, Mr. Blackman left the courthouse, stating that he would contact Detective Holder sometime on November the 4th, 1983.

Q. James, today is Wednesday, the 9th of November, and it is now 1:31 p.m. in the afternoon.

A. Mm.

Q. You're looking mighty well with that hat on and the suit and the tie and so forth.

A. That's good.

Q. How did you get down here, James?

A. I caught the bus. I borrowed some money from people on the streets, and my girl gave me a quarter back at the hospital, so I caught the bus on down here. I walked half of the way.

Q. Where are you, James?

A. I'm in the Sheriff's Department, Raleigh, North Carolina Sheriff's Department.

Q. Sheriff's Police Department.

A. Yeah, yeah, yeah, one of them.

Q. You know who I am?

A. Yeah, your name is Mr. Holder.

Q. Okay. Who is this man right here?

A. That's Munday. That's Munday.

Q. Mr. Munday?

A. Yeah, Monday is like on Sunday.

Q. All right, now what do we do?

A. I mean, you all keep law and order, you know, I mean you vary like livable people, you know, you're alienated.

Q. Right.

- A. And there's no way that we can get away from it, but that it exists, and all good things that was promised in the pass will come to this.
- Q. Right. And tell me something, James, why did you come see us today?
- A. I think cause I wanted some food to eat and I want to get my girlfriend a black baby doll, my wife.
- Q. Your wife.
- A. Yes.
- Q. I think you said that you and your wife were married.
- A. Yes.
- Q. When did you get married?
- A. I don't know the dates. It's written up in a book. I can't even say the day.
- Q. Okay.
- A. Last week sometime.
- Q. Okay. You got married in the spirit?
- A. Yeah, in the spirit.
- Q. Why the spirit?
- A. Because the spirit is much purer than the heart.
- Q. How long are you going to stay married?
- A. Long as ever until death do us part.
- Q. Okay. So how you been doing?
- A. I been doing all right, you know, except I get a little discouraged when people deny me, you know, I just look up and keep on walking.
- Q. Mm-hmm.
- A. And think about something else that will be pleasant and lovely and nice for the world, it's the kind of creation that forms in my mind, to come into the existence of men.
- Q. Mm-hmm.
- A. I take the good and the bad.

- Q. You take the good and the bad.
- A. Yes.
- Q. What are your plans?
- A. My plan, I want to leave with my wife, Dix Hospital.
- Q. Mm-hmm.
- A. She got a sick mother, and my mother is sick. I want to be in the country with my wife, just go in the woods, go horseback riding, ride all night or all day, then we can drink pink champagne, and camping out, you know, making a hole in the ground, cutting down some trees, mixing (inaudible), putting it in the ground with lots around the hole, and us keeping tent, a big one, you know, just leave it there for a little while, you know, on the people's land.
- Q. Back to nature, huh?
- A. Yeah.
- Q. How did you get off from Dorothea Dix today? Did you have a pass?
- A. Yeah, they even let me sign myself out.
- Q. They did?
- A. Yeah, I told Judy that you all was going to bring me back, but I'm going to walk back, cause I want to try to find some things downtown that's nice for my lady.
- Q. Okay. You don't want us to take you back?
- A. No, you don't have to. I like to walk. Walking is good for me.
- Q. Okay.
- A. Where can I find a black baby doll?
- Q. I don't know, James, unless you can find one in the stores downtown.
- A. Yeah, that's where I been looking. They got some down there.
- Q. Mm-hmm, there's a dime store down the street.
- A. Yeah. That's where I'm checking, at the dime store. That's much cheaper than a store.
- Q. Okay. What time have you got to be back over at Dorothea Dix?

will show you the way there. Heaven is my home. I have no place to roam. Don't you know, God loves you so-oo. Every every day, I try to say my praise to the Lord, God to the Lord. Tum tum tum tum tum, tum tum tum tum tum, tum tum tum tum ooooooh, tum tum tum." Man.

Q. That's all right, James.

A. That's the one I made up.

Q. When did you make that up?

A. I don't know, it comes in my mind.

Q. When?

A. I don't know, man, probably two weeks ago.

Q. You made that up, James?

A. Yeah.

Q. That's good. Well, I got to go back to the courthouse, and Munday's got some stuff he's got to do. I'm going to be leaving, you know, parting company just in a little while.

A. Hey! I'm going to ask you right up, okay? I'm not pulling no punches or pulling no bags.

Q. I know that.

A. I need some money, man, to buy my girlfriend a baby doll.

Q. Well...

A. A little cheap one, whatever, you know?

Q. Mmm.

A. I can get it at the dime store, whatever.

Q. Okay.

A. I want to get her a baby doll.

Q. Okay. Do you have any idea what they cost?

A. About four or five, something like that.

Q. Mm-hmm, okay.

A. I have to get my wife a baby doll, man, cause she be crying a lot when I'm not around, you know?

- Q. Okay.
- A. Be like a little companion you know herself or something, come out and be planting that seed so she feel happy with that state of mind, knowing there's going to be good coming to me.
- Q. Okay. Anything else you need to tell us or ask us?
- A. Yeah, how you all been doing?
- Q. Doing fine. We been real busy. That's why, you know, you been by the courthouse to see me or Munday...
- A. I'm going to walk over there and...I'm going to walk over there and see Susan today.
- Q. Well, she's busy. She's been in court.
- A. Oh, she's busy?
- Q. Yeah, we're going back in court this afternoon, and then she's got--she'll probably be tied up all day today in court.
- A. How did she like the candy?
- Q. She liked the candy. It was very nice. Where did you buy the candy?
- A. I bought it, you know where downtown is with that clock, that space-time clock?
- Q. Mm-hmm.
- A. It's over there in that store beside it, you know, from McGowan or McCasell there, that place there. They have cheap things there.
- Q. Very nice. Just cut that off for us, James.
-
- Q. James, how are you doing?
- A. I ain't doing too good. I don't know, in between things right now, trying to cipher things out of my mind, to see if things are going to work for today.
- Q. Today is Thursday, the 10th of November.
- A. I believe so.
- Q. And it is now eight minutes past 4:00 in the p.m. So, you know, you got to be back at the hospital at 5:00, right?

A. Can you take me back?

Q. Yeah, we'll talk about that. Just tell me how you're doing, how you feel.

A. I...

Q. You look good with your jogging suit outfit on...

A. Yeah.

Q. ...and the hat.

A. You told me to wear it, you know, so I decided it would please you.

Q. What do you want, a picture?

A. Yeah. I want to get my baby a baby-doll downtown, pretty doll-baby, a black baby doll.

Q. Uh-huh.

A. She wanted to have this money, said to get, if you get me a black baby doll, my girlfriend, who is my wife, I'll come every day. Cause I can't go back up to the blood plasma place to give any blood, plasma, you know. She kicked me out.

Q. Mm-hmm. Well, why do you come down here like you do?

A. I come down here because I be starving, man. You all can help me, you know. And...

Q. Nobody else won't help you?

A. I mean, I try to talk--people, they give me a little something, but, see, I got to get a job. I want a place for me and my, you know, wife to stay here in Raleigh, you know.

Q. All right.

A. And she's expecting to have my baby.

Q. Okay. Am I making you come down here?

A. No. You just asked me to come down out of the kindness of your heart, man, and I do it out the kindness of mine.

Q. Okay. So I'm not making you come down here?

A. No. That's...

Q. And Munday's not making you come down here.

- A. No. No. See, there's a whole lot of tension, and I see things before they happen, you know, like, you know, my spiritual self, my mental self, and my physical self, it's all symptoms of one self as being one all together, like in 666.
- Q. Mm-hmm.
- A. You know, 3 and score?
- Q. Mm-hmm.
- A. It's like that, you know. But it's not going to overpower my suggestion, as long as I keep the leaves of God love or these tablets, nothing can happen to me. It's not mine. It's straight and upright. But when I don't have my book sometime, I have a tendency to walk slower and sometimes I almost get hit by cars, you know.
- Q. Mm-hmm. All right. So you're getting passes from the hospital, and you come out and you go back in at 5:00.
- A. Yes. See, this is where I went today. After she told me to leave, then I went right here. I'll show you.
- Q. When did the lady tell you to leave? Where did she tell you to leave from?
- A. She told me to leave out of the plasma place, leave out. You know. She harassed me. I'm sitting here carrying a conversation on with another guy, like I'm talking to you. She said "Shut up, Mr. Blackman. We know what you're trying to do." I said "What the hell you talking about, trying? I ain't trying to do a damn thing. That's my own God-damn business. Leave me the fuck alone." You know. And then she kept saying "Shut up, Mr. Blackman, or you're going to leave." I said "Shit. Go ahead. I'll go any and God-damn way, cause I ain't getting no mother-fucking thing." And these damn people are taking all my God-damn strength and energy and putting that shit in the pills fucking my mind with it. You know?
- Q. Mm-hmm.
- A. This is what I got, got one there.
- Q. Employment application...
- A. There was two of them in here.
- Q. ...for the Hilton Hotels Corporation.
- A. There was two of them. One of them is gone now.
- Q. All right, so you got one at the Hilton.

A. Yeah.

Q. Okay. Where is the other place you went?

A. I can't find it. It just disappeared.

Q. Can't find it?

A. No, the snake did that. He ate it up.

Q. All right. Okay.

A. I got a little change on me, let me show you what money I got.

Q. Where you going from here?

A. I'm going, I had better get back to the hospital, cause I can't, after I get my baby that black baby doll.

Q. All right. Go ahead and cut that off for me.

A. Okay.

Q. James.

A. Yeah.

Q. Today is still the 10th of November, and it's now 4:21 p.m. in the afternoon. And we're fixing to part company. But you know who I am?

A. You're Holder.

Q. Okay. You know what I do for a living?

A. You're a police officer.

Q. Okay, you know where you're at?

A. Yeah, I'm in the police station.

Q. Okay. All right, and you know what my duties are?

A. To keep law and order.

Q. Okay. Cut that off for me.

On November the 15th, 1983, James Blackman⁸ called and asked for Holder and Munday. Both investigators were in court. Mr. Blackman left a note and message stating that he would like to see these investigators

at Dorothea Dix Hospital. He further mentioned in the note that he will be going to Lumberton, North Carolina on Friday to live with his mother and grandmother. The time of the message by Mr. Blackman was 11:40 a.m.

On ~~November 16, 1983~~ James Blackman called Investigators Holder and Munday and left a message stating for these investigators to come and get him. The time of message by Mr. Blackman was 1:10 p.m.

(It should be noted that both Investigators Holder and Munday were in Superior Court in trial from Monday, the 14th of November, 1983, through Thursday, the 17th of November, 1983.)

On ~~Friday, the 18th of November, 1983~~, James Blackman called Investigators Holder and Munday requesting that they come over and ~~pick him up and take him to Lumberton, North Carolina~~ to stay with his mother and grandmother. A trip was made to Lumberton by these investigators along with James Blackman, and he was taken to his grandmother's residence in Lumberton, North Carolina. At the departure of these investigators, James Blackman requested that these investigators stay in touch with him, and he further stated that he would be calling these investigators collect, because he was not going to stay in Lumberton very long, because Raleigh was his home.

On Thanksgiving evening the 24th of November, this investigator returned to his residence at 11:00 p.m. Upon arrival at this investigator's residence, a message was left via the wife of the investigator that a man identifying himself as David called, had a message from James Blackman. He said that James Blackman wanted him to call this investigator and tell him that he was on drugs, he was in the street, and needed help.

~~On Friday, the 25th of November at 10:30 a.m.~~ at the Investigative Division, this reporting investigator, J. C. Holder, received a collect phone call from a Mrs. Hooker. ~~Mrs. Hooker identified herself as being the grandmother of James Blackman~~ and requested that this investigator come and get James Blackman. This request from the grandmother was made by James Blackman. At the time she called, James Blackman was asleep after being up, doing drugs all that night.

On Monday morning at 0924 hours, Detective J. C. Holder received a collect call from James Blackman. James Blackman requested of Investigators Holder and Munday to come to Lumberton and pick him up. He needed to go back to Dorothea Dix Hospital. Blackman stated that he was doing drugs and he was feeling real crazy, and his nerves were going bad. He further stated that he did need to go back to Dix. James Blackman wanted to know how long it would take for these investigators to come down and pick him up and bring him back to Raleigh. He further stated that he was calling from an outside pay telephone. He was not calling from his grandmother's residence.

Detective Munday, after receiving this request from Blackman, called and talked with the grandmother, Mrs. Hooker. Mrs. Hooker was unaware that James Blackman had called these investigators.

A. It's on now.

Q. Okay, all right. James.

A. Yeah.

Q. It is Monday. ~~Today is Monday the 28th of November.~~

A. Yeah.

Q. Okay. And it is now ~~1:52 p.m.~~, that's in the afternoon.

A. Mm-hmm.

Q. Just a little bit before 2 o'clock.

A. Yeah.

Q. How about, if you would, tell me where you are.

A. ~~I'm in Raleigh's Police, ah, Department.~~

Q. Okay. ~~And you have just come from where?~~

A. ~~Lumberton, North Carolina.~~

Q. And why were you in Lumberton?

A. To visit my grandmother.

Q. Okay. And who did you want to come and get you to bring you back to Raleigh?

A. Mr. Munday and Officer Holder.

Q. Okay. How did you make contact with Mr. Munday and Mr. Holder?

A. I had my grandmother to call, and I called.

Q. And you called?

A. Yeah, and then I called my grandmother.

Q. Yeah. This morning.

A. Yeah.

Q. Did you call him?

A. Yes.

Q. Did you talk to Detective Holder?

- A. I guess.
- Q. Okay. And what did you want Holder and Munday to do?
- A. To come and get me, man, cause I got tired, you know. My nerves got the best of me, you know, and my blinking and my twitching, you know, my head, you know...
- Q. Okay.
- A. ...hearing things and seeing things.
- Q. Hearing things and seeing things.
- A. Yeah.
- Q. Okay. On the way back from Lumberton to Raleigh, you were sitting in the back seat by yourself.
- A. Yeah.
- Q. And Holder and Munday, of course, Munday was driving, I was sitting in the front seat.
- A. Yeah.
- Q. And we were just talking. We stopped and got you cigarettes.
- A. Uh-huh.
- Q. And you were talking on the way back, and you said something that interests me, and that being...
- A. My lifetime story?
- Q. I've got something to tell you. And Munday asked you "What's it about?" You said "Well, it's my life's story," you know?
- A. Yeah. Okay, I feel, man, like, I don't know, man. I don't know.
- Q. You don't know?
- A. No. I don't want God to destroy the world, you know?
- Q. Mm-hmm.
- A. I want us to live on forever until we perish in our own time.
- Q. Okay. James.
- A. I won't let Him do it.
- Q. Okay. Let me ask you something. You said you're talking about your life history. There's a lot of things that you have told us

before when you've come down to visit us, about your life, and part of that being the bad James.

A. Yeah. There is a bad James, but mostly good James now.

Q. I know. We're looking at the good James now.

A. Hey, I never killed nobody in my life, man.

Q. You never killed nobody in your life?

A. Never.

Q. Okay. What's the only thing the bad James has really done, then? Not talking about the good James, the bad James.

A. Commit adultery, steal, stick-up, beat people up, that's it.

Q. Okay.

A. That's it. I never did nothing to really hurt nobody.

Q. Is this the good James we're talking about now?

A. Yeah.

Q. Now, do you remember, before, you told us about the bad James?

A. Yeah.

Q. And about a lot of things...

A. Murders. Murders and devastating hurricanes, earthquakes, and you know, a whole lot of confusion, just like a catastrophe, you know.

Q. You told us a whole lot of things about the bad James had done, right?

A. Yeah.

Q. Do you remember specifically telling us about the bad James when he went over to St. Augustine College?

A. Yeah.

Q. And exactly the specifics on what happened when you went over there?

A. Yeah.

Q. When the bad James was there?

A. Uh-huh.

Q. Do you want to talk to us some more about that?

A. Not really, cause I'm not thinking about that, no. That's in the past, and I don't want to bring the past back up again. No.

Q. Well you remember, when we were coming down here, you told us that you wanted to talk to us about your life.

A. Yeah.

Q. Your entire life. And when we talk about your entire life, sometimes that's going to have to deal with the bad James and the good James.

A. Yeah, yeah.

Q. So what Holder and myself are interested in mostly right now is learning about your whole life.

A. Mm-hmm.

Q. We're interested in knowing about the bad James and the good James. You feel like you can talk to Holder and myself, don't you?

A. Yeah.

Q. We've been talking together for a pretty good while.

A. Mm-hmm.

Q. Have you told us the truth when you talk about the bad James?

A. I swear to God I do.

Q. Okay.

A. Hey, man, I never hurt nobody in my life, I mean real bad, except when I burned that girl's house up, you know?

Q. Okay. I understand. There's certain things that you don't want to remember.

A. Yeah.

Q. And you are the good James now.

A. Yeah, I'm not the bad James remember. Jimmy.

Q. Okay. The bad Jimmy.

A. Yeah.

Q. Okay. That's the Jimmy Blackman, right?

A. Yeah.

Q. They call you Jimmy sometimes?

A. No. Everybody calls me James.

Q. Okay.

A. But my real name is Jimmy. That thing keep falling off, man. Oh.

Q. All right. I want you to, okay, I want you to, you know, sort of sit back and rest and talk to us, and anytime you need to go to the bathroom or anything, you just got back from going to the bathroom.

A. Yeah, I don't got to go no more.

Q. Is anybody making you come in here like this?

A. No. God. God wants me to.

Q. God wants you to come, right?

A. Yeah.

Q. And get things straight?

A. Yeah.

Q. Okay.

A. That's what it is. Nobody ain't forcing me to do nothing.

Q. Okay.

A. Cause my mind is with God's mind.

Q. Your mind is with God's mind?

A. Yeah.

Q. Okay. I want you to go back a little bit, cause you do have a good mind.

A. Uh-huh.

Q. And you remember what the bad James has done.

A. Yeah.

Q. Now, I want us, just for this little while, just the three of us...

A. Okay.

Q. ...listen to you, and listen to what you have to say about the bad James.

A. Okay.

Q. Now. The bad James, as you showed us over at St. Aug, did a bad thing.

A. Yes.

Q. Okay. I want you to look at this photograph right here and tell me what do you see. Do you recognize that?

A. That's me.

Q. Okay. Where were you when that picture was made?

A. I was in a police station. Wait a minute. That looks like New York. Wait a minute, man.

Q. Remember that bad James?

A. Yeah. I cut my finger too, from that knife. Man, I've been everywhere, man, I been every damn where.

Q. Okay, that's in...

A. That's in New York somewhere.

Q. Mm-hmm. In New York.

A. Yeah.

Q. Okay. Now, you stayed in New York for a right good while, didn't you?

A. Yeah. I travel all over, man.

Q. You travel all over.

A. Yeah.

Q. But you don't drive a car.

A. I can't drive.

Q. Okay. How do you get around?

A. Sneaking on the buses, when the bus driver come, and go out the bus, I get somebody to come in the back with me, and they go out and I come on. In the big city I do the same thing, over and over.

Q. Okay, so you travel by bus?

A. Yeah. And that's my old picture there.

Q. Mm-hmm.

A. I was in Binghamton, New York, when I took this picture.

Q. You remember the old James Blackman?

A. Yeah, I see him now. Yes. I was catching hell. I was praying to God too, all the time.

Q. Do you remember cutting your finger, you said?

A. Yes. It was this, wait a minute, it was this finger here. See that?

Q. Yeah. How did you do that?

A. I cut it with a knife.

Q. With a knife?

A. I believe I killed somebody.

Q. What do you remember about that, James?

A. I don't remember nothing except they tried to kill me. I tried to kill them back. Boy, this is an old face, man. I still look the same, almost, you know.

Q. Almost.

A. Yeah.

Q. You look a little better now. The good James looks better.

A. Yeah. But my wife, she wants me to grow my hair back, man, my beard.

Q. Okay. All right. I want to ask you something else.

A. Yeah.

Q. This old James...

A. Yeah.

Q. Can you remember when this old James got out of prison?

A. No, I can't remember that.

Q. You can't remember that?

A. Mm-mm (negative).

Q. Were you in prison when this was made?

A. Doggone right (laugh), serving time.

Q. All right. How long did the old James stay there?

A. About a year.

Q. About a year?

A. That's all they give me, a year, all the time.

Q. Okay, and then you hung around New York for awhile and travelled around?

A. Yeah. (Laugh) that was the good old days (laugh).

Q. Okay, what prison were you in when you were there, James?

A. I was in Attica.

Q. Was that

A. No. First I went to Elmira, and from Elmira I went to Albany, and from Albany to Attica.

Q. I see. When you went to Elmira, how long were you there, do you remember?

A. Elmira?

Q. Uh-huh.

A. About, about two months.

Q. From Elmira you went to Albany, you said?

A. Yeah.

Q. About how long were you there?

A. About 4 or 6 months.

Q. And from there you went to Attica?

A. Yeah. That's where I maxed out at.

Q. How long were you in Attica?

A. I was in Attica for about a year and a half.

Q. Isn't that the prison where they had the riot one time?

A. Yeah.

Q. Were you there during that riot?

A. No, I came late (laugh).

Q. Came late, huh. The riot was over when you were there, huh?

A. Yeah (laugh).

Q. Well, that's good.

A. I would have been dead today. I'm serious.

Q. So, what you're talking about, now, the times that you've given us, a year and a half in Attica, approximately 6 months in Albany...

A. All three, done about 3 years all together, or 4. Four.

Q. Three to four years, huh?

A. Yeah, three to four.

Q. When you got out of prison then, do you remember where you went?

A. I went to Binghamton.

Q. Binghamton, New York?

A. Yeah. That's when I was formed there, I believe.

Q. Is that where this picture was taken?

A. Yeah, I believe so.

Q. That's where you were what?

A. In--when I was in Binghamton, I stole a coat, man, a thick Farsian coat. It was three thousand dollars and ninety-nine dollars. I stole the coat and walked out of the store with it a fair mink, and I took it to this mafia lady up the street that got the store, she would have bought it, you know, so I'm like a fool walking around with it, man. The police see me and they come and get me, you know, take me to jail. (Laugh.) I was getting everything.

Q. So you stole a \$3,000 mink coat?

A. Yeah, man, three thousand dollars. That's what I caught some of that time for.

Q. Mm-hmm.

- A. Well, I be getting, you know, big things. I not getting nothing small; cause, the lesser you do, the more time; the big you do, less time. I know what the law is all about, you know, cause I been doing it all my life anyway. And I know that I'm never going to get life, no matter what I did, I never get life. They say "Loose foot and free," you know.
- Q. Why would they say that?
- A. I don't know.
- Q. Why do you think you wouldn't get life?
- A. Huh?
- Q. Why do you think you wouldn't get life?
- A. Cause God will always see a way for me to leave.
- Q. I see. James, you remember coming to Raleigh from Binghamton, New York?
- A. Yes. That was a trip, man.
- Q. Tell me about it.
- A. I was working for this dude, selling some reefer, right?
- Q. Mm-hmm.
- A. Man, I selled over 12, 13 ounces, man. The dude didn't give me no money. I was tired of Binghamton. And some girl said I got her pregnant, whatever, you know, cause I don't know that. I never seen the child, you know, or whatever. So like I made love to her that night, and I caught the bus later on that night.
- Q. Did you pay for the bus or did you slip on it?
- A. I paid for the bus. I had the money. And I got over on him like he was getting over on me. He was using me you know for a shift around a shuffleboard. So I said "Shoot, man, he getting all the money and I ain't getting nothing, and I'm still outside and going to this guy house and this guy house trying to live and get me some food," I said "Shit, I'm going to take this damn reefer, boy, and make it my money, you know?"
- Q. Mm-hmm.
- A. And I sold that shit, man, for \$60, caught a bus, and I came in (inaudible).

- Q. Okay.
- A. That's what I been doing.
- Q. All right. Do you remember coming into Raleigh and when you came back up to St. Aug? Do you remember when you came back up to St. Aug?
- A. Mm-hmm.
- Q. How did you get back there? How did you get to St. Aug?
- A. I don't know, but I got here someway. I don't know. I can't remember that. Some things I can't remember. Some things I can. When I look at old faces, you know, it more or less recollect my mind. I can see and understand and talk and deal with, you know, whatever the question may be given to me to answer and that I will speak back.
- Q. Okay, but you don't remember how you got to St. Aug?
- A. No. I don't remember. I got there some way, man. I can't talk about it. I don't know.
- Q. You don't know how you got there?
- A. I don't know if I was--I must have been walking.
- Q. Okay. You do a lot of walking?
- A. Yeah, but I don't like to do a lot of walking now.
- Q. But you used to?
- A. Yeah, I used to walk all over, man, everywhere.
- Q. All right.
- A. Like go in peoples' houses, you know, when they're home, knock on the door, walk on in, sit down, ask for a glass of water, and start walking on some more.
- Q. Okay. That's the way you usually do?
- A. That's the way I travel.
- Q. Okay.
- A. Yeah, I travel wild.
- Q. You travel wild. Okay. Now the old James Blackman, why would he be going over to St. Aug?

- A. Probably see some lady that he loved or somebody he wanted to be with, or somebody he wanted to do something to.
- Q. Okay. Well why did the old James Blackman go over there that day?
- A. I got a twin brother, man.
- Q. I know that.
- A. I got a couple of twin brothers. Real brothers. A couple. There's about 7 of us.
- Q. Okay. Now, this old James Blackman, you took us over to St. Aug, or you wanted to go over there and look around. You got out and you looked around.
- A. Mm. You want to go over there today?
- Q. And you remembered going over there.
- A. Yeah.
- Q. Now, the old James Blackman, when he was on the campus, do you know what he was doing over there?
- A. Talking to the girls, dancing, having a good time, kissing all the ladies, not making love to them, giving them things, just being nice to them. That girl she probably took on that life and the generosity of my kindness that I gave to her, asked her wanted to be my lady, you know, and she could not deal or cope with it and she said she wanted to die.
- Q. She said she wanted to die?
- A. Yeah.
- Q. Cause she couldn't have you?
- A. That's right. A lot of them get like that.
- Q. And then what did you do?
- A. Debra do the same thing. I'm serious.
- Q. Okay. Let's go back to St. Aug, now. Let's take one at a time, okay?
- A. Yeah.
- Q. All right. What happened when she wanted to die? What did you do?

- A. I tried to, hey, I tried to avoid it, man, I tried to stop her. But then I walked on. I got the hell out of there.
- Q. Okay. What did the old James Blackman do to that girl?
- A. I held her, I started kissing her, and it was all over, and nobody else wouldn't say nothing, so I left.
- Q. Okay. But before you left...
- A. There was a lot of screaming and hollering, people going crazy and wild, you know.
- Q. All right. And the girl that was hollering and screaming, where were you when you started hearing all this hollering and screaming, and the old James Blackman started hearing all this confusion?
- A. When they came in and seen in the room like that, and I got out real fast. Hey man, I'm going to tell you something. I can change my form. You know?
- Q. Okay.
- A. I got to get control over that, cause a lot of people be getting hurt.
- Q. Okay.
- A. I lay down and sleep, my body, I learned how to levitate, you know, leave myself. I won't tell nobody that, you know. I have to learn how to control it, man.
- Q. Okay. Think for me.
- A. Yeah.
- Q. All the screaming and hollering, and you got out of there.
- A. I vanished. I vanished.
- Q. Could anybody touch you?
- A. No.
- Q. Could anybody hurt your or touch you?
- A. No. No. Nobody. I just vanished, man.
- Q. Okay.
- A. I got wings, you know? See 'em?
- Q. Not really.

- A. When I put this on, it was like that, nice like this. I have my full potentials, you know.
- Q. All right. Just listen to me, now. I'm interested in the James Blackman that was over in St. Aug.
- A. Okay.
- Q. After all the hollering and screaming, you just left.
- A. Mm-hmm.
- Q. Where did you go to once you just left? Where?
- A. I came back to myself when I was living at this girl over here on Garner Road.
- Q. Okay.
- A. That's the real (inaudible).
- Q. Okay.
- A. I did a lot of crazy things, man, that I regret, you know. God he make me do them, you know this? I show you. You know reefer.
- Q. Reefer pack?
- A. No, this is my...
- Q. Oh, yeah.
- A. I wouldn't bring nothing like that down here. I leave that down there. Can I smoke a cigarette?
- Q. So you were staying with a girl on Old Garner Road there?
- A. Yeah.
- Q. Was that later?
- A. Huh?
- Q. Was that later?
- A. Yeah.
- Q. When you were reformed back to the James Blackman?
- A. Uh-huh. Yeah, that was then, man, that was then. Hey, sometimes I do things so good, that I have to be ungood, you know.
- Q. How do you mean that, James?

END
TAPES
SIDE 4

A. See like good and bad mix, you know, so if I do so much good deeds, then the Lord will come and do some bad.

NEED TAPES 5 transcribed

Q. The date is December the 7th, 1983. The time is now, what time you got, James?

A. 12-something.

Q. 1:00 p.m. Okay, James. You know what this is, don't you?

A. Yes.

Q. What is it?

A. It's a tape recorder.

Q. Okay. Now, you don't have any problems with Munday and myself taping this interview with you, do you?

A. No, no. You tape all you want, man, cause it ain't nothing but a life-time story anyway.

Q. A life-time story?

A. Yeah.

Q. How do you feel today, James?

A. I feel a little disappointed, because Debra, she ain't with me, you know?

Q. Because Debra's not with you?

A. Yeah.

Q. Okay.

A. I used to have a place like this when I was in New York.

Q. Did you?

A. In Binghamton.

Q. Mm-hmm.

A. Everything brand new.

Q. Everything brand new?

A. Mm-hmm.

Q. Are you upset any today, James?

- Q. James we just changed the tape, we ran out of the other one and we just changed the tapes and we're going to talk just a few more minutes about the old James Blackman and about the college over at St. Aug. Why?
- A. Did I kill her?
- Q. Yes, why?
- A. I don't know man, I was in love with her, man. She was doing me wrong.
- Q. She was doing you wrong? What was she doing to you James?
- A. Having sex, fucking other guys and shit and pretending to play on my intelligence and do all sorts of bad things to me, just to get me jealous, you know I'm a jealous man over a woman. Mainly the one I love and she was meant to be my first lady anyway.
- Q. Do you think so?
- A. I know so.
- Q. Who told you that?
- A. God told me, that's why he took her out the world.
- Q. Well when you killed her, did you mean to kill her?
- A. Yeah.
- Q. You did?
- A. Uh, huh. My spirit was there, then it reformed itself in a real man by like when I used to go see my girl, she had my baby, I don't know, my spirit be there, you know in the shadows and it can't understand, it can't see that. I'll show you something.
- Q. No, no listen to me just a minute. How did you kill her?
- A. In the spirit.
- Q. In the spirit. How did the spirit kill her?
- A. In a human flesh form.
- Q. All right. What did you do to kill her?
- A. She had a knife and I made her give it and I took the knife.
- Q. You took the knife?

000004

A. Yeah, but I wasn't there, I was somewhere else.

Q. You were somewhere else?

A. Yeah.

Q. This was the spirit James?

A. Yeah, I swear the spirit man, it goes like that, it goes like that man. If I made a confession to something it would happen, but I want nothing to happen, I won't think about nothing, that's why I don't worry about nothing.

Q. Do you remember exactly where you were when this happened?

A. Up there in the room.

Q. Were you up there where you showed us you were, you and the girl?

A. Yes. I might go somewhere tonight, too.

Q. Do you remember when we had you up there walking around?

A. Yes.

Q. And you carried us to a certain spot and said it happened right here?

A. Yes.

Q. Do you remember where that spot was?

A. I believe it was in the bathroom.

Q. Is that where it actually happened?

A. Yes. Somewhere around there.

Q. How do you remember such as that James? How does the old James Blackman remember that? You know its been a little while ago, right?

A. Uh, huh.

Q. But times means nothing to you, right?

A. No.

Q. Time means nothing. You don't want to remember anything.

A. No, I don't care if I was in jail for the rest of my life, I don't care. I'm serious, the rest of my life, my dying days.

000005

Q. Doesn't the good James Blackman feel bad about what he's done?

A. Yeah, real bad man, I feel bad about it. She'll come back though.

Q. When is she going to come back?

A. She's coming back in a baby.

Q. You think so?

A. I know so, she's gonna be my little girl.

Q. Don't you think you've done wrong?

A. Yeah, I did wrong, God will forgive me. I don't feel like talking any more.

Q. Huh?

A. I don't feel like talking.

Q. Why?

A. I just don't feel like it.

Q. James, do you remember a lot of times, you don't really like to talk about the James Blackman that much do you?

A. No, man that's sickness. I used to be on the damn telephone jerking off man, doing all kinds of crazy shit, you know, that shit's in the past, I don't want to talk about nothing like that, man. But its good to express myself to get it out, make me feel you know free.

Q. Makes you feel better to tell the truth about all.
Does it make you feel free?

A. Yeah. Freer.

Q. What do you think should happen to the old James Blackman?

A. That nigger should have went to jail.

Q. Huh?

A. He should have went to jail.

Q. But he didn't.

A. Yeah.

000006

- Q. Where did he go, why didn't he go to jail?
- A. Cause he was in the spirit.
- Q. Now what does this good James Blackman that we're talking to now, you're a nice man.
- A. Yes.
- Q. And we like you, and we get along good together. What does this good James Blackman think about what should be done?
- A. The good James Blackman thinks about is that what has happened was bad and that it would never happen again and that nothing should be done about it unless you see in your authority that you want to put me away, so I don't be hurting nobody, that would be good, be okay. Wherever I be, it'll come out again, no matter where I am, it'll come out.
- Q. What will come out, James?
- A. My spirit.
- Q. Where ever you might be?
- A. Uh, huh.
- Q. It will come out?
- A. Yeah. Only God has control over that, I'm his son.
- Q. Well don't you think its wrong that James Blackman killed somebody?
- A. Yeah, I know it was wrong.
- Q. Don't you know it was wrong that James Blackman killed a girl at St. Aug?
- A. Yeah.
- Q. And the good James Blackman don't feel bad about it?
- A. He feels a little sad about it, but it wasn't in my authority, you know to try to prevent what happened.
- Q. Something else was telling you to do this?
- A. It was the devil. See, I got both on my side, God and the devil, one in the same. When people express the word devil, they think its a man with two horns and a tail, no, the devil is nothing but a spirit and no one can see him unless you travel deep into space and time in universe beyond the earth,

000007

then you will see. That's why I'd like to go out into space one day.

Q. James, do you remember when you were there in the bathroom in that stall that you showed us, and you remember when the screaming started?

A. Yeah.

Q. What happened right then when all the screaming started?

A. People came running out, they get upset, so I just went ooooooh, I was gone.

Q. Do you remember exactly what the bad James Blackman did to the girl when she started screaming?

A. Choking her man, you know, doing all that crazy stuff to her.

Q. Was there any blood anywhere?

A. Yeah, lots of blood.

Q. Where did that blood come from?

A. From out the bathroom, her room.

Q. What caused her to bleed?

A. When she got cut.

Q. Do you remember where she got cut?

A. No.

Q. You don't remember where it was?

A. Huh, uh.

Q. Do you remember how she got cut, though, don't you?

A. Yeah.

Q. How was that?

A. Like this I'm gonna show you, watch this. Anytime I wanted to leave my body, make it happen, I'd do this.

Q. Tie a bandana around your head?

A. Yes, like this, it goes like this, this is what I wanted to happen, wait a minute.

000008

Q. What are you doing?

A. I'll show you.

Q. Disappeared?

A. Uh, huh.

Q. You see nobody and nobody sees you?

A. No.

Q. You see nobody and nobody will see you.

A. That's right, that's what it is, see, can we quit talking now, please?

Q. Why do you want to stop talking James?

A. I want to go out and walk around man.

Q. Huh?

A. I want to go out and walk around.

Q. I know this brings back a lot of bad thoughts to James, a lot of thoughts that you I know are trying to forget. You don't want to talk about them all that much because they're bad, that's the bad James Blackman, right?

A. Yeah.

Q. But you've told Holder and myself about the bad James Blackman several times haven't you?

A. Yes.

Q. You don't mind talking to him and I about the bad James Blackman, do you?

A. No, I don't mind, but I'm tired of talking right now. I'll talk tomorrow. I just want to get out and walk around.

Q. Okay, you want to get out and walk around?

A. Yeah. I'll talk tomorrow.

Q. What are your plans?

A. Go to the hospital tonight, sign myself in. I'm going to go out there and get drunk and smoke me some reefer.

Q. Why are you going to do that?

000009

A. I don't know man, just to make myself feel good.

Q. Do you want to take a break and walk around some now?

A. Yes. I'll come back in here.

Q. Turn the recorder off.

At this time it is 2:25 P.M. in the afternoon on the 28th of November, which is Monday. Mr. Blackman has left the room and has gone outside and walking around on his own. He said he will be back in a few minutes to talk.

J.C. Holder
A.C. Munday
Investigative Division
RPD

JL/B4
1-28-88

000010

END
TAPES ?
SIDE 4

~~A. See like good and bad mix, you know, so if I do so much good deeds, then the Lord will come and do some bad.~~

~~NEED TAPES 5 transcribed~~

Q. The date is ~~December the 7th, 1983~~. The time is now, what time you got, James?

A. 12-something.

Q. ~~1:00 p.m.~~ Okay, James. You know what this is, don't you?

A. Yes.

Q. What is it?

A. It's a tape recorder.

Q. Okay. Now, you don't have any problems with Munday and myself taping this interview with you, do you?

A. No, no. You tape all you want, man, cause it ain't nothing but a life-time story anyway.

Q. A life-time story?

A. Yeah.

Q. How do you feel today, James?

A. I feel a little disappointed, because Debra, she ain't with me, you know?

Q. Because Debra's not with you?

A. Yeah.

Q. Okay.

A. I used to have a place like this when I was in New York.

Q. Did you?

A. In Binghamton.

Q. Mm-hmm.

A. Everything brand new.

Q. Everything brand new?

A. Mm-hmm.

Q. Are you upset any today, James?

A. Yeah, cause I missed the man leaving because they were going to put us on the same floor.

Q. Uh-huh. Are you upset with the people over at the hospital?

A. I can't get mad at them. That's my rod and my staff.

Q. Uh-huh.

A. I can't get mad at no peoples. Cause I know if I hit one I might hurt him, you know?

Q. Yeah.

A. That's why I just pushed that lady in her face.

Q. Mm-hmm.

A. And she had the nerve to come telling me I know her name. And she don't even got a dog tag on her.

Q. Mm-hmm.

A. How in hell can I know your name, you know, and I said to you "Hey?" You say I ain't no horse. You don't talk like that to me, is you?

Q. No.

A. And then go--that's what she did to me to make me go off, man.

Q. Uh-huh.

A. And she'd yak about it, you know, all smirk. All of them playing a game up there with me. Them dudes smoke reefer, drank, shit, I don't fuck none of that shit, man, not in the presence of all of them, you know. If I do it, I do it by myself so somebody don't know.

Q. Mm-hmm. James.

A. Yeah.

Q. I know we've asked you this before, but you know who I am?

A. You're Holder.

Q. All right. Who is this?

A. It's Mr. Munday.

Q. Okay. You came along with us voluntarily right now, right?

A. Yeah.

Q. Okay. Let me ask you this.

A. Mm.

Q. You wanted us to come over there today and pick you up.

A. Mm-hmm.

Q. Okay. Why did you want us to come over there and pick you up?

A. Hey, look, man, they ain't helping me none up there, they aren't doing nothing for me. They aren't showing me nothing, they won't give me no ground pass or nothing, walk around on my own. They treating me like I'm a prisoner inside a, you know, a mental maximum security place.

Q. Mm-hmm. How do you know what that's like?

A. Huh?

Q. How do you know what that's like?

A. How do I know what that's like? Cause they show it through their motions and their actions.

Q. Okay. Have you ever been in a place like that where you have to be in maximum security?

A. Yes, many of them.

Q. Okay, so you say it's much like that over there.

A. Yeah.

Q. And that's the way they treat you?

A. They won't let me get no ground pass and let me walk around. The doctor said he was gonna give it to me Monday, and he turned around so he could have a meeting, and he's gonna have a meeting with the rest of the staff, see if they can give me something. I said "Man, if I don't get no ground pass to get some air, man, I'm going to go crazy. I'm going to go off, cause I need some air." I said you cannot keep me locked up in a single cell, you know, Monday, Tuesday, peoples around, like you know, making me feel like I'm confined, you know.

Q. Uh-huh. James, what have you got on your head today?

A. It's a scarf. Less I go like this.

Q. Now why would you do that?

A. Huh?

Q. Why would you do that?

A. I don't have no reason for doing that.

Q. Okay.

A. It's I'm just showing you.

Q. Okay.

A. I'm not going to steal nothing from nobody. Ain't going to take nothing either.

Q. I know that. James, do you remember the many conversations that we've had?

A. We've had quite a few of them.

Q. Okay. And we're friends, aren't we?

A. Yes, sir.

Q. And I like you. Munday likes you, and I think you like us.

A. Mm-hmm.

Q. And we've only wanted one thing from you, and that's the truth about your life and the many conversations that we've had.

A. Man, I got fucked in my ass, I sucked the more fucking nigger dick cause I was sick. I got fucked in my ass cause I was sick, and everything else because I was sick.

Q. I know that. I know that. And when you say sick, James, what way do you mean?

A. I mean mentally disturbed.

Q. Mentally disturbed?

A. Yeah.

Q. Okay. So you're talking about the other James Blackman when you are mentally disturbed?

A. Yes.

Q. Okay. And that James, other James Blackman is just like the one that we showed a photograph to you.

A. Yeah, that was me then.

Q. That was you then. Okay.

A. You get the picture of me in Lumberton? I was in jail there.

Q. I've seen that one.

A. With the turban on?

Q. I believe so. Yeah. I saw that one. Yeah. That was interesting.

A. Yeah. They even treated me right, I mean wrong, man. Everywhere I go, someone's got something to do to hurt me, you know. None of them try to help me.

Q. When they hurt you, how do they hurt you, James? They physically hurt you, beat you?

A. No. No. It's mental, man.

Q. It's a mental thing?

A. I get tired of being hurt by people. Sometimes I feel like I want to just take all medication and end it all, you know. That's the way I feel at times.

Q. Have we hurt you?

A. No.

Q. Detective Holder? Detective Munday? Have we hurt you?

A. No, you all out to help me. But I'm not going to kill myself. That's a sin.

Q. That's a sin? How do you know that's a sin?

A. Cause in the Bible it states "Thou shalt not kill himself, or commit adultery."

Q. I think you're right. I think that is a sin. James, how do you feel about the other James Blackman?

A. He was crazy, man. He couldn't be--nothing could control him.

Q. Does that bother you?

A. Yeah. I need me a good woman, man.

Q. What would you do with her?

A. Love her, respect her, and treat her right, and give her anything that I had to possess in my belongings.

Q. What would the old James Blackman do to her?

A. Dog her, do all kinds of crazy shit.

Q. You still remember the old James Blackman?

A. Yeah.

Q. Do you still remember the old James Blackman as you told us he was over at St. Aug?

A. Yeah.

Q. How do you feel about that, James?

A. I don't know, man, cause the spirit just got up and went away.

Q. All right. How do you think the old James Blackman feels right now, today, the 7th day of December, right here with us?

A. I feel--I can feel him, I cannot be him, cause that girl is going through my mind right now.

Q. All right. Do you think that the old James Blackman needs to be controlled?

A. Not no more.

Q. You don't think he needs to be controlled anymore?

A. No.

Q. Why is that?

A. Cause he doing better. Let me smoke a cigarette, here?

Q. Sure. Do you think it's ever possible the old James Blackman would come out again and get control?

A. Long as he got a good woman, he won't. Someone depends, someone to life on depend on.

Q. Mm-hmm.

A. Everywhere I go I keep meeting these girls and they fall in love.

Q. Mm-hmm.

A. Mainly in the institutions.

Q. The girls fall in love with you?

A. Yeah, that's why stayed in so many institutions, man, I can't get nothing on the streets, they're scared to talk.

Q. How did the girls, James, treat the old James Blackman?

A. They treated him like a king.

Q. They did?

A. Yeah.

Q. Why?

A. Cause he make good loving to them. And show them different things that I know no one else is to see.

Q. Do you think, James, if you were out...

A. ...with a job, I can do good.

Q. That you can do good?

A. I know I can.

Q. Suppose something would happen and you didn't have a job. Do you think that you could control the old James Blackman? Do you think he might hurt anybody, or what?

A. I can control him.

Q. You told us one time before that sometimes that he comes out and you couldn't control him.

A. Yeah. That's why I have to take my medication.

Q. Mm-hmm.

A. And I got it on me in my pocket.

Q. Does the medication help you control the old James Blackman?

A. Yes, it does, without that medication I would be raving mad.

Q. James, when did you first discover this old James Blackman? How long ago?

A. Ever since I was born.

Q. Ever since you were born?

A. At the age of nine.

Q. At the age of nine.

A. Yeah.

Q. You discovered the old James Blackman.

A. He could do anything.

Q. And he did a lot of things, didn't he?

A. Everything sinful except killing somebody.

Q. But he never killed anybody?

A. Never in my life, and don't want to, neither.

Q. Okay. In your life? How about the old James Blackman?

A. He won't give a damn.

Q. He just don't give a damn with anything, does he?

A. No. He hate all peoples (laugh), black, white, brown. I get tired, man.

Q. You get tired?

A. Yeah.

Q. You tired now?

A. No, I'm not tired now. I like to walk, you know, get the air and the weather, you know, and the sun. The flying saucers keep coming back, too.

Q. Sometimes?

A. Yeah.

Q. When you're on your medicine?

A. Yeah. I got my necklace back from them.

Q. Yeah, yeah, that's pretty. When did you get that back, James?

A. Today, last--yesterday.

Q. How did you get it? You didn't get to see her, did you?

A. No, I told them to look there and get it for me.

Q. Okay. Okay, James, just cut that off for me just a minute.

A. Okay.

A. Okay, there you go.

Q. You got it on?

A. Yeah, it's on.

- Q. All right. James, I got--it's about ~~19 minutes past 1:00~~.
- A. Mm-hmm.
- Q. And, you know, ~~December the 7th, 1985, and today is Wednesday.~~ Why are you here with us?
- A. Cause you're friends, trying to help me get myself together, and then make it more convenient on my behalf living.
- Q. Okay, we just took a break for just about 4 or 5 minutes, and you got up and you walked around; you went in the front room up there and turned the radio on. You like music?
- A. I love music, all kinds of music.
- Q. Okay. Now, Detective Munday or Detective Holder, we aren't keeping you here against your will, are we?
- A. No. I would like to get back with Erma Williams.
- Q. Erma Williams?
- A. Yeah.
- Q. Okay. Where is she at now?
- A. She's in the hospital too.
- Q. She's still in the hospital?
- A. Yeah. She got sick after I got sick.
- Q. Okay.
- A. But she can't have no babies, and that's good, you know.
- Q. How do you know that?
- A. Cause she got her thing cut off. She showed it to me. And I used to make love to her every day, man, the baby wouldn't come. I got jealous, cause I wanted me a child, a baby, one I can love and respect.
- Q. Mm-hmm, James, in the past, like I said, we had some long hard conversations about your life, and about your different personalities, the other James Blackman. You remember those?
- A. Yeah. I only think about that in the past, try to block that out of my mind.
- Q. You try to block it out of your mind?

A. The more I think about it, the more it happens, you know. That's why I'm on that medication. I told a lot of peoples died last night, didn't they?

Q. You what?

A. A lot of peoples did die last night.

Q. They did die last night?

A. Yeah.

Q. I'm sure some people died last night, you know, somewhere in this world. But James, I want you to listen to me, what I'm going to say, is that you're here because we're friends.

A. Mm-hmm.

Q. Nobody's making you stay here. You can get up and walk out that door if you want to....

A. Mm-hmm.

Q.and keep walking.

A. I don't want to do that.

Q. Because you got your luggage out here, right?

A. Uh-huh.

Q. And you can keep on walking, can't you?

A. Yeah.

Q. Cause walking, for you, and traveling, for you, in the past has been something easy, hasn't it?

A. Mm-hmm.

Q. Okay. Well, you know, the old James Blackman.

A. Yes.

Q. You know he has done a lot of things that you have told us.

A. Mm-hmm.

Q. And you, the good James Blackman that we're talking to now, is responsible for the old James Blackman, because you are actually one and the same.

A. Mm.

Q. You understand what I'm saying?

A. Yeah.

Q. Now, the old James Blackman has got to be punished for what he did.

A. How about the new James Blackman?

Q. How about the new James Blackman? How do you feel about the new James Blackman?

A. He shouldn't get no time.

Q. He shouldn't get no time?

A. No.

Q. How do you feel about the old James Blackman? I mean, should you just forget it?

A. That's all I can do.

Q. Okay. You know, James, a lot of times, in most cases, you have to put this up before the judge and a jury and let them decide what's going to happen on a situation like this.

A. Okay.

Q. What do you think about doing that in your case?

A. They could do that. I don't care if I go to the joint.

Q. Well, that's something that we don't know and you wouldn't know for sure what was going to happen, you know.

A. I know what's going to happen.

Q. So you do know what's going to happen?

A. Time.

Q. Why do you know that, James?

A. Cause my mind tells me.

Q. Your mind tells you? How do you feel about this situation now?

A. The same thing.

Q. The same thing? What does it make you want to do?

A. Go to prison. Get locked up in a cell, read my books, pray hard be strong.

Q. Okay. James.

A. Yeah.

Q. Detective Munday has something he wants to show you...

A. Mm-hmm.

Q. ...and read to you.

Q. James, like I was explaining to you just awhile ago, you know, a lot of times in situations like these, we have to, we have to tell a judge and jury...

A. Mm-hmm.

Q. ...about circumstances in our life, and let them make a decision as to what, what's going to happen.

A. Okay.

Q. Okay? Ah, we talking about the old James Blackman, now...

A. Mm.

Q. And a case that you have told Detective Holder and myself about over at St. Augustine's College.

A. Yeah.

Q. When the old James Blackman came out and had control.

A. That was in the spirit though.

Q. Yeah. What this is, James, is this is an arrest warrant for James Blackman. And I'll read it to you now.

A. Okay.

Q. "State of North Carolina, County of Wake, in the General Court of Justice, District Court Division, to any officer with authority and jurisdiction to execute warrant for arrest for the offense charged below." You know that Detective Holder and myself are police officers, don't you?

A. Yeah.

Q. "I the undersigned find there is probable cause to believe that on or about the date of the offense shown in the county named above, the defendant unlawfully, willfully, and feloniously did kill and murder Helena Peyton, contrary to the form of statute in such case made and provided, and against the peace and dignity of the State."

A. Mm.

Q. "In violation of the law referred on this warrant, you are directed to arrest the defendant and bring him without unnecessary delay before a judicial official to answer the charges above." This is the warrant, James, that we have here for you. It has been signed by a District Court Judge.

A. When I go to jail, today?

Q. What we'll do is take you from here, and we'll go down and probably take another picture of you and some fingerprints and carry you before a judge, and Detective Holder and myself will be right there with you, and then we'll get you a court date probably set up sometime maybe tomorrow....

A. Mm-hmm.

Q. ...when to talk to judge and talk to a lawyer and everything.

A. Mm.

Q. Is there any questions you have about that?

A. No. I'd rather go to jail, man.

Q. You'd rather go to jail?

A. Yeah.

Q. Why is that, James?

A. I'd rather be in there, that's all. You going to take me down there now?

Q. Are you ready to go?

A. Yeah.

Q. Is there any other questions or anything that you want to ask...

A. I don't got none.

Q.Holder or myself?

A. No.

Q. And you do realize, James, we're going to have to put the handcuffs on you?

A. Mm-hmm. I know. I ain't worrying about it.

Q. Huh?

A. I ain't worrying about it.

Q. Okay.

A. You ready to go?

Q. Are you ready?

A. Yeah.

Q. You don't have any questions of us?

A. Mm-mm (negative).

Q. We're going to be with you all the time. We're going to be with you the whole time we're going down to there, and we're going to look after you. Okay?

A. Yeah.

Q. And we'll be contacting you, just like we been contacting you before.

A. Mm-hmm.

Q. To do anything else we can for you.

A. All right.

Q. You have any requests of us?

A. No.

Q. We got all your stuff out there in the car, and we'll take that down with you...

A. Okay.

Q. ...where you can keep up with it.

A. All right. You all ready to go?

Q. How do you like this little place, James?

A. It's all right.

Q. James, you just cut that recorder off, and then you cut it back on, right?

A. Yes, sir.

Q. All right, it's about 29 minutes past one now, okay? And today's date is still the 7th of December, 1983. Okay?

A. Yes.

Q. All right. You can cut it off if you'd like to now.

A. Okay.

This concludes this tape at this point.

J. C. Holder
Investigative Division
RPD - Career Criminal Unit
(Major Crimes Task Force)

A. C. Munday
Investigative Division
RPD - Career Criminal Unit
(Major Crimes Task Force)

dd/cl/j28

PAULINE LATTA

RALEIGH POLICE DEPARTMENT SUPPLEMENTARY REPORT

1. COMPLAINT NO.
558471

2. OFFENSE Homicide		3. CLASSIFICATION W/Knife		4. DATE/TIME OF THIS REPORT 11/1/83	
5. VICTIM (LAST, FIRST, MIDDLE) Peyton, Helena			6. ADDRESS 202 Lathan Dorm, St. Augustine College, City		
SOLVABILITY FACTOR CODES		A-TRACEABLE PROPERTY	C-WITNESS	E-NAMED SUSPECT	G-DESCRIBED SUSPECT
		B-PHYSICAL EVIDENCE	D-M.O.	F-LOCATED SUSPECT	H-IDENTIFIED SUSPECT
7. SOLVABILITY FACTORS FOR INVESTIGATION FROM CRIME INVESTIGATION REPORT					
8. ELIMINATED BY INVESTIGATION			9. DEVELOPED BY INVESTIGATION		

Page 1 of 1

This will be an interview conducted by Detective's A. C. Munday and J. C. Holder.

PERSON INTERVIEWED:

Ms. Pauline H. Latta
 709 Delaney Drive
 Raleigh, North Carolina
 Home telephone number: 834-5370
 Work telephone number: 828-4451, extention 310

This interview is being conducted at her residence on November 1, 1983 at 11:09 a.m.

Q: Ms. Latta, I guess you remember last week when Detective Holder and myself along with Chief Adams and a black male came over and came up and looked at the sixth floor of Latham Dorm?

A: Yes I do.

Q: And you were there when we came up with that correct?

A: Yes I was.

Q: It is my understanding from talking to Dr. Davis that this black male may have had some conversation with you and said something to you while we were there, is that correct?

A: Right.

Q: If you would, please tell me basically what that conversation was and how it came about?

A: Well, how it came about, ah, I asked him how did he get up to the sixth floor. Was he escorted by the lady. He said, "Yes, I was". I said, "By whom"? He said, "By Barbara". I said, "Barbara who?", I don't know her last name. And, you say you're responsible for this crime? Yes I am.

Q: Do you remember where you were on that floor when you asked him this?

A: I think we was standing in the door of 610 because he looked at a young lady there and said, "Are you Barbara?" and this young lady

000237

**RALEIGH POLICE DEPARTMENT
SUPPLEMENTARY REPORT**

1. COMPLAINT NO.
558471

2. OFFENSE Homicide		3. CLASSIFICATION W/Knife		4. DATE/TIME OF THIS REPORT 11/1/83	
5. VICTIM (LAST, FIRST, MIDDLE) Peyton, Helena			6. ADDRESS 202 Lathan Dorm, St. Augustine College, City		
SOLVABILITY FACTOR CODES		A-TRACEABLE PROPERTY	C-WITNESS	E-NAMED SUSPECT	G-DESCRIBED SUSPECT
		B-PHYSICAL EVIDENCE	D-M.O.	F-LOCATED SUSPECT	H-IDENTIFIED SUSPECT
7. SOLVABILITY FACTORS FOR INVESTIGATION FROM CRIME INVESTIGATION REPORT					
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jumped back and said, "No, I am not Barbara". So, in the door of 610...pardon me just a minute...

Q: Room 610, that is located very close to the room that Helena Peyton...

A: 610 is...she was 608.

Q: So it's right at the end of the hall?

A: Next is nine (9) and the next is 610.

Q: You said that you asked him was he responsible for that crime?

A: Uh, huh. (Yes) Yes I did.

Q: And his comment was...

A: Yes I am.

Q: Did he say anything else?

A: No. He did not talk no more than what you asked him anyway, you know, he was very polite and he spoke to everybody, you know...the girls looked like he knew them but he did not know that group that's there now. Cause there's not a one there now that was there at that time. So, I really don't understand the case because I don't...I don't understand him. The young man. Was he under hypnotized or...?

A: No. He was not.

Q: Could you recognize him as seeing him before on campus?

A: No. I wasn't there when the accident happened anyway. I was off that weekend and...the only person that saw him that witnessed that she did see him was Jackie Kelly.

Q: But he didn't look familiar as being a person that may have been on campus anything before that you had seen?

A: No...no.

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Q: And he said the girl name that stayed in that dorm, her first name was Barbara?

RALEIGH POLICE DEPARTMENT
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1. COMPLAINT NO.
558471
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2. OFFENSE Homicide	3. CLASSIFICATION W/Knife	4. DATE/TIME OF THIS REPORT 11/1/83	
5. VICTIM (LAST, FIRST, MIDDLE) Peyton, Helena		6. ADDRESS 202 Lathan Dorm, St. Augustine College, City	
SOLVABILITY FACTOR CODES A-TRACEABLE PROPERTY B-PHYSICAL EVIDENCE	C-WITNESS D-M.O.	E-NAMED SUSPECT F-LOCATED SUSPECT	G-DESCRIBED SUSPECT H-IDENTIFIED SUSPECT I-VEHICLE I.D.
7. SOLVABILITY FACTORS FOR INVESTIGATION FROM CRIME INVESTIGATION REPORT			
8. ELIMINATED BY INVESTIGATION		9. DEVELOPED BY INVESTIGATION	

A: Right.

Q: Does that do anything for you?

A: Yes.

Q: It does? Who's Barbara?

A: Lee.

Q: Barbara Lee?

A: I've always felt that Barbara Lee knew something about it. Jackie Kelly knew something about it. Sarah Collins knew something about it. ~~Barry~~ Alfredia ~~Barry~~. Those four (4) girls, I believe knew what happened up there that day. I've always believed...now I can't prove it. But I believe they do because for the reason I do that...too funny, they did, in fact, Jackie did too much talking and then she cut off all at once. Barbara Lee didn't ever do too much talking. Alfredia left. Sarah Collins left. Sarah did not ever return. Alfredia came back the next year and completed her education. Sarah left because she said she was nervous and sick and she had to go. Alfredia said she was nervous and she couldn't stay there but she did return. Barbara Lee and Jackie stayed on.

Q: On the day that we paid a visit to Latham Hall, and you were there, when you talked to this man...?

A: Right.

Q: What were your duties that day?

A: What was my duties?

Q: Yes. What's your responsibility that day?

A: Oh, my responsibility was really, I was on all day that day. That was on a Wednesday. I usually check rooms on a Wednesday. That was my main duty. And make a report of how the rooms were.

Q: So you really, your title would be what?

000239

A: Oh, my title is Resident Advisor, a Dormitory Director...and I've been working for seventeen (17) years.

RALEIGH POLICE DEPARTMENT
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1. COMPLAINT NO.
558471

2. OFFENSE Homicide	3. CLASSIFICATION W/Knife	4. DATE/TIME OF THIS REPORT 11/1/83	Page 4 of 4
5. VICTIM (LAST, FIRST, MIDDLE) Peyton, Helena		6. ADDRESS 202 Lathan Dorm, St. Augustine College, City	
SOLVABILITY FACTOR CODES A-TRACEABLE PROPERTY B-PHYSICAL EVIDENCE		C-WITNESS D-M.O.	E-NAMED SUSPECT F-LOCATED SUSPECT G-DESCRIBED SUSPECT H-IDENTIFIED SUSPECT I-VEHICLE I.D.
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Q: Prior to us coming over there, Ms. Latta, did you receive notification that we were coming?

A: Yes. Uh, huh.

Q: By who?

A: By Chief Adams. Excuse me.

Q: You were saying you received notification...

A: Yes, from Chief Adams that he would be down in a few minutes. Now I usually let Dr. Davis know, you know, if anybody is coming in, cause that's...that's is what I am suppose to do. Not thinking, I did not call him. I did not call Mr. Newkirt, which I should have. Those two (2) I should have and especially Dr. Davis.

Q: Do you have any questions of us?

A: Do you think this man is the man?

Q: At this point we are still continuing the investigation. He certainly looks promising. However, we've got several more things to look at very closely.

This concludes the interview with Ms. Pauline Latta.

A. C. Munday

J. C. Holder
Detective Division
Raleigh Police Department

sgt/b25
(11/1/83)

000240

**BLACKMON TRIP WITH POLICE FROM
LUMBERTON**

**RALEIGH POLICE DEPARTMENT
SUPPLEMENTARY REPORT**

1. COMPLAINT NO.

550471

2. OFFENSE Homicide		3. CLASSIFICATION Knife		4. DATE/TIME OF THIS REPORT 12/30/83 0915		Page 1 of
5. VICTIM (LAST, FIRST, MIDDLE) Peyton, Helena			6. ADDRESS St. Augustine College, Raleigh, NC			
SOLVABILITY FACTOR CODES		A-TRACEABLE PROPERTY B-PHYSICAL EVIDENCE	C-WITNESS D-M.O.	E-NAMED SUSPECT F-LOCATED SUSPECT	G-DESCRIBED SUSPECT H-IDENTIFIED SUSPECT	I-VEHICLE I.D.
7. SOLVABILITY FACTORS FOR INVESTIGATION FROM CRIME INVESTIGATION REPORT						
8. ELIMINATED BY INVESTIGATION			9. DEVELOPED BY INVESTIGATION			

SYNOPSIS:

This report will contain details of the events that occurred when myself and Det. J. C. Holder travelled to Lumberton, NC, at the request of James Blackman, to return him back to Raleigh.

INVESTIGATIVE NOTES:

On 11/28/83 at approximately 0900 hours Det. Holder and I received a collect call from James Blackman. Blackman was calling from Lumberton, NC. We accepted the collect call from Blackman, and Blackman requested that Det. Holder and myself come to Lumberton and pick him up and return him back to Raleigh. On November 18, 1983, Det. Holder and myself had carried James Blackman to Lumberton at his request. Blackman was being discharged from Dorothea Dix Hospital on that same date and stated he wanted to go and stay with his mother and grandmother in Lumberton for a while.

As a result of the collect call made by James Blackman to Det. Holder and myself, on November 28, 1983, we travelled to Lumberton and picked James Blackman up at his grandmother's, who was identified as Ms. Jessie Hooker of 2518 Parmelee Ave., Lumberton, NC. We returned James Blackman to Raleigh.

On our trip back to Raleigh James Blackman requested that we first go by the Detective Division and talk, and then he stated he wanted to be admitted to Dorothea Dix Hospital where he could see his wife Debra Springer.

(Note: Blackman referred to Debra Springer as his wife. He stated they had been married in the spirit. However, this investigator has no knowledge of Blackman being legally married to Debra Springer. Debra Springer also is a patient at Dorothea Dix Hospital.)

Upon arriving in Raleigh, we returned to the Detective Division and stayed approximately 1 1/2 to 2 hours at that location. We talked with James Blackman during this time. Blackman then requested that we take him to Dorothea Dix Hospital to be admitted so he could be with his wife, Debra Springer. After leaving the Investigative Division Det. Holder and I returned Blackman to Dorothea Dix Hospital to the admitting office. While walking to the car after leaving the Detective Division, Blackman made the comment that he knew what to do and was admitted to the hospital.

REPORTING OFFICER <i>Am</i>	NO.	DIV.	STATUS	ARREST-ADULT	REMAINING FOR INVESTIGATION				
SUPERVISOR APPROVING			<input type="checkbox"/> UNFOUNDED	<input type="checkbox"/> ARREST-JUV.	000196				
			<input type="checkbox"/> PENDING	<input type="checkbox"/> EXCEPT. CLEAR					
			<input type="checkbox"/> INACTIVE	<input type="checkbox"/> SERVICE CLEAR					

**RALEIGH POLICE DEPARTMENT
SUPPLEMENTARY REPORT**

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559471

2. OFFENSE Homicide		3. CLASSIFICATION Knife		4. DATE/TIME OF THIS REPORT 12/30/83 0915		Page 2 of
5. VICTIM (LAST, FIRST, MIDDLE) Peyton, Helena			6. ADDRESS St. Augustine College, Raleigh, NC			
SOLVABILITY FACTOR CODES		A-TRACEABLE PROPERTY B-PHYSICAL EVIDENCE	C-WITNESS D-M.O.	E-NAMED SUSPECT F-LOCATED SUSPECT	G-DESCRIBED SUSPECT H-IDENTIFIED SUSPECT	I-VEHICLE I.D.
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Upon arriving at Dorothea Dix Hospital, Det. Holder and I escorted James Blackman to the admitting office, whereupon walking into the admitting office, Blackman walked over to the admitting window, and without saying a word to anyone, struck a group of metal lockers with his fists! He then stood erect and stared at the persons working inside the admitting office. It was obvious to myself and Detective Holder from the reaction of the persons in the admitting office, that they had had previous dealings with James Blackman. We were in the admitting office 45 minutes to an hour with James Blackman before he was admitted. An immediate and very noticeable change was observed in Blackman's personality and attitude upon walking into the admissions office. He began cursing, blinking his eyes, gritting his teeth, and talking very loud. After a brief interview with the admissions doctor, Blackman was told he would be admitted. Blackman then asked the doctor's permission to bring his belongings in that were left in our police vehicle. Detective Holder and myself walked Blackman to our vehicle.

While walking out the front entrance of the hospital, I commented to Blackman, "Well, James, you said you knew what to do." James then smiled and winked at me. Also, while walking to the police vehicle, Blackman was not cursing, gritting his teeth, or talking in a loud tone of voice. After getting Blackman's luggage and his belongings, we returned to the admissions office, where Blackman began talking loud, cursing, blinking his eyes, and gritting his teeth again. Blackman was then admitted to the ward.

On December 8, 1983, James Blackman was arraigned in District Court before Judge Sherrill for the first degree murder of Helena Peyton. Detective Holder and myself were present in the courtroom during the proceeding. Blackman was in restraints and was accompanied by several deputy sheriffs. A special arraignment hearing was set up especially for James Blackman at the beginning of the regular 2:00 p.m. opening of District Court. Immediately after the arraignment, Blackman was returned to Wake County Jail.

Approximately one hour, Det. Holder and I visited Blackman in the jail to see if we could get him anything. Blackman requested a pack of cigarettes. Det. Holder left the area where Blackman was being held in a single cell, to get a pack of cigarettes. During this time I remained in the cell with Blackman and carried on general conversation with James. James was talking mostly about the events that had just occurred in the courtroom and made the statement to me that "I ain't never killed nobody in my life. I ain't even ever seen that girl before. My spirit killed her. I didn't do it." Blackman then told

REPORTING OFFICER <i>adm</i>	NO.	DIV.	STATUS	ARREST-ADULT	REMAINING FOR INVESTIGATION						
SUPERVISOR APPROVING			<input type="checkbox"/> UNFOUNDED <input type="checkbox"/> PENDING <input type="checkbox"/> INACTIVE	<input type="checkbox"/> ARREST-JUV. <input type="checkbox"/> EXCEPT. CLEAR <input type="checkbox"/> SERVICE CLEAR	000197						
			493								

**RALEIGH POLICE DEPARTMENT
SUPPLEMENTARY REPORT**

1. COMPLAINT NO.

559471

2. OFFENSE Homicide		3. CLASSIFICATION Knife		4. DATE/TIME OF THIS REPORT 12/30/83 0915		Page 3 of
5. VICTIM (LAST, FIRST, MIDDLE) Peyton, Helena			6. ADDRESS St. Augustine College, Raleigh, NC			
7. SOLVABILITY FACTOR CODES		A-TRACEABLE PROPERTY	C-WITNESS	E-NAMED SUSPECT	G-DESCRIBED SUSPECT	I-VEHICLE I.D.
		B-PHYSICAL EVIDENCE	D-M.O.	F-LOCATED SUSPECT	H-IDENTIFIED SUSPECT	
8. ELIMINATED BY INVESTIGATION			9. DEVELOPED BY INVESTIGATION			

me that he didn't care if he went to jail, that he has spent a lot of his life in jail. I told James that he needed to tell his lawyer everything so he could do the best he could to help him.

A. C. Munday
Investigative Division

J. C. Holder
Investigative Division

dd/d31

REPORTING OFFICER <i>AM</i>	NO.	DIV.	STATUS	ARREST-ADULT	REMAINING FOR INVESTIGATION					
SUPERVISOR APPROVING			<input type="checkbox"/> UNFOUNDED <input type="checkbox"/> PENDING <input type="checkbox"/> INACTIVE	<input type="checkbox"/> ARREST-JUV. <input type="checkbox"/> EXCEPT. CLEAR <input type="checkbox"/> SERVICE CLEAR	000198					
			494							

**BLACKMON STATEMENTS TO NURSE
WAKE COUNTY JAIL**

RALEIGH POLICE DEPARTMENT SUPPLEMENTARY REPORT

1. COMPLAINT NO.

558471

2. OFFENSE Homicide	3. CLASSIFICATION Murder	4. DATE/TIME OF THIS REPORT 3/19/84 1115
5. VICTIM (LAST, FIRST, MIDDLE) Peyton, Helena		6. ADDRESS Latham Hall, St. Augustine's College, Raleigh
SO. ABILITY FACTOR CODES	A-TRACEABLE PROPERTY B-PHYSICAL EVIDENCE	C-WITNESS D-M.O.
E-NAMED SUSPECT F-LOCATED SUSPECT		G-DESCRIBED SUSPECT H-IDENTIFIED SUSPECT
7. SOLVABILITY FACTORS FOR INVESTIGATION FROM CRIME INVESTIGATION REPORT		
8. ELIMINATED BY INVESTIGATION		9. DEVELOPED BY INVESTIGATION

INVESTIGATIVE NOTES:

On 12/7/83, James Andrew Blackman was secured in K-3 while at the Wake County Jail. A Wake County Jail nurse named Mary F. Blount was working the 4:00 p.m. until 12:00 midnight shift at the Wake County Jail. During her working hours Nurse Blount heard James Andrew Blackman say the following:

in talking James Blackman his reply is that -- "My spiritual self killed that girl, and if the judge gives me time, I'll have to kill him." (Note attached to blue sheet.)

The note attached to blue sheet was received by Det. J. C. Holder via Lt. Avery, employed with the Wake County Sheriff's Department Jail, on 12/8/83, at 1441 hours. (Writing on the note by jailer John O'Neal, employed with the Wake County Sheriff's Department Jail.) Writing on the note consisted of the following:

James Blackman was heard by Ms. Blount threatening the judge, when he goes to court Thursday. He says it was his spiritual self that killed the girl, and (no) judge is going to say he is guilty.

On 12/9/83, Det. J. C. Holder received a letter via Shaw University Security personnel Ivey Grantham, office telephone number 755-2941, answer telephone number 737-4132. Contents of the letter is stated below:

"Mr. Police,

I was here already and cannot wait much longer, but in God's name forgive me for trespassing on the premises. I really do love you. With the confidence of God almighty. Please don't put me in jail. Because I love all my brother and sisters who attend Shaw University. Amen.

I love God my peace.

James Blackman"

It should be noted that the contents of the letter that has just been stated was written in a different handwriting than that of James Blackman. However, the signature of "I love God my peace." and the

REPORTING OFFICER	NO.	DIV.	STATUS	ARREST-ADULT	REMAINING FOR INVESTIGATION
SUPERVISOR APPROVING			<input type="checkbox"/> UNFOUNDED	<input type="checkbox"/> ARREST-JUV.	000193
			<input type="checkbox"/> PENDING	<input type="checkbox"/> EXCEPT CLEAR	

**RALEIGH POLICE DEPARTMENT
SUPPLEMENTARY REPORT**

1. COMPLAINT NO.

558471

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2. OFFENSE Homicide		3. CLASSIFICATION Murder		4. DATE/TIME OF THIS REPORT 3/19/84 1115	
5. VICTIM (LAST, FIRST, MIDDLE) Peyton, Helena			6. ADDRESS: Latham Hall, St. Augustine's College, Raleigh		
8. ABILITY FACTOR CODES	A-TRACEABLE PROPERTY B-PHYSICAL EVIDENCE	C-WITNESS D-M.O.	E-NAMED SUSPECT F-LOCATED SUSPECT	G-DESCRIBED SUSPECT H-IDENTIFIED SUSPECT	I-VEHICLE I.D.
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signature of "James Blackman" appear to be those of James Andrew Blackman.

J. C. Holder
Investigative Division
RPD - Major Crimes Task Force

mlh/l27

REPORTING OFFICER	NO.	DIV.	STATUS	ARREST-ADULT	REMAINING FOR INVESTIGATION				
SUPERVISOR APPROVING			UNFOUNDED 40	ARREST-JUV					
			PENDING	EXCEPT CLEAR					

VII. Blackmon's Motion to Suppress and Plea

Blackmon was indicted by a Grand Jury for First Degree murder on December 12, 1983. He moved to suppress his statements made to law enforcement officers, but that motion was denied on August 31, 1987. Blackmon pled guilty²⁹ on January 14, 1988 to the reduced charge of Second Degree Murder and was sentenced to life imprisonment. His plea is provided in full below.

²⁹ Blackmon's plea is later described in an appellate brief as an Alford plea.

STATE OF NORTH CAROLINA
In The General Court of Justice
Superior Court Division

WAKE County

File No

83 CR 84695

Film No.

STATE VERSUS

TRANSCRIPT OF PLEA

Defendant

JAMES ANDREW BLACKMAN

G.S. 15A-1022

The defendant, having offered a plea of GUilty and being first duly sworn, makes the following answers to the questions set out below:

- | | Answers |
|--|-----------------------|
| 1. Are you able to hear and understand me? | <u>YES</u> |
| 2. Do you understand that you have the right to remain silent and that any statement you make may be used against you? | <u>YES</u> |
| 3. Are you now under the influence of alcohol, drugs, narcotics, medicines, pills, or any other intoxicants?
(Prescription) | <u>YES</u> |
| (a) When was the last time you used or consumed any such substance? | <u>THIS MORNING</u> |
| 4. Have you discussed your case fully with your lawyer and are you satisfied with his legal services? | <u>YES</u> |
| 5. (a) Do you understand that you are pleading <u>(guilty)</u> (no contest) to the felonies of
<u>SECOND DEGREE MURDER</u> | <u>YES</u> |
| 5. (b) Do you understand that you are pleading (guilty) (no contest) to the misdemeanors of
<u>X</u> | <u>N/A</u> |
| 6. Have the charges been explained to you by your lawyer, and do you understand the nature of the charges, and do you understand every element of each charge? | <u>YES</u> |
| 7. Do you understand that upon your plea you could be imprisoned for a possible maximum sentence of <u>50</u> years <u>or life</u> months (and that the mandatory minimum sentence is <u>15</u> years <u>months</u>)?
<u>prescription</u> | <u>YES</u> |
| 8. Do you understand that you have the right to plead not guilty and be tried by a jury and at such trial to be confronted with and to cross-examine the witnesses against you, and by this plea you give up these and your other constitutional rights relating to trial by jury? | <u>YES</u> |
| 9. Do you now personally plead <u>(guilty)</u> (no contest) ? | <u>YES</u> |
| 10. (a) [If applicable] Are you in fact guilty? | <u>will not admit</u> |
| (b) [If applicable] Do you understand that upon your plea of no contest you will be treated as being guilty whether or not you admit your guilt? | <u>N/A</u> |
| 11. Have you agreed to plead as a part of a plea arrangement? Before you answer, I advise you that the Courts have approved plea negotiating, and if there is such, you may advise me truthfully without fear of incurring my disapproval. | <u>YES</u> |
| 12. [If applicable] The prosecutor and your lawyer have informed the Court that these are all the terms and conditions of your plea.
<u>DEFENDANT SHALL RECEIVE A LIFE SENTENCE. DEFENDANT WILL APPEAL THE ISSUE OF THE MOTION TO SUPPRESS STATEMENTS MADE TO LAW ENFORCEMENT WHICH WAS OBTAINED BEFORE JUDGE BOWEN</u> | <u>YES</u> |
| (a) Is this correct as being your full plea arrangement? | <u>YES</u> |
| (b) Do you now personally accept this arrangement? | <u>YES</u> |

Answers

13. [Other than the plea arrangement between you and the prosecutor] has anyone made any promises or threatened you in any way to cause you to enter this plea against your wishes?

NO

14. Do you enter this plea of your own free will, fully understanding what you are doing?

YES

15. Do you have any questions about what has just been said to you or about anything else connected with your case to this point?

NO

I am 34 years of age and have completed the 2nd grade of school. (List any additional education, if applicable.)

I have read or have heard all of these questions and understand them. The answers shown are the ones I gave in open court and they are true and accurate. Neither my lawyer nor anyone else has told me to give false answers in order to have the Court accept my plea in this case. The conditions of the plea as stated on the reverse hereof, if any, are accurate.

Yes

SWORN AND SUBSCRIBED TO BEFORE ME	Date <u>1-14-88</u>
Date <u>1-14-88</u>	Signature of Defendant <u>X James A. Burton</u>
Signature of Deputy of Assistant Clerk of Superior Court <u>Dr. C. White</u>	

CERTIFICATION BY LAWYER FOR DEFENDANT

As lawyer for the defendant JAMES BURTON, I hereby certify that the conditions stated on the reverse hereof, if any, upon which the defendant's plea was entered are correct and they are agreed to by the defendant and myself upon which the defendant's plea was entered. I further certify that I have fully explained to the defendant the nature and elements of the charges to which he is pleading.

Date <u>1/14/88</u>	Signature of Attorney for Defendant <u>[Signature]</u>
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CERTIFICATION BY PROSECUTOR

As prosecutor for the NC Attorney General's Office Judicial District, I hereby certify that the conditions stated on the reverse hereof, if any, are the terms agreed to by the defendant and his lawyer and myself for the entry of the plea by the defendant to the charge in this case.

Date <u>1/14/88</u>	Signature of Prosecutor <u>William P. [Signature]</u>
------------------------	--

PLEA ADJUDICATION

Upon consideration of the record proper, evidence presented, answers of defendant, and statements of the lawyer for the defendant and the prosecutor, the undersigned finds:

1. That there is a factual basis for the entry of the plea.
2. That the defendant is satisfied with his lawyer.
3. That the defendant is competent to stand trial and that the plea is the informed choice of the defendant and is made freely, voluntarily and understandingly.

The defendant's plea is hereby accepted by the Court and is ordered recorded.

Date <u>1-14-88</u>	Signature of Presiding Judge <u>[Signature]</u>
------------------------	--

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Blackmon had two defense attorneys, Thomas Manning and J. Franklin Jackson. Jackson's files from private practice were destroyed in a fire and Manning also no longer had a file on this case. Commission staff reviewed the Court file concerning this case which was provided to the Commission by the Wake County District Attorney's Office. The original paper file was destroyed and the file produced was only what was preserved on Microfilm. Commission staff also reviewed what was retained of the appellate file from the Attorney General's Office on Blackmon's appeal of the denial of his Motion to Suppress. These reviews provide the basis of the information in this section.

Before Blackmon pled guilty in the case, the court file contained multiple motions and orders related to Blackmon being held as a safekeeper due to his behavioral and mental health concerns. (Clerk 12, 72, 267, 305, 317, 324, 326, 328). In addition, though Blackmon had an attorney, he filed several *pro se* motions with the court to be moved from Central Prison where he was housed, all of which were denied. (Clerk 56-58, 68-69, 73-78, 91-93).

Blackmon's counsel moved to suppress Defendant's statements to police. (Clerk 188-190). The court also ordered Blackmon be psychologically evaluated to determine his capacity to proceed. (Clerk 249-520). Blackmon was determined to be legally mentally competent and the trial court denied his Motion to Suppress his statements. The Motion, Supplement, and the Court's Order relating to the Motion to Suppress are provided in full below.³⁰

³⁰ To the extent the State may have filed a response, that was not in the Court's file and the Commission does not have a copy of any such response.

**DEFENDANT'S MOTION AND
SUPPLEMENT**

2. Any statements or admissions made by this by this defendant were a result of trickery and deception practiced upon him by the arresting officer and are inadmissible.

3. The statements, admissions and confessions purportedly made by this defendant were made at a time when he had not been fully advised of the charges against him or advised concerning his right to remain silent and his right to counsel and were not made within the guidelines of the standards as set forth in Miranda v. Arizona, 348 U.S. 436, 86 S.Ct. 1602, 16 L.Ed.2d 694 (1966).

WHEREFORE, defendant prays that the Court inquire into the facts alleged herein and that the Court rule that any confessions, admissions or statements made by him be excluded from the evidence in the above entitled case.

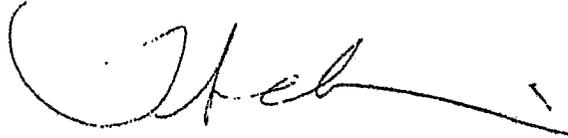
It is requested that the defendant be granted a hearing on motions before disposition and that the defendant be notified at least one week in advance of the hearing date.

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RESPECTFULLY SUBMITTED, this 2 day of

December, 1986.

HALL, HILL, O'DONNELL, TAYLOR,
MANNING & SHEARON



THOMAS COURTLAND MANNING
Post Office Box 19348
4080 Barrett Drive
Raleigh, North Carolina 27619
Telephone: (919) 787-7824
Attorney for JAMES A. BLACKMAN

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STATE OF NORTH CAROLINA
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
83 CRS 84695

STATE OF NORTH CAROLINA)
)
 versus)
)
 JAMES ANDREW BLACKMAN,)
 Defendant)

FILED
1987 AUG 17 AM 9 09
WAKE COUNTY, N.C.

SUPPLEMENT TO MOTION IN LIMINE TO SUPPRESS INVOLUNTARY
ADMISSIONS AND CONFESSIONS

NOW COMES THE DEFENDANT, through counsel, who would respectfully summarize defendant's argument in support of his motion in limine to suppress the defendant's statements and admissions made to Raleigh Detectives J. C. Holder and A. C. Munday in a series of interviews and conferences occurring between October 15, 1983 and December 7, 1983.

The Defendant is relying upon Blackburn versus Alabama, 361 U.S. 199 (1960), and State versus Ross, 297 N.C. 136 (1979), cases in which the United States Supreme Court and the Supreme Court of North Carolina dealt with confessions/admissions of mentally ill individuals. The controlling authority in this matter is the Blackburn decision.

The Attorney General is correct in its statement that the State has the burden of proof on this issue, and that the standard of proof is preponderance of the evidence that the statements which it seeks to introduce against the defendant were

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voluntarily made. The State has not met its burden on this matter according to the dictates of the Blackburn decision.

In Blackburn, as here, the record before the Court established that the defendant was insane (suffering from a mental condition) and incompetent at the time the statements were made. The Blackburn court found that the chances of the defendant's confession having been the product of a rational intellect and a free will became remote, and a denial of due process was egregious. 361 U.S. at pp. 207-208.

In this case, the evidence is overwhelming that Blackman's statements were made while he was probably incompetent and subject to influence and was not capable of knowing the quality of his statement or their implications. A chronology of this matter is instructive, and, it is submitted, dispositive of the question whether the State has met its burden:

1. January 21, 1983:

Blackman committed to Dorothea Dix Hospital for treatment. Through testimony of Dr. Rollins and examination of records of Dorothea Dix Hospital (see Exhibits 4A and 2A, as well as balance of records of commitment and discharge summary and related documents, there was disagreement among staff as to whether the defendant was suffering from schizophrenia, paranoid type, or from a bipolar disorder, or Mixed Personality Disorder with

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primitive, anti-social and aggressive features. The discharge summary, penned by Dr. Rollins, chose the third alternative diagnosis. However, Dr. Rollins testified, and exhibit 2A show that there was agreement that the defendant suffered from psychotic episodes, although Rollins did not share that particular view, he testified that others on professional staff thought that it was so, most notably Dr. Nelson, who had treated Blackman in the past. Further, Rollins testified that Blackman is currently being treated by the Department of Corrections with a working diagnosis of schizophrenia, paranoid type, and is currently receiving medication for that type of mental illness

2. July 1983:

Detective Holder obtains information from S.B.I. and Raleigh Police Detective Lockey about Blackman, begins investigation into background, discovers some information about Blackman's psychiatric history from S.B.I.

3. September 12, 1983:

Blackman discharged from Dorothea Dix Hospital

4. September 20, 1983:

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Detective Holder confers with Assistant District Attorney Susan Edwards about case; ADA Edwards goes before Judge Preston and presents application for disclosure of Blackman's psychiatric file in connection with representation that it contains statements concerning his participation in the crime under investigation (i.e., murder of Helena Peyton); Holder goes over to Dix either 9/20/83 or 9/21/83 with Detective Munday, and reviews Blackman's entire file, and obtains copies of relevant portions of Blackman's file for his use in planning his investigation and anticipated interrogation of Blackman.

5. October 2, 1983 to October 18, 1983:

Blackman re-committed to Dorothea Dix Hospital at Raleigh, with a diagnosis and treatment plan geared to Atypical Psychosis, Mixed Personality Disorder with borderline and antisocial features

6. October 21, 1983:

Blackman attempted to gain admission to Dorothea Dix Hospital and was refused admission by Dr. Rowles, who had treated him during the October 2 to October 18 admission.

7. Week prior to October 25, 1983:

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Detective Holder seeks out James Blackman and initiates contact with him after thoroughly studying Blackman's psychiatric file and background in order to better deal with a person such as Blackman, suffering from a mental condition, so that the detective would know better how to interrogate Blackman.

8. October 25, 1983:

Blackman has first recorded interview with Detectives Munday and Holder. Trip to St. Augustines College with officers.

9. October 26, 1983:

Blackman has second recorded interview with Detectives Munday and Holder; trip to St. Augustines College with officers.

10. October 28, 1983 through November 18, 1983:

Blackman is committed to Dorothea Dix Hospital. Admitting Diagnosis is two-fold: Antisocial Personality Disorder; Borderline Personality Disorder

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11. November 2, 1983 (while outpatient committed at Dix):

Blackman has brief telephone conversation with Holder and Munday.

12. November 3, 1983 (while outpatient committed at Dix):

Blackman goes by to see Holder and Munday at ADA Edwards' office at Wake County District Attorney's Office

13. November 9, 1983 (while outpatient committed at Dix):

Blackman is interviewed and tape recorded at Raleigh Police Department by Holder and Munday.

14. November 10, 1983 (while outpatient committed at Dix):

Blackman is interviewed at Raleigh Police Department and tape recorded by Munday and Holder.

15. November 15, 1983 (while on outpatient commitment at Dix):

Blackman contacts Holder and Munday at Raleigh Police Department.

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16. November 18, 1983:

Blackman is released from commitment at Dix to Holder and Munday, who drive him to his mother's home in Lumberton, North Carolina.

17. November 25, 1983:

Holder and Munday receive calls from Blackman's mother and from Blackman requesting that they come get him and take him back to Dix Hospital.

18. November 28, 1983:

Holder and Munday drive to Lumberton to get James Blackman and bring him to Raleigh. While on trip back, James agitated and concerns officers that he may try to exit car at high speed; they calm him down, and he requests to be taken to Dix Hospital.

However, they take him to the Police Department and interrogate him on tape prior to taking him to Dorothea Dix Hospital. Munday and Holder describe his admission there.

Admitting diagnosis is Atypical psychosis.

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19. December 7, 1983:

Holder and Munday obtain warrant for Blackman's arrest; Blackman is released from Dix committment; Holder and Munday interrogate Blackman at an apartment, on tape, and then advise him he is under arrest for the murder of Helena Peyton and take him to Wake County Courthouse for processing.

II. ARGUMENT

It is abundantly clear from the testimony and from a review of the psychiatric records introduced at the hearing that James Blackman was seriously mentally ill throughout the time of the interrogations. This, together with the opinion testimony of Dr. Scarborough and Dr. Rollins, particularly Dr. Rollins' testimony that Mr. Blackman would be highly susceptible to suggestion, and would more than likely lie to curry favor with persons being nice to him due to his mental illness, presents a classic Blackburn situation. This, together with Detective Holder's admission that he studied James Blackman's records in order to better interrogate him, and the detectives' actions currying favor with James, knowing that he was mentally ill and this type of "help" (taking him to his mother's home, buying him food, being nice to him) would play up to his mental weakness as

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described by Drs. Rollins and Scarborough and the materials in the psychiatric files, is unconscionable. To quote the language of the Blackburn decision:

"In the case at bar, the evidence indisputably establishes the strongest probability that Blackburn was insane and incompetent at the time he allegedly confessed. Surely in the present stage of our civilization a most basic sense of justice is affronted by the spectacle of incarcerating a human being upon the basis of a statement he made while insane; and this judgment can without difficulty be articulated in terms of the unreliability of the confession, the lack of rational choice of the accused, or simply a strong conviction that our system of law enforcement should not operate so as to take advantage of a person in this fashion."

361 U.S. at 207

"It is, of course, quite true that we are dealing here with probabilities. It is possible, for example, that Blackburn confessed during a period of complete mental competence. Moreover, these probabilities are gauged in this instance primarily by the opinion evidence of medical experts. But this case is novel only in the sense

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that the evidence of insanity here is compelling, for this Court has in the past reversed convictions where psychiatric evidence revealed that a person who confessed was "of low mentality, if not mentally ill," Fikes v Alabama, or had a "history of emotional instability", Spano v New York. And although facts such as youth and lack of education are more easily ascertained than the imbalance of the human mind, we cannot say that this has any appreciable bearing upon the difficulty of the ultimate judgment as to the effect these various circumstances have upon the independence of will, a judgment which must be its nature always be one of probabilities".

361 U.S., at 208.

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In this case we have low mentality and lack of education, in addition to serious mental illness to contend with. There is no question but that the Court should find that the statements made by Blackman were involuntarily made, and they should be suppressed.

Respectfully submitted, this the 15th day of August
1987.

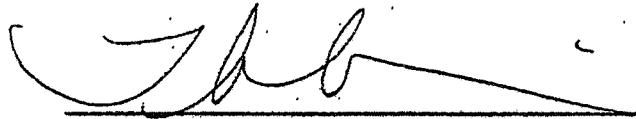
HALL, HILL, O'DONNELL, TAYLOR,
MANNING & SHEARON



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4080 Barrett Drive
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Telephone: (919) 787-7824
Attorney for Defendant Blackman

Certificate of Service

The undersigned hereby certifies that he has mailed a copy of the foregoing to William P. Hart, this the 15th day of August 1987 at Post Office Box 629, Raleigh, North Carolina 27602.



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COURT ORDER MOTION TO SUPPRESS

STATE OF NORTH CAROLINA
COUNTY OF WAKE

FILED
IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO.: 83 CRS 84695
WAKE COUNTY, N.C.

STATE OF NORTH CAROLINA)
)
 v.)
)
 JAMES ANDREW BLACKMAN)
)
 Defendant.)

ORDER

FILED
1987 AUG 31 PM 3:55
WAKE COUNTY, N.C.

THIS CASE came before the Court for consideration of the Defendant's Motion in Limine to Exclude and Suppress Involuntary Admissions and Confessions of the Defendant which consists of a series of tape recorded statements of the Defendant made to Detectives A. C. Munday and J. C. Holder of the Raleigh Police Department, and statements made and recorded in investigative memoranda to Detectives Munday and Holder which were not tape recorded, all of which occurred between October 25, 1983, and December 7, 1983. Also, before the Court is the question of the Defendant's competency and capacity to proceed to trial. The hearing was held on August 6, 7, 12 and 14, 1987. The Defendant was present throughout the hearing and was ably represented by Thomas C. Manning of the Wake County Bar. The State was represented by Assistant Attorney General William P. Hart. Each side presented evidence.

The Court heard testimony from Detectives Holder and Munday, from Dr. Walter A. Scarborough, a psychiatrist practicing in Raleigh, North Carolina, and Dr. Bob Rollins, clinical director

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of the Forensic Unit at Dorothea Dix Hospital in Raleigh, North Carolina. The Court heard these testimonies and admitted exhibits during the Wake Criminal Superior Court terms of August 3 and August 10, 1987, and, with consent of both the State and the Defendant, adjourned the hearing on August 14, 1987, and took the matter under advisement to consider documents introduced at the hearing too voluminous to review and consider in open court.

After consideration of the testimony heard, the exhibits introduced, the motion and supplemental motion of the Defendant, and the memorandum and cases submitted by the State, the Court by a preponderance of the evidence, makes the following:

FINDINGS OF FACT

1. On September 28, 1979, Helena Peyton, a female college student at St. Augustine's College, was stabbed to death in the sixth floor bathroom of the women's dormitory, Latham Hall. Her assailant, though seen by witnesses, was not apprehended.
2. In the spring and early summer of 1983, Detectives J. C. Holder and A. C. Munday of the Raleigh Police Department Major Crimes Task Force, who were investigating the Peyton homicide, began to receive informant information through another officer that James Andrew Blackman, an inmate at Dorothea Dix Hospital, a State mental institution in Raleigh, had been making statements that he had killed the girl at St. Augustine's College. The detectives began investigating the Defendant as a possible suspect. They talked to people who knew him, checked his

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criminal and prison records in New York, Florida and North Carolina, and, by Court Order, obtained access to the Defendant's medical records at Dorothea Dix Hospital.

3. The Defendant, who had been committed to Dorothea Dix Hospital on January 21, 1983, was released on September 23, 1983. The discharge diagnoses, made by Dr. Bob Rollins, Forensic Psychiatrist and Clinical Director of the Forensic Unit at Dorothea Dix Hospital, were:

Axis I. Bipolar disorder by history, presently in remission - 296.42

Axis II. (Primary Diagnosis) Mixed personality disorder, with primitive, antisocial, and aggressive features

4. After Defendant's release and before October 25, 1983, Detectives Holder and Munday made a couple of contacts with Defendant on the streets of downtown Raleigh, telling him that they would like to talk with him sometime.

5. On October 2, 1983, the Defendant went to Dorothea Dix Hospital and was admitted, presenting symptoms indicative of psychosis. On discharge, October 18, 1983, his diagnoses were:

Axis I. Atypical psychosis - 298.90

Axis II. Mixed personality disorder with borderline and antisocial features - 301.89

At the time of discharge, he exhibited no signs of psychosis and he was "discharged to the care of himself."

6. On October 21, 1983, the Defendant attempted to gain admission to Dorothea Dix Hospital, but he was denied admission by Dr. J. Mark Rowles, Staff Psychiatrist, who made a diagnosis

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of mixed personality disorder. Dr. Rowles was the treating physician during the October 2 through October 18, 1983 admission. On admission, Defendant had stated that it was getting cold outside.

7. On October 25, 1983, the Defendant went to the Investigative Division of the Raleigh Police Department and talked with Detectives Holder and Munday in their office. The conversation, which began at 12:05 p.m., was recorded. During the conversation Defendant told the detectives that he wanted to go over to St. Augustine's College campus. The detectives drove him over there, and at one point, after asking to get out of the car, he walked alone down a path into some woods where a bloody daisikeiki (shirt) worn by the actual assailant was found soon after the stabbing. Shortly thereafter, he pointed to Latham Hall and said "That's the girl's dorm. That's the girl's dorm." They then went back to the office, at about 1:09 p.m., and had another short recorded conversation, after which the Defendant left.

8. On October 26, 1983, the Defendant again went to the Raleigh Police Department Investigative Division and had a recorded conversation with Detective Holder and Munday. The conversation began at 9:35 a.m. and ended at 10:43 a.m., at which time, at the Defendant's request, the detectives drove him back over to St. Augustine's College campus. Once there, the Defendant, as he had said he wanted to do, showed the detectives the routes he had taken in and out of the girl's dorm the day he

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stabbed her, the bathroom and actual stall in which he stabbed her, and the sink where he washed his hands before leaving the dorm. After this demonstration, the detectives and the Defendant returned to the investigative division where another conversation was recorded from 12:32 p.m. until 1:37 p.m. The Defendant then left.

9. On October 27, 1983, the Defendant went to the detectives' office once again, and Defendant talked on tape with the detectives from 10:56 a.m. until 12:19 p.m. The Defendant then left.

10. On October 28, 1983, at 12:15 p.m., the Defendant again went to the detectives' office and had a very short conversation, which was recorded.

11. At 2:15 p.m. on the same day, October 28, 1983, the Defendant went to Dorothea Dix Hospital to attempt to gain admission, and he was admitted. Dr. Rowles was again the physician and his diagnostic impression was mixed personality disorder with anxious mood. Defendant stated at the time that he was having thoughts of hurting himself or other people.

12. On November 2, 1983, Detective Holder received a phone message that the Defendant had called the office to talk to him.

13. On November 3, 1983, while Detective Holder was at the office of an Assistant District Attorney, the Defendant, who was out on one of the several day passes he received from Dorothea Dix Hospital to look for a job, stopped at the District

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Attorney's Office and spoke with Detective Holder and Assistant District Attorney Susan Edwards.

14. On November 9, 1983, Defendant was out of Dorothea Dix Hospital on a sign-out day pass and went to the detectives' office to talk. The brief conversation (6 pages of transcript) began at 1:31 p.m. and was recorded. Defendant left afterwards.

15. On November 10, 1983, Defendant, again out of Dorothea Dix Hospital on an all day pass, went to see Holder and Munday at their office. Their brief conversation, which began at 4:08 p.m., was recorded. Defendant then left.

16. On November 15, 1983, Detective Holder received a phone message that James Blackman had called to talk to him at his office.

17. On November 16, 1983, Detective Holder received a phone message that James Blackman had called to talk to him at his office.

18. On November 18, 1983, the Defendant called the detectives from Dorothea Dix Hospital, stated that he was being released and wanted to go to Lumberton, and he asked them to take him down there. They drove him to his grandmother's house, and he told them to stay in touch with him because he wanted to come back to Raleigh. Defendant had been given some money for bus fare to Lumberton by Dorothea Dix personnel because he had none.

19. Defendant's diagnoses at discharge by Dr. Rowles were:

Axis I. No diagnosis

Axis II. Antisocial personality disorder - 301.70
Borderline personality disorder - 301.83

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During Defendant's stay, he stated that the reason he wanted to be admitted this time was that he had bad thoughts and that he'd been sleeping in the streets or abandoned houses and he was afraid that cold weather was on the way. He was found to exaggerate his mannerisms at times and to be able to give accurate information when he wished to do so.

20. On November 24, 1983, Detective Holder received a message that James Blackman had called his home to talk to him.

21. On November 25, 1983, Detective Holder received a call from Mrs. Hooker, the Defendant's grandmother, who relayed a message from the Defendant that he wanted them to drive to Lumberton to pick him up to come back to Raleigh.

22. On November 28, 1983, the detectives received a phone call from the Defendant in Lumberton asking that they come get him and give him a ride to Raleigh because he wanted to go back to Dorothea Dix Hospital. They did so. On the ride back, Defendant became agitated and asked to get out of the car, but calmed down when they found a religious radio station.

The detectives and the Defendant returned to Raleigh and went to the Investigative Division, where the Defendant again talked with the detectives on tape from 1:52 p.m. until 2:25 p.m. At the conclusion of the interview, the detectives took the Defendant to Dorothea Dix Hospital. On the way there, after being told that he might not be able to get in the hospital, the Defendant told the detectives that he knew how to act to get in the hospital. Although appearing to be fine

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outside, once the Defendant entered the Admissions Office, he banged his fist into some lockers, started twitching, gritting his teeth, and blinking his eyes, made faces, cursed and gestured in a bizarre way. After being told he would be admitted, the Defendant walked outside with the detectives to get his suitcase, again appeared to be fine, and told them again that he knew how to act to be admitted, resuming the bizarre behavior again only after he returned to the Admissions area.

23. Defendant's diagnostic summary for this November 28, 1983, admission states:

"Mr. Blackman presented, as he has on previous admissions, in an apparent acute psychosis, with agitation, grimacing, posturing, apparent hallucinations."

Defendant was quoted as stating:

"Man, I'm sick. I'm really crazy."

The diagnoses for this period of admissions from November 28, 1983 through December 7, 1983, were:

Axis I. Atypical psychosis - 298.90

Mixed substance abuse - 305.92 - episodic

Axis II. Mixed personality disorder with
borderline and antisocial features -
301.89

On release, Defendant denied hallucinations or other symptoms of psychosis and showed none as observed by Dr. Tim Carlson and Dr. James Groce, both staff psychiatrists. Defendant was observed to exhibit less bizarre behavior, talk of

hallucinations, and strange facial expressions when angry with staff when he didn't get what he wanted. He appeared in control, lucid, and rational in conversation.

24. On December 7, 1983, when Defendant was released from Dorothea Dix Hospital, he was picked up at his request by Detectives Holder and Munday. They drove to an apartment that was rented and used in an undercover campaign and again interviewed the Defendant, on tape from 1:00 p.m. to 1:20 p.m. The Defendant was read arrest warrants that had been obtained earlier that day, was taken into custody, and was taken before a magistrate.

25. At all times that Defendant was interviewed by Detectives Holder and Munday the detectives were dressed in regular street clothes with no exposed weapons.

26. During all interviews Defendant was free to come and go as he pleased and asked for and received breaks to get coffee or go to the bathroom unescorted.

27. Interviews were tape recorded with the knowledge and consent of the Defendant. At times Defendant even operated the recording device. No interview session was long in duration.

28. At no time during the days of the interviews did Defendant appear to the two experienced law enforcement officers to be under the influence of drugs or alcohol. He always appeared to be coherent and able to understand their questions.

29. Defendant knew that the detectives were police officers and that their job was to enforce the criminal laws.

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30. At no time did either of the detectives make any promises to the Defendant or threaten or coerce him in any way mentally or physically.

31. At times, the Defendant has been diagnosed by psychiatrists as having either Atypical Psychosis or Paranoid Schizophrenia. This coincides with the opinion of defense psychiatrist, Dr. Walter A. Scarborough, Jr., a private practitioner with limited forensic experience. Dr. Scarborough, who interviewed the Defendant for only one and one-half (1½) hours on May 29, 1986, some two and one-half (2½) years after the conversations in question, who was not aware, at the time he formed his opinion, of the Admissions incident testimony regarding Defendant's November 28, 1983 admission to Dorothea Dix Hospital, and who admitted several things during cross-examination which detracted from his opinion, was of the opinion that Defendant's judgment was "moderately impaired secondary to residual psychotic features (suspiciousness, paranoid ideas, emotional lability) as well as to mild mental retardation (Full Scale IQ=69)." In his opinion, Defendant's sentence structure and ability to communicate are better than would be expected from the IQ score, and believes that the Defendant is a street-wise person.

32. The only psychological testing done on the Defendant was done by Psychologist Ronald J. Valentine. In his opinion, the Defendant's IQ score (relied on by Scarborough) was

artificially low and not supportive of a finding of mild mental retardation. His diagnoses were:

Axis I. Adult Antisocial Behavior - V71.01

Axis II. Atypical Personality Disorder (with Borderline Features) - 301.89

In his report, the psychologist states:

"His test data do not support his current diagnosis. (Further, I do not see how the same person can be both schizophrenic and antisocial personality.) While there are signs of suspiciousness, they would seem to be a subcultural adaption. There are signs of limited perceptual accuracy but they are tempered by his intellectual limitations. There are insufficient signs of limited emotional control, loose association and limited interpersonal responsiveness to support a schizophrenic diagnosis. He gave six human responses on the Rorschach which is clearly not characteristic of schizophrenia. Further, his recent behavioral history is one of successful emotional control."

33. Dr. Bob Rollins, Clinical Director of Dorothea Dix Hospital's Forensic Unit and a board certified forensic psychiatrist, who has worked at Dorothea Dix Hospital since 1966 and has been in the Forensic Unit since 1973, performing over 300 forensic examinations, has examined the Defendant several different times and over a range of years, 1982, 1983, 1984 and 1987. In addition to examining the Defendant in regard to his mental status related to his current murder charge, Dr. Rollins has been one of the Defendant's treating physicians and supervised other treating physicians at times.

Though aware that some psychiatrists have diagnosed the Defendant at times as having atypical psychosis or schizophrenia, Dr. Rollins' long experience with the Defendant and his long

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experience with the Forensic Unit has caused him to believe that the Defendant has never been psychotic or schizophrenic. His opinion is that James Blackman has a mixed personality disorder with primitive, antisocial and aggressive characteristics. This opinion has been shared by other psychiatrists and psychologists at Dorothea Dix Hospital. Dr. Rollins is also of the opinion that other psychiatrists have misdiagnosed the Defendant as psychotic and schizophrenic because of his successful manipulation techniques of intimidation and malingering (presenting simulated symptoms of a mental disorder to achieve a goal).

This Court finds that the opinion of the more experienced Dr. Rollins is better reasoned, more supported by, and more consistent with the behavior and history of the Defendant than any opinion that he is psychotic, and, therefore specifically adopts the opinions and findings of Dr. Rollins as opposed to those of Dr. Scarborough. A review of the testimony of the hospital records demonstrates Defendant's goal directed behavior, manipulative behavior, and ability to present different outward symptoms by choice to suit his wants at the time, such as witnessed by Detectives Holder and Munday. This is further supported by the psychological test results of Psychologist Valentine.

34. The Defendant has a lengthy criminal record and has served time in prison on more than one occasion in more than one State. He is street-wise, self-motivated, self-assertive, and

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aggressive. He does what he wants to do in that he has the ability to make choices and to be goal directed, and he has the ability to either make or refrain from making statements. The Defendant is suspicious, which is not unusual for a person who has spent a lot of time in an institutional setting.

35. Defendant was legally mentally competent at the time he made the statements to the detectives, when examined in 1984 and 1987, and at the time of the hearing in that then and now he has had the mental capacity such that he understands the nature and object of the proceedings against him, understands his position with regard to the law, is able to cooperate with his attorney so that any available defense may be interposed, can conduct his defense in a rational manner, and is able to make choices and direct his behavior towards a goal.

36. Defendant was not in custody at any time he made statements to the detectives, until he was actually placed under arrest at the end of the recorded interview on December 7, 1983.

From the foregoing findings of fact, proved by a preponderance of the evidence, and after reviewing the applicable case law: Colorado v. Connely, 479 U.S. _____, 107 S.Ct. _____, 93 L.Ed.2d 473 (1986); Blackburn v. Alabama, 361 U.S. 199, 80 S.Ct. 274, 4 L.Ed.2d 242 (1960); State v. Simpson, 314 N.C. 359, 334 S.E.2d 53 (1985); State v. Misenheimer, 304 N.C. 108, 282 S.E.2d 791 (1982); State v. Jenkins, 300 N.C. 578, 268 S.E.2d 458 (1980); State v. Ross, 297 N.C. 137, 254 S.E.2d 10 (1979); State v. Thompson, 287 N.C. 303, 214 S.E.2d 742 (1975); State v. Lynch, 279 N.C. 1, 181 S.E.2d 561 (1971); State v. Murry, 277 N.C. 197,

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176 S.E.2d 738 (1970); State v. Thorpe, 274 N.C. 457, 164 S.E.2d 171 (1968); State v. Whittemore, 255 N.C. 583, 122 S.E.2d 396 (1961); State v. Spence, 36 N.C.App. 627, 244 S.E.2d 442 (1978), this Court makes the following:

CONCLUSIONS OF LAW

1. The actions of Detectives Holder and Munday throughout their dealing with the Defendant were not mentally or physically coercive.
2. The Defendant was not in custody at the time he made any of the statements and there was no custodial interrogation.
3. Defendant was mentally competent at the time he made all of the statements and at the time he was examined in 1984 and 1987, and he is now mentally competent to proceed to trial.
4. From a careful examination of the totality of the circumstances, the Defendant's various statements, both recorded and unrecorded, were knowingly, understandingly and voluntarily made, and as such are admissible in evidence at trial.

WHEREFORE, it is hereby ORDERED that the Defendant's Motion to Suppress be and is hereby DENIED.

This the 31 day of August 1987.


WILEY F. BOWEN
JUDGE PRESIDING

8-31-87 cc Bill Hart & Atty Tom Manning

On January 14, 1988, Blackmon pled guilty to Second Degree Murder but reserved the right to appeal the denial of the Motion to Suppress as part of his plea deal. The appeal was denied. The Defendant's Brief (without attachments), the State's Brief (without attachments) and the Court's decision are provided below.

DEFENDANT'S BRIEF

NO. 8810SC603

TENTH DISTRICT

NORTH CAROLINA COURT OF APPEALS

STATE OF NORTH CAROLINA,)

vs.)

JAMES ANDREW BLACKMAN,)

From Wake County

DEFENDANT-APPELLANT'S BRIEF

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NO. 8810SC603

TENTH DISTRICT

NORTH CAROLINA COURT OF APPEALS

STATE OF NORTH CAROLINA,)
)
 vs.)
)
 JAMES ANDREW BLACKMAN,)
)

From Wake County

DEFENDANT-APPELLANT'S BRIEF

QUESTIONS PRESENTED

I. WHETHER THE TRIAL COURT ERRED IN DENYING THE DEFENDANT'S MOTION IN LIMINE FOR EXCLUSION AND SUPPRESSION OF HIS INVOLUNTARY ADMISSIONS AND CONFESSIONS DEPRIVING DEFENDANT OF RIGHTS THE DUE PROCESS CLAUSE OF THE FOURTEENTH AMENDMENT GUARANTEE.

II. WHETHER THE TRIAL COURT ERRED IN DENYING THE DEFENDANT'S MOTION IN LIMINE FOR EXCLUSION AND SUPPRESSION OF THE ADMISSIONS AND CONFESSIONS HE MADE DURING COERCIVE CUSTODIAL INTERROGATION WITHOUT MIRANDA WARNINGS.

STATEMENT OF THE CASE

On December 7, 1983 the defendant-appellant, James Andrew Blackman, was arrested for the murder of Helena Peyton. At the August 6, 1987 Criminal Term of Wake County Superior Court, before the Honorable W. F. Bowen, the defendant moved to exclude and suppress involuntary statements he allegedly made prior to his arrest. By stipulation of the parties, the trial court entered an Order out of session on August 31, 1987 denying the defendant's motion.

Following the entry of a plea of guilty to second degree murder consistent with the ruling in North Carolina v. Alford with a condition of the plea that the defendant would appeal the adverse suppression Order entered by Judge Bowen, the defendant appeals the entry of judgment of guilt of the offense of second degree murder and sentence of life imprisonment by the Honorable Henry V. Barnette, Jr. at the January 14, 1988 Criminal Term of Wake County Superior Court.

STATEMENT OF THE FACTS

The defendant-appellant, James Andrew Blackman, was born at Women's Prison in Raleigh, the son of a schizophrenic inmate. (DDH, pp. 5, 7, 1011).¹ His mother used to lock him up in a closet and feed him excretion. (HT, p. 73; DDH, p. 1011). He was raised by his grandmother who practiced witchcraft, and by age 10 he had developed a history of mental illness, including psychosis. (DDH, p. 5). He was placed in a reform school at the age of 12 because of his nerves. (SE, p. 2). Prior to his first commitment to Dorothea Dix Hospital in June of 1981, the defendant had undergone a number of psychological hospitalizations and treatments in New York, New Jersey, Florida, and possibly other states. (HT, p. 153).

¹References are made in this Brief to documents that are designated herein as follows: (1) References to the Record, (R.p. _____); references to the Hearing Transcript, (HT, p. _____); references to Defendant's Exhibits 1 through 4, (DDH, p. _____); references to the recorded tapes of defendant's statements, (TT, p. _____); references to Dr. Scarborough's Psychiatric Evaluation, (SE, p. _____).

Mr. Blackman was first admitted to Dorothea Dix Hospital on June 18, 1981 with an initial diagnosis of schizophrenia, paranoid type and antisocial personality disorder. (DDH, pp. 5, 9). He was involuntarily committed upon a referral from the McCain Correctional Facility and Dr. Smith of that facility gave defendant a discharge diagnosis of manic-depressive psychosis. (DDH, p. 508). Dr. E. Rassekh determined that Mr. Blackman was mentally ill necessitating involuntary commitment and he was further diagnosed by Dr. George O. Dougherty as having paranoid schizophrenia. (DDH, pp. 524, 530). During his initial commitment, which lasted approximately one year, Mr. Blackman was treated with extremely large doses of antipsychotic medication including chlorpromazine, lithium carbonate and thorazine. (DDH, p. 210). He exhibited paranoid and grandiose delusions and his treatment plan consisted of rehabilitation for stabilization of his psychosis. (DDH, pp. 55, 238). On August 21, 1981, Dr. William Nelson diagnosed Mr. Blackman as having schizophrenia, paranoid type. (DDH, p. 122). Psychological testing performed in early 1982 revealed that Mr. Blackman had a full scale IQ of 69 which evidences mild mental retardation. (DDH, p. 10; SE, p. 3).

On June 11, 1982 Mr. Blackman left Dorothea Dix Hospital on unauthorized absence and against all medical advice and began living with a friend. (DDH, pp. 551, 1183). He stopped taking his medication shortly after discharging himself from the hospital and became psychotic over a period of several months. (DDH, p. 552). His girlfriend reported that he deteriorated after his noncompliance with the doctor's prescription of medication. (DDH, 559). On January 21, 1983 Mr. Blackman was again committed involuntarily to Dorothea Dix Hospital after an incident with a librarian in downtown Raleigh.

Mr. Blackman remained at Dorothea Dix Hospital from January 21, 1983 through September 12, 1983. During his second hospitalization at Dorothea Dix, he was diagnosed by Dr. C. W. Lynn as having manic-depressive psychosis, manic type. (DDH, p. 550). Mr. Blackman's medical reports during this period indicate that he displayed psychotic symptoms, delusions, hallucinations, and paranoid ideation. (DDH, pp. 554-555, 552-553). Rebecca Tyrrell, a social worker who worked with Mr. Blackman extensively during this period, noted that "[w]ithout sufficient income, James will no doubt return to the streets, and will go off his medication since he doesn't believe he needs it. He'll then decompensate, becoming aggressive and increasingly psychotic and will be returned to a mental hospital or a correctional

institution." (DDH, p. 556). In a conference report, overseen by Dr. E. Rassekh, it was noted that when Mr. Blackman decompensated he displayed psychotic symptoms such as delusions, hallucinations, and paranoid ideation. (DDH, p. 609).

The Dorothea Dix Medical Staff treated Mr. Blackman with large doses of Haldol during his hospitalization from January 21, 1983 through September 12, 1983. According to Dr. Bob Rollins, the State's expert in this case, the Haldol was used to suppress psychotic thinking and improve Mr. Blackman's behavioral controls. (DDH, p. 616). Dr. Rollins noted that Mr. Blackman suffered from tardive dyskinesia as a result of the psychotic medication and he recommitted Mr. Blackman for an additional 365 days on May 20, 1983. (DDH, p. 616).

Dorothea Dix discharged Mr. Blackman on September 12, 1983 to the Sheriff for transfer to the Wake County Jail. (DDH, p. 828). Dr. Rollins' discharge report included a diagnosis of bipolar disorder, a potentially psychotic and serious psychological problem. (SR, p. 1).

On October 2, 1983 Dorothea Dix readmitted Mr. Blackman for a third time. He came to the hospital in a disorganized state, paranoid and experiencing auditory hallucinations. (DDH, pp. 1064, 1069). Dr. J. Mark Rowles evaluated Mr. Blackman and stated that because of his obvious psychosis, he would initiate involuntary commitment proceedings. (DDH, p. 1175). Dr. Rowles noted that the defendant appeared grandiose and paranoid and that he was hallucinating upon examination. (DDH, p. 1175). A Wake County Magistrate adjudged Mr. Blackman mentally ill on October 2, 1983. (DDH, p. 1140).

On October 3, 1983 Mr. Blackman refused to take his medication and Dr. Rowles indicated that he was paranoid, delusional, hostile and threatening. (DDH, p. 1143). Both Dr. Rowles and Dr. James Groce examined Mr. Blackman on October 6, 1983 and noted that the "[patient] continues to display signs of psychosis" (DDH, p. 1144). Dr. Rowles diagnosed Mr. Blackman as having atypical psychosis, mixed personality disorder with borderline and antisocial features, and buccolingual dyskinesia. (DDH, p. 1177) Dr. Rowles noted in his discharge report that

"[A]t the time of discharge, the presence of the buccolingual dyskinesia was noted with the patient and the possibility of a more generalized tardive dyskinesia developing was

pointed out to him. It was explained that this possibility had to be weighted against his severely debilitating chronic psychiatric condition and the likelihood of recurrence of his psychosis, and that it was our recommendation that the antipsychotic medication be continued."

(DDH, p. 1177), (Emphasis added).

Although discharged from the Dorothea Dix facility, Mr. Blackman was involuntarily committed as an out-patient on October 18, 1983. (DDE, p. 1145). Sometime prior to October 18, 1983, Mr. Blackman had become a suspect in the murder of Helena Peyton who died on September, 26, 1979 at St. Augustines College. The Raleigh Police Department placed Detective Holder and Munday in charge of the murder investigation. Detectives Holder and Munday became interested in Mr. Blackman because of an allegedly incriminating statement he had made to staff personnel at Dorothea Dix. (HT, p. 75). Detective Holder called and spoke with Dr. Rollins sometime on or prior to August 30, 1983 in connection with his investigation. (DDH, p. 813). Detective Holder called Dorothea Dix on September 12, 1983 and learned that Mr. Blackman was soon to be released to the Sheriff's Office. (DDH, p. 828). Detective Holder was instrumental in obtaining a Court Order allowing the Raleigh Police Department to inspect Mr. Blackman's medical records, including his entire psychological history contained in the Dorothea Dix file. Detective Holder studied the defendant's entire file on September 21, 1983 in order to better prepare himself for interrogating Mr. Blackman. (HT, p. 80). Detective Holder became familiar with Mr. Blackman's diagnosis and condition and obtained a great deal of information about his prior social history. (HT, p. 79). He talked with Mr. Blackman's friends and associates in order to get a "bigger picture" of Mr. Blackman. (HT, p. 82).

On October 25, 1983, while under commitment to Dorothea Dix as an out-patient, police officers apprehended Mr. Blackman in downtown Raleigh and transported him to the Police Station for questioning by Detectives Holder and Munday. A line officer had attempted to pick Mr. Blackman up earlier but Mr. Blackman became aggravated and apparently indicated "I ain't got to be down there no way." (HT, pp. 7, 9, 87). Once Mr. Blackman was brought down to the investigative unit, Detectives Holder and Munday, with full knowledge of Mr. Blackman's psychological history and with full knowledge that he had just been diagnosed with atypical

psychosis, began questioning him in their office concerning the Helena Peyton murder. (HT, pp. 8, 79). Their office, a cubical formed with room dividers with just enough room for a couple of desks, was furnished with two desks and four chairs at the time of the October 25, 1983 interrogation and for all subsequent interrogations. (HT, pp. 10, 11). At no time during Detectives Holder's and Munday's interrogation of Mr. Blackman did they inform him that he was under investigation for the murder of Helena Peyton. (HT, p. 143). At no time did they advise him of his Miranda rights. (HT, p. 143).

The detectives tape recorded Mr. Blackman's first interrogation and the majority of all subsequent interrogations (HT, p. 93). On October 25, 1983, during the course of the first interrogation, Mr. Blackman indicated that he did not feel like talking "no more". (HT, p. 25). Officer Holder claims that immediately thereafter, and off tape, Mr. Blackman indicated his desire to go to St. Augustine's College. (HT, p. 25). After the trip to St. Augustine's College, Detectives Holder and Munday took Mr. Blackman back to the investigative room and recorded additional testimony. (HT, p. 25).

Detectives Holder and Munday conducted further interrogations of Mr. Blackman on October 26, 27 and 28, 1983. During this time period, Mr. Blackman lived at the Yahweh Center. (DDH, p. 1167). The Raleigh Police Detectives had arranged for Mr. Blackman's stay at the Yahweh House which is a militant anti-white religious organization. (DDH, p. 1163). On October 28, 1983 Dorothea Dix readmitted Mr. Blackman and Dr. J. M. Rowles, the screening physician, determined him to be mentally ill. (DDH, p. 1167). Dr. Rowles' report indicates that Mr. Blackman demonstrated intermittent psychotic features and he reported a diagnosis of atypical psychosis on November 1, 1983. (DDH, pp. 1163, 1173).

On October 31, 1983, two Raleigh Police Detectives, presumably Officers Holder and Munday, picked Mr. Blackman up for a police line-up. (DDH, p. 1164). Either Detectives Holder and Munday or the assistant prosecutor asked Mr. Blackman to get a hair cut and shave prior to the line-up and Mr. Blackman complied. (DDH, p. 1263). On that same date, Mr. Blackman was suffering from extrapyramidal side effects of the Haldol that he was taking pursuant to his doctor's orders. (DDH, p. 1164).

Mr. Blackman remained at Dorothea Dix Hospital through November 18, 1983 and during this commitment he was

considered mentally ill and diagnosed as having mixed personality disorder. (DDH, p. 1169). Dr. Rowles, in a letter dated November 16, 1983, indicated that Mr. Blackman suffered from intermittent psychotic symptoms and chronic personality disorder with antisocial and borderline features. (DDH, p. 1373). Mr. Blackman continued to take large doses of antipsychotic medication, including Haldol and Prolixin Decanoate. (DDH, p. 1166). During Mr. Blackman's commitment from October 28, 1983 through November 18, 1983, Detectives Holder and Munday continued to interrogate him, doing so on at least six separate occasions.

On November 18, 1983, Mr. Blackman was discharged to the Raleigh Police Department. (DDH, p. 1058). He was transported to his grandmother's home in Lumberton, North Carolina where he gradually started decompensating over a week's period of time. (DDH, p. 1161). Mr. Blackman's grandmother began calling the Raleigh Police Department on separate occasions and on November 28, 1983 Detectives Holder and Munday drove to Lumberton and brought the defendant back to Dorothea Dix for screening. (DDH, p. 1161). During the drive back to Raleigh, Mr. Blackman started sweating and "feeling crazy" and wanted to get out of the car. (HT, p. 105). Instead of taking Mr. Blackman back to Dorothea Dix, the detectives took him to the Investigative Unit at the Raleigh Police Department and interrogated him. (HT, p. 105). Later, when Mr. Blackman was taken to Dorothea Dix, the screening physician, Dr. J. W. Mazzaglia, diagnosed Mr. Blackman as having an acute psychosis, probably bipolar. (DDH, p. 1161).

On November 30, 1983, Dr. Rowles indicated in a report that Mr. Blackman was currently severely psychotic. (DDH, p. 327). On December 7, 1983, Drs. Tim Carlson and James Groce diagnosed Mr. Blackman as having atypical psychosis, mixed personality disorder with borderline and antisocial features, and bucco lingual dyskinesia. (DDH, p. 1159). The doctors also continued Mr. Blackman's prescription of Haldol of 100 mgs a day. (DDH, p. 1159).

Sometime prior to 11:20 A.M. on December 7, 1983, Dr. Mazzaglia, who was treating Mr. Blackman at the time, spoke with Detective Munday who indicated that Mr. Blackman would likely be arrested in the very near future. (DDH, p. 1340). In fact, after his phone conversation with Dr. Mazzaglia, Detectives Munday and Holder arrested Mr. Blackman for the murder of Helena Peyton. Prior to arresting him, however, they interrogated him at the undercover apartment they maintained. (HT, p. 110). The

detectives did not advise Mr. Blackman that they had an order for his arrest. (HT, p. 110).

At no time during the course of the numerous interrogations conducted by Officers Munday and Holder did they inform Mr. Blackman that he was the subject of a murder investigation. (HT, p. 143). At no time during the course of the numerous interrogations did either of the detectives inform Mr. Blackman of his constitutional rights or give him his Miranda warnings. (HT, p. 143). The detectives befriended Mr. Blackman and on at least one occasion bought Mr. Blackman food, cigarettes, and spent time providing him transportation on numerous occasions. (HT, pp. 130, 144).

Since December 7, 1983 Mr. Blackman has undergone a number of forensic evaluations at Dorothea Dix Hospital. His current diagnostic regimen at the North Carolina Department of Corrections is based on a diagnosis of chronic schizophrenia. (HT, p. 257).

On August 6, 1987 the defendant, by his attorney, brought a Motion in Limine to exclude and suppress the series of tape recorded statements made to Detectives Munday and Holder of the Raleigh Police Department, and statements made and recorded in an investigative memoranda to Detectives Munday and Holder which are not tape recorded all of which occurred between October 25, 1983 and December 7, 1983. Also before the Court was the question of the defendant's competency and capacity to proceed to trial.

The Honorable Judge W. F. Bowen presided over defendant's Motion and heard testimony from Detectives Holder and Munday, from Dr. Walter Scarborough, Jr., a psychiatrist practicing in Raleigh, North Carolina and Dr. Bob Rollins, Clinical Director of the Forensic Unit of the Dorothea Dix Hospital. The Court also heard the recorded statements of the defendant and reviewed the voluminous medical records provided by Dorothea Dix Hospital.

The state presented evidence at the hearing from Detectives Munday and Holder and Dr. Rollins. Each witness indicated that in their opinion the defendant was not psychotic during the numerous interrogations conducted by the Raleigh Police Department. Dr. Rollins, however, testified that he had prescribed Haldol for treatment of Mr. Blackman's psychiatric thinking and that everyone who has examined him agrees that he has serious problems. (HT, pp. 249-256). He acknowledged that plenty of other doctors believe the defendant to be psychotic and that he could be wrong and they could be right. (HT, p. 251, 256). In a

letter to Assistant Attorney General Hart, Dr. Rollins stated that more psychiatrists would agree with Dr. Scarborough that Mr. Blackman was psychotic than with his own opinion. (Def. Ex. No. 6). He testified that Mr. Blackman lacks the ability to survive on his own, and that during the period Mr. Blackman was interrogated he was inclined to oblige whoever was being nice to him. (HT, p. 252). He indicated that Mr. Blackman would probably tell a lie in order to have people continue to be nice to him, and that he would tell people what they wanted to hear and might go so far as to admit details of a murder. (HT, p. 253).

The defendant offered the testimony of Dr. Walter A. Scarborough, Jr., a psychiatrist practicing in the Raleigh area. In his opinion, the defendant, James A. Blackman, suffers from schizophrenia, paranoid type, and a mixed personality disorder with antisocial and borderline traits. (SE, p. 3). Upon an extended review of Mr. Blackman's copious psychiatric records for Dorothea Dix, he determined that Mr. Blackman was psychotic during his hospitalization of October 2 through October 18, 1983 and at least intermittently psychotic during the period of October 28 through November 18, 1983. (HT, p. 152).

Dr. Scarborough reviewed the transcripts of the detectives' interrogation of Mr. Blackman and determined that Mr. Blackman's comments and conversations were highly indicative of overt psychotic thinking with clear delusions, erratic and bizarre behaviors, and severely impaired judgment. (SE, p. 2). Upon Dr. Scarborough's examination, Mr. Blackman had difficulty differentiating between fantasy and reality and displayed paranoid grandiosity. (HT, pp. 161, 166).

Dr. Scarborough testified that Lithium Carbonate, Thorazine, and Haldol are not routine drugs and that Haldol is an antipsychotic medication that should be administered only after careful thought and planning. (HT, p. 226). Haldol can cause severe side effects which are potentially debilitating and possibly fatal. (HT, p. 227). Dr. Scarborough further testified that Dr. Rollins' finding of psychotic thinking in the defendant indicates the presence of psychosis in a varying degree. (HT, p. 228).

After hearing all of the evidence, Judge Bowen concluded that the defendant was mentally competent at the time he made each of the statements to Officers Holder and Munday. He further found that Officer Holder and Munday were not mentally or physically coercive and that the defendant was not in custody at the time he made his

numerous statements to the detectives. Judge Bowen further found that the defendant's various statements, both recorded and unrecorded, were knowingly, understandingly and voluntarily made.

ARGUMENT

I. THE TRIAL COURT ERRED IN DENYING THE DEFENDANT'S MOTION IN LIMINE FOR EXCLUSION AND SUPPRESSION OF HIS INVOLUNTARY ADMISSIONS AND CONFESSIONS DEPRIVING DEFENDANT OF RIGHTS THE DUE PROCESS CLAUSE OF THE FOURTEENTH AMENDMENT GUARANTEE.

ASSIGNMENTS OF ERRORS NOS. I, II, III, IV, V and VI.

EXCEPTION NOS. 1, 2, 4 (R.p. 23), 3, 6 (R.p. 17), 5 (R.p. 24), 7 (R.p. 22), 8 (R.p. 26), 9 (R.p. 30), 10 (H.p.p. 259a).

A. The Defendant Was Incompetent As A Matter Of Law At The Time He Gave Statements To Officers Holder And Munday And The Statements Were Not Freely, Knowingly, Understandingly And Voluntarily Made.

The Supreme Court established in the case of Blackburn v. Alabama, 351 U.S. 199, (1960), that it has a strong distaste for the use of confessions from individuals suffering from mental illness, retardation, or other deficiencies of the mind. "[T]he Fourteenth Amendment is grievously breached when an involuntary confession is obtained by state officers and introduced into evidence in a criminal prosecution which culminates in a conviction." Blackburn, 351 U.S. at 205.

Surely in the present stage of our civilization a most basic sense of justice is affronted by the spectacle of incarcerating a human being upon the basis of a statement he made while insane; and this judgment can without difficulty be articulated in terms of the unreliability of the confession, the lack of rational choice of the accused, or simply a strong conviction that our system of law enforcement should not operate so as to take advantage of a person in this fashion.

Blackburn, 351 U.S. at 207. The Blackburn decision makes it clear that a defendant's confession cannot be used against him when the evidence establishes the strongest probability that he was insane and incompetent at the time he allegedly confessed. State v. Ross, 297 N.C. 137, 141, 254 S.E.2d 10, 14 (1979).

In order to ascertain whether Mr. Blackman was competent at the time of his statements, this Court must examine the totality of the circumstances surrounding the defendant's confessions. The state has the burden of showing by a preponderance of the evidence that the defendant's confession was voluntary. State v. Corley, 310 N.C. 40, 53, 311 S.E.2d 540, 547 (1984). Although the trial court's findings of fact after a voir dire hearing concerning the admissibility of a confession are binding on the appellate courts if supported by competent evidence, when the evidence is conflicting, the findings of fact must be sufficient to provide a basis for the judge's ruling. State v. Simpson, 314 N.C. 359, 368, 334 S.E.2d 53, 59 (1985); and see State v. Barfield, 298 N.C. 306, 259 S.E.2d 510 (1979) (cert. denied), 448 U.S. 907, 100 S.Ct. 3050, 65 L.Ed.2d 1137 (1980). The legal significance of the findings of fact made by the trial court is a question of law for this Court to decide. State v. Johnson, 308 N.C. 549, 562, 304 S.E.2d 134, 152 (1983). The trial court's conclusions of law are also fully reviewable by this Court. Simpson, 314 N.C. at 368.

The overwhelming evidence in this case establishes that the defendant, James Blackman, was insane and incompetent at the time he made each and every statement to Detectives Holder and Munday. Judge Bowen's findings that Mr. Blackman was competent at the time he made the statements and that his statements were made voluntarily are not supported by competent evidence and are not sufficient to provide a basis for his ultimate denial of defendant's motion. Furthermore, the court's conclusions of law based upon those findings are incorrect as a matter of law.

Just one week prior to the detectives' initial interrogation of Mr. Blackman, he was diagnosed by Dr. J. Mark Rowles as having atypical psychosis, mixed personality disorder with borderline and antisocial features. (DDH, p. 1177). Mr. Blackman had first been admitted to Dorothea Dix Hospital on June 18, 1981 with an initial diagnosis of schizophrenia, paranoid type and antisocial personality disorder. (DDH, pp. 5, 9). His initial commitment lasted approximately one year and during that time his treating

doctors prescribed antipsychotic medication on a consistent basis. (DDH, pp. 1-530).

Mr. Blackman was committed a second time at Dorothea Dix from January 21, 1983 through September 12, 1983 with an initial diagnosis of manic depressive psychosis, manic type. (DDH, p. 550). His psychiatric reports indicated that when he stopped taking his medication he decompensated and displayed psychotic symptoms such as delusions, hallucinations, and paranoid ideation. (DDH, p. 549). Mr. Blackman suffered from tardive dyskinesia as a result of the psychotic medication he was taking. Tardive Dyskinesia is a condition which results as a side effect of taking the antipsychotic medication and is very dangerous and can often prove fatal to the psychotic patient. (SE, p. 2). In spite of this dangerous side effect, all of Mr. Blackman's treating psychiatrists, including the State's expert witness, Dr. Bob Rollins, recommended, and in most instances forced, the defendant to continue taking Haldol to suppress his psychosis and maintain his behavior.

Mr. Blackman was recommitted to Dorothea Dix for a third time on October 2, 1983 and both Dr. Rowles and Dr. James Grose indicated that he continued to display signs of psychosis. (DDH, p. 1144).

On October 25, 1983, while Mr. Blackman was under commitment to Dorothea Dix on an out-patient basis, he was apprehended by police officers in downtown Raleigh and taken to the police station for questioning by Detectives Holder and Munday. (HT, pp. 7, 9). Mr. Blackman was further interrogated by the detectives on October 26, 27 and 28, 1983. During this time period, the Raleigh Police detectives had arranged for Mr. Blackman's stay at the Yaweh House which is a militant anti-white religious organization. (DDH, p. 1163). On October 28, 1983, Mr. Blackman was readmitted to Dorothea Dix Hospital and was determined to be mentally ill by the screening physician, Dr. J. M. Rowles. On October 31, 1983, Mr. Blackman was picked up from Dorothea Dix by the detectives in order to participate in a police line-up. (DDH, p. 1032). Mr. Blackman was suffering from extrapyramidal side effects of the Haldol that he had been taking pursuant to his doctors' orders. (DDH, p. 1164). Dr. Rowles reported that Mr. Blackman had a diagnosis of atypical psychosis as of November 1, 1983. (DDH, pp. 1163, 1173).

Officers Holder and Munday interrogated Mr. Blackman on a number of occasions from November 2, 1983 through December 7, 1983. On November 18, 1983, Mr. Blackman was discharged

from Dorothea Dix to the Raleigh Police Department and was transported to his grandmother's home in Lumberton, North Carolina. (DDH, p. 1058). While in Lumberton, he gradually started decompensating and his grandmother began calling the Raleigh Police Department to have Mr. Blackman picked up. Detectives Holder and Munday drove to Lumberton and brought the defendant back to Raleigh. (DDH, p. 1161). On the trip back up to Raleigh, Mr. Blackman started sweating and starting "feeling crazy", and wanted to get out of the car." (HT, p. 105). Instead of taking Mr. Blackman back to Dorothea Dix, the detectives took him to the investigative unit at the Raleigh Police Department and interrogated him. (HT, p. 105). Thereafter, on November 28, 1983, the detectives transferred Mr. Blackman to Dorothea Dix where the screening physician, Dr. J. W. Mazzaglia, diagnosed Mr. Blackman with an acute psychosis, probably bipolar. (DDH, p. 1161).

On November 30, 1983, Dr. Rowles indicated in a report that Mr. Blackman was currently severely psychotic. (DDH, p. 1327). On December 7, 1983, the day of Mr. Blackman's arrest, Drs. Tim Carlson and James Groce diagnosed Mr. Blackman as having atypical psychosis, mixed personality disorder with borderline and antisocial features. (DDH, p. 1159). The doctors also continued Mr. Blackman's prescription of Haldol of 100 miligrams a day. (DDH, p. 1159).

Since December 7, 1983 Mr. Blackman has undergone a number of forensic evaluations at Dorothea Dix Hospital. His current diagnostic regimen at the North Carolina Department of Corrections is based on a diagnosis of chronic schizophrenia. (HT, p. 257).

At the suppression hearing, Dr. Walter Scarborough, Jr., a Raleigh psychiatrist, testified that in his opinion, James Blackman presently suffers from schizophrenia, paranoid type and mixed personality disorder with antisocial and borderline traits. (SE, p. 3). Upon an extensive review of Mr. Blackman's psychiatric records, Dr. Scarborough determined that he was psychotic, or at least intermittently psychotic during all of Detectives Holder's and Munday's interrogations of Mr. Blackman. (HT, p. 152). Dr. Scarborough explained the effects of the antipsychotic medications prescribed for Mr. Blackman and stated that Haldol and other antipsychotic medication should be administered only after careful thought and planning. After reviewing the voluminous transcript of the detectives' interrogation of Mr. Blackman, Dr. Scarborough determined that Mr. Blackman's comments and statements were highly

indicative of overt psychotic thinking with clear delusions, erratic and bizzare behaviors, and severely impaired judgment. (SE, p. 2).

In spite of the overwhelming evidence indicating Mr. Blackman's mental illness and resulting incompetence, Judge Bowen found as a fact that Mr. Blackman was competent as a matter of law at the time he gave the statements to the investigating officers and that he freely, knowingly, understandingly and voluntarily made the confessions. (R.p. 22, 23). Judge Bowen drafted these findings in spite of the fact that Dr. Bob Rollins, upon whose testimony Judge Bowen heavily relied, stated that he himself had prescribed Haldol for Mr. Blackman to suppress his psychotic thinking. (DDH, p. 616). Dr. Rollins also testified that everyone who has examined Mr. Blackman agrees that he had serious problems and that more psychiatrists would agree that Mr. Blackman was psychotic at the time of the statements than otherwise. (HT, p. 256; DDH, p. 616). He also noted that Mr. Blackman was suffering with tardive dyskinesia, a debilitating and potentially fatal condition caused by the use of Haldol. (DDH, p. 616). It is difficult to imagine a professional psychologist allowing the use of such a potentially debilitating psychotic medication without first carefully determining that the use of the medication was justified.

The fact that Mr. Blackman was mentally incompetent during the course of the detectives' interrogations is further demonstrated by his actual testimony during the interrogation and Detectives Holder's and Munday's own observations. Officer Holder stated at the hearing that Mr. Blackman was unique and that he would communicate to him in the second person. He understood Mr. Blackman to believe that there were actually two James Blackmans, the real James Blackman and a spiritual James Blackman. (HT, p. 95). Detective Holder even stated that "I was having to deal with two people, even though I was dealing with one person." (HT, p. 95). During the course of the numerous interrogations, Mr. Blackman told Officers Holder and Munday "I came here because I got problems in my mind. I am seeing things; I'm hearing voices, and bad spirits are telling me to do all kinds of bad things." (TT, p. 73). Other indicia of Mr. Blackman's obvious mental illness include the following statements: "Angels talk to me" (TT, p. 36); "I can change my form, levitate" (TT, p. 98); "I got wings" (TT, p. 98); "I can telegraph my thoughts to others--telepathic" (TT, p. 17).

Numerous North Carolina decisions have addressed issues similar to the one presently before this Court and have held that the confessing defendant's statements were involuntary and should have been suppressed. See generally, State v. Spence, 36 N.C. App. 627, 244 S.E.2d 442 (1978); State v. Whittemore, 255 N.C. 583, 122 S.E.2d 396 (1961); State v. Pruitt, 286 N.C. 442, 212 S.E.2d 92 (1975); State v. Williams, 59 N.C. App. 15, 295 S.E.2d 493 (1982); State v. Ross, 297 N.C. 137, 254 S.E.2d 10 (1979).

The case of State v. Ross involved a factual situation remarkably similar to this case and the Ross court applied principals of law which, when applied to this case, resolve the issue presently before this Court in the defendant's favor. In Ross, the evidence showed that the defendant had a history of mental illness and that he looked and acted strange around the time of his confession. The interrogating officer testified at defendant's suppression hearing and stated that the defendant appeared to be comfortable and answered questions logically during his questioning. The trial court denied defendant's motion to suppress his confession and the North Carolina Supreme Court reversed defendant's conviction stating that "the confession most probably was not the product of any meaningful act of violation." Ross, 297 N.C. at 143. The court in Ross relied extensively on the Blackburn decision and overruled the trial court's denial of defendant's motion because the accused "was in all probability mentally incompetent" at the time of the confession. Ross, 297 N.C. at 144.

Evidence of Mr. Ross' insanity was not nearly as documented and compelling as the evidence present in this case. The overwhelming evidence in this case illustrates Mr. Blackman's insanity at the time of his confessions and points to only one conclusion: Mr. Blackman's statements and confessions were not made understandingly and voluntarily and the trial court's conclusion of law finding otherwise is incorrect as a matter of law.

B. Detectives Holder's And Munday's Coercive Interrogation Of Mr. Blackman Deprived Him Of His Rights Guaranteed By The Due Process Clause Of The Fourteenth Amendment.

The United States Supreme Court has recently held in Colorado v. Connelly 93 L.Ed.2d 473 (1986) that "absent police conduct causally related to the confession, there is simply no basis for concluding that any state actor has deprived a criminal defendant of due process of law."

Connelly, 93 L.Ed.2d at 482. (Emphasis added). In Connelly, the defendant, a chronic schizophrenic, walked up to a police officer and confessed to having committed a murder. Id. at 480. The defendant later sought to suppress his confession on the grounds that his mental state interfered with his free will at the time of the confession. Id. The Court held that the defendant's mental condition, by itself and apart from its relation to official coercion, should not dispose of the inquiry into constitutional "voluntariness." Id. at 482.

The Connelly court cited Blackburn and stated that the police tactics surrounding Blackburn's confession supported a finding that the confession was involuntary. Id. at 483. The court further explained that "In Blackburn, the court found that the petitioner was probably insane at the time of his confession and the police learned during the interrogation that Blackburn had a history of mental problems." Id. at 483. The court opined that the police exploited Blackburn's weakness by interrogating him at the police station in the absence of his friends, relatives, or legal counsel and over an extended period of time. Id. at 483.

In the present case, Officers Holder and Munday began preparing for Mr. Blackman's questioning two months in advance of the first interrogation. Officer Holder contacted one of Mr. Blackman's treating psychiatrists in connection with his investigation and reviewed Mr. Blackman's entire medical file at Dorothea Dix Hospital. (DDH, p. 813; HT, p. 80). Officer Holder admitted at the hearing that he studied the defendant's medical file in order to better prepare himself for interrogating Mr. Blackman and to better familiarize himself with his diagnosis and condition. (HT, p. 80). On October 25, 1983, while Mr. Blackman was under commitment to Dorothea Dix as an out-patient, Officer Holder and Munday had him picked up and delivered to the police station for one of their numerous custodial interrogations. Detectives Holder and Munday, with full knowledge of Mr. Blackman's psychological history and with knowledge that he had just been diagnosed with atypical psychosis, began interrogating him in their office concerning the Peyton murder. (HT, pp. 8, 79). Their office consisted of a cubical arrangement with room dividers and just enough room for a couple of desks. (HT, p. 10). Detectives Holder and Munday befriended Mr. Blackman, gained his confidence and admiration and exploited his weakness through skillful and manipulative interrogation. Officers Holder and Munday purchased food and cigarettes for Mr. Blackman and provided him with coffee

and transportation on a number of occasions. (HT, pp. 130, 144).

Such coercive activity clearly meets the Connelly parameters of "conduct causally related to the confession" and aligns the facts presently before this Court with the Blackburn and Ross decisions. The detectives' manipulative and coercive tactics further distinguish the facts of this case from the facts in Connelly where the defendant approached the police officer on the street and stated that he had murdered someone. 93 L.Ed.2d at 480.

The facts of this case are also clearly distinguishable from the recent North Carolina decision of State v. Adams, 85 N.C. App. 200, 354 S.E.2d 338 (1987). In Adams, the defendant went to the county jail and told the Sheriff's Department that he had killed someone and wanted to confess. Adams, 85 N.C. App. at 202. The evidence presented at defendant's hearing to suppress the confession indicated that the defendant had an extensive history of mental illness. The court followed the reasoning of the Connelly decision since the facts of the case were so similar to the facts in Connelly. Id. The court held that there is no constitutional basis for the exclusion of defendant's noncustodial, self-initiated inculpatory statements. Id. at 204. (Emphasis added). The Court in Adams pointed out that the confession was initiated by the defendant and was not a response to interrogation. This fact in itself distinguishes the facts presently before this court from the Adams' decision.

In the present case, Detectives Holder and Munday had Mr. Blackman picked up and delivered to the police station for interrogation. (HT, pp. 7, 9). They used their well-developed interrogation skills and their extensive knowledge of Mr. Blackman's psychiatric state to befriend him and to elicit various statements and confessions from him. As the Connelly court pointed out, "as interrogators have turned to more subtle forms of psychological persuasion, courts have found the mental condition of the defendant a more significant factor in the voluntariness calculus." Connelly, 93 L.Ed.2d at 482. Certain interrogation techniques applied to the unique characteristics of a particular suspect, are so offensive to a civilized system of justice that they must be condemned. Miller v. Fenton, 474 U.S. 104 (1985).

The supportive and encouraging approach of Detectives Holder and Munday was aimed at winning Mr. Blackman's trust. "Excessive friendliness on the part of an

interrogator can be deceptive. In some instances, in combination with other tactics, it might create an atmosphere in which a suspect forgets that his questioner is in an adversarial role, and thereby prompt admissions that the suspect would ordinarily make only to a friend, not to the police." Miller v. Fenton, 796 F.2d 598, 607 (3rd Cir. 1986). Detectives Holder's and Munday's coercive interrogation of Mr. Blackman, with knowledge of his obvious and documented mental illness, provides this Court with a vivid example of why the citizens of this state need the protection of the Fourteenth Amendment and illustrates why a defendant's mental condition plays such a significant role in the Court's determination of voluntariness.

II. THE TRIAL COURT ERRED IN DENYING THE DEFENDANT'S MOTION IN LIMINE FOR EXCLUSION AND SUPPRESSION OF THE ADMISSIONS AND CONFESSIONS HE MADE DURING COERCIVE CUSTODIAL INTERROGATION WITHOUT MIRANDA WARNINGS.

ASSIGNMENTS OF ERROR NOS. III, VI and VII.

EXCEPTION NOS. 2, 5, 8, 9 and 10. (R p 32, 34, 38).

An individual must be fully informed of his rights whenever he is "in custody" of the police and before any interrogation of that individual may begin. State v. Harvey, 78 N.C. App. 235, 237, 336 S.E.2d 857, 858 (1985); Miranda v. Arizona, 384 U.S. 436 (1966). The determination of whether an individual is "in custody" during a police interrogation so as to invoke the requirements of Miranda requires an application of fixed rules of law and results in a conclusion of law and not a finding of fact. State v. Davis, 305 N.C. 400, 415, 290 S.E.2d 574, 581 (1982). In determining whether defendant is "in custody" for Miranda purposes, the trial court must determine whether the suspect was in custody based upon an objective test of whether a reasonable person in the suspects position would believe that he had been taken into custody or otherwise deprived of his freedom from action in any significant way or, to the contrary, would believe that he was free to go at will. State v. Davis, 305 N.C. at 410.

Interrogation under Miranda refers not only to express questioning, but also to any words or actions on the part of the police (other than those normally attendant to arrest and custody) that the police should know is reasonably likely to elicit an incriminating response from the suspect. State v. Leak, (No. 8819SC30, slip. op. at 7)

Court of Appeals, May 31, 1988. In considering whether police questioning should be considered general investigation or custodial interrogation, it is important to determine whether the investigation had been focused upon the defendant as the perpetrator of the crime. State v. Pruitt, 286 N.C. 442, 448, 212 S.E.2d 92, 97 (1975).

In the present case, the detectives had Mr. Blackman picked up by police officers and interrogated him outside of the presence of his friends, family and attorney and in a police dominated atmosphere. The evidence is clear that they had focused on Mr. Blackman as a prime suspect in the Helena Peyton murder. (HT, p. 138). The detectives obtained and studied Mr. Blackman's complete medical history, talked with his treating psychiatrist, became familiar with Mr. Blackman's diagnosis, and talked to his friends and associates in order to prepare for the ultimate interrogations. (HT, pp. 79, 80, 82). This was not a general investigation by police officers at the scene of a crime or occurrence calling for police investigation but rather was a planned and coerced interrogation of an individual in a police dominated atmosphere.

The most similar North Carolina case to the one at bar concerning the custody issue is State v. Harvey, 78 N.C. App. 235, S.E.2d 857 (1985). In Harvey, the defendant, a 17 year old boy with a tested I.Q. of 78, was under investigation for felonious breaking and entering, felonious larceny and felonious possession of stolen goods. Two detectives went to the defendant's home and asked the defendant's mother if she minded if her son "rode around with them." Harvey, 78 N.C. App. at 236. The detectives drove the defendant to the Police Department where they questioned him for approximately one hour concerning two break-ins. The defendant denied any involvement in the crimes at first but later confessed to the crime. At no time during the interview was the defendant advised of his rights to remain silent or to the presence of an attorney. Harvey, 78 N.C. App. at 236. After he confessed, the defendant was for the first time, given the warnings required by Miranda v. Arizona and was asked to sign a written statement. Id. at 236. After he was arrested, he later made a Motion to Suppress his confession and the trial court, after conducting an evidentiary hearing on the motion, ruled that the statements obtained by the detectives had been obtained in violation of the defendant's Miranda rights. Id. at 236.

This court affirmed the trial court's decision in Harvey and noted a number of factors important in its determination.

"In this case the police, not the defendant, initiated contact and defendant denied all involvement in the crimes for at least one hour of interrogation Defendant here was taken far from his home, placed in a closed office with two officers, subjective to lengthy questioning and was never expressly told that he was not under arrest or that he was free to leave and could end the questioning at anytime. These factors, added to the defendant's age and mental capacity, demonstrate the coercive nature of the interrogation and indicate that the Miranda warning should have been given prior to any interrogation of defendant."

Harvey, 78 N.C. App. at 238.

In this case, as in Harvey, the police, not the defendant, initiated the contact with Mr. Blackman. On October 25, 1983, the day of the initial interrogation, Mr. Blackman was taken by a police officer to Detectives Holder's and Munday's office and was questioned for over an hour's period of time. (HT, pp. 7, 9). Mr. Blackman was never expressly told that he was not under arrest or that he was free to leave. (HT, p. 143). Mr. Blackman denied, and still denies, his involvement in the Peyton murder. (DDH, p. 1263). Mr. Blackman was interrogated in a small room with dividers and a police dominated atmosphere. (HT, pp. 10, 11). Officers Holder and Munday never told Mr. Blackman that he was under investigation for the murder of Ms. Peyton but was instead befriended and continually told by the detectives that they just wanted to talk to him.

Detectives Holder and Munday interrogated Mr. Blackman on over thirteen separate occasions. At one point, the detectives took Mr. Blackman to participate in a police line-up. (DDH, p. 1032). Either they or the assistant prosecutor "suggested" that he get a hair cut and a shave prior to the line-up which, coincidentally, made him look more like the suspect depicted in the composite prepared soon after the Peyton murder. (DDH, p. 1263; HT, p. 113).

The court in Harvey noted the importance of the defendant's mental capacity in determining the coercive and improper questioning of the defendant. Harvey, 78 N.C. App.

at 238. In the present case, the overwhelming evidence suggests that Mr. Blackman was totally incompetent on the dates of each of the interrogations. Even based upon Judge Bowen's findings of fact, Mr. Blackman's mental condition was substantially worse than that of Mr. Harvey. Mr. Blackman has a full scale I.Q. of 69 which evidences as mild mental retardation. (SE, p. 3). He also has a long history of psychological hospitalizations and illnesses and the state's own expert, Dr. Bob Rollins, indicated that the majority of psychiatrists would agree that Mr. Blackman was psychotic. (Def. Ex. No. 6). Mr. Blackman was heavily medicated during each of the interrogations and was in fact experiencing severe side effects from the large doses of antipsychotic drugs.

"The concern of the court in Miranda was that the interrogation environment created by the interplay of interrogation and custody would subjugate the individual to the will of his examiner and thereby undermine the privilege against compulsory self-incrimination." Rhode Island v. Ennis, 446 U.S. 291 (1980). Detective Holder's and Munday's coercive interrogation, with knowledge of Mr. Blackman's psychotic condition, illustrates the type of police activity warranting the protection provided in the Miranda decision. Mr. Blackman was in custody during each of the officers' coercive interrogations and because he was not given his Miranda warnings prior to their interrogation of him, any incriminating oral statements made by him should have been excluded and suppressed.

CONCLUSION

For the reasons stated above, the defendant, James Andrew Blackman, respectfully requests that the Trial Court's denial of defendant's motion to exclude and suppress his various statements and confessions be reversed and that the judgment of guilt to the offense of second degree murder and the imposition of a life sentence be vacated.

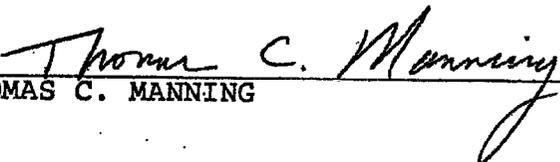
Respectfully submitted, this the 22 day of August, 1988.


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CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that he served the foregoing document upon the attorneys shown below by depositing a copy of same in the United States mail, postage prepaid, addressed to said attorneys.

This 22 day of August, 1988.



THOMAS C. MANNING

Served on:

Michael Rivers Morgan
Assistant Attorney General
North Carolina Department of Justice
P. O. Box 25201
Raleigh, North Carolina 27611

RWM:D-034

STATE'S BRIEF

No. 8810SC603

TENTH DISTRICT

NORTH CAROLINA COURT OF APPEALS

STATE OF NORTH CAROLINA

v.

JAMES ANDREW BLACKMAN

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From Wake

BRIEF FOR THE STATE

IN THE OFFICE OF
CLERK COURT OF APPEALS
OF NORTH CAROLINA

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NORTH CAROLINA COURT OF APPEALS

STATE OF NORTH CAROLINA

v.

JAMES ANDREW BLACKMAN

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From Wake

BRIEF FOR THE STATE

QUESTIONS PRESENTED

I. DID THE TRIAL COURT ERR IN DENYING THE DEFENDANT'S MOTION IN LIMINE FOR EXCLUSION AND SUPPRESSION OF HIS STATEMENTS TO POLICE?

II. DID THE TRIAL COURT PROPERLY FIND AND HOLD THAT DEFENDANT WAS NOT IN CUSTODY DURING ANY OF HIS STATEMENTS?

STATEMENT OF THE CASE

On December 7, 1983, the defendant-appellant, James Andrew Blackman, was arrested for the first-degree murder of Helena Peyton on September 28, 1979. The Wake County Grand Jury returned an indictment for first-degree murder on December 12, 1983.

After a hearing on defendant's Motion to Suppress statements made by the defendant to law enforcement officers, the Honorable Wiley F. Bowen, Superior Court Judge Presiding, entered a written Order, dated August 31, 1987, denying the defendant's Motion to Suppress.

On January 14, 1988, the defendant entered a plea of guilty in Wake County Superior Court to the reduced charge of second-degree murder before the Honorable Henry V. Barnette, Jr., Judge Presiding. During the plea colloquy, the defendant admitted that he was guilty of the charge of second-degree murder. (PT p 4). He was sentenced to life imprisonment.

Defendant properly preserved his right to appeal from the denial of his Motion to Suppress and properly perfected his appeal in due time in this Court.

STATEMENT OF THE FACTS

On September 28, 1979, Helena Peyton, a female college student at St. Augustine's College, was stabbed to death in the sixth floor bathroom of the women's dormitory, Latham Hall. Her assailant, though seen by witnesses, was not apprehended. (HT p 5, PT pp 7-8, Order, R p 15).

In the Spring and early Summer of 1983, Detectives J.C. Holder and A. C. Munday of the Raleigh Police Department Major Crimes Task Force, who were investigating the Peyton homicide, began to receive informant information through another officer that James Andrew Blackman, an inmate at Dorothea Dix Hospital, a State mental institution in Raleigh, had been making statements that he had killed the girl at St. Augustine's College. The detectives began investigating the defendant as a possible suspect. They talked to people who knew him, checked his criminal and prison records in New York, Florida and North Carolina, and, by Court Order, obtained access to the defendant's medical records at Dorothea Dix Hospital. (HT pp 5-7, 78-80, Order, R pp 15-16).

The defendant, who had been committed to Dorothea Dix Hospital on January 21, 1983, was released on September 23, 1983. The discharge diagnoses, made by Dr. Bob Rollins, Forensic Psychiatrist and Clinical Director of the Forensic Unit at Dorothea Dix Hospital, were:

Axis I. Bipolar disorder by history, presently in remission - 296.42

Axis II. (Primary Diagnosis) Mixed personality disorder, with primitive, antisocial, and aggressive features

(Order, R p 16; DDH, p 1183).

On October 2, 1983, the defendant went to Dorothea Dix Hospital and was admitted, presenting symptoms indicative of psychosis. On discharge, October 18, 1983, his diagnoses were:

Axis I. Atypical psychosis - 298.90

Axis II. Mixed personality disorder with borderline and antisocial features - 301.89

At the time of discharge, he exhibited no signs of psychosis and he was "discharged to the care of himself." (Order, R p 16; DDH, p 1177). It was noted in the discharge summary that the defendant "exhibited no signs of psychosis" on discharge. (DDH, p 1176).

On October 21, 1983, the defendant attempted to gain admission to Dorothea Dix Hospital, but he was denied admission by Dr. J. Mark Rowles, Staff Psychiatrist, who made a diagnosis of mixed personality disorder. (Order, R p 16; DDH, p 1169). Dr. Rowles was the treating physician during the October 2, through October 18, 1983 admission. (Order, R p 16; DDH, pp 1175-1178). On admission, defendant had stated that it was getting cold outside. (Order, R p 16; DDH, p 1169). It was noted that he spoke logically in a goal-directed manner and showed no signs of psychosis. (DDH, p 1169).

After defendant's release on September 23, 1983, and before October 25, 1983, Detectives Holder and Munday made a couple of contacts with defendant on the streets of downtown Raleigh, telling him that they would like to talk with him sometime. (Order, R p 16; HT p 90).

On October 25, 1983, the defendant went to the Investigative Division of the Raleigh Police Department and talked with Detectives Holder and Munday in their office. The conversation, which began at 12:05 p.m., was recorded. (Order, R p 17; HT p 14, TT p 1582). During the conversation, defendant told the detectives that he wanted to go over to St. Augustine's College campus. (Order, R p 17; HT p 18; TT p 1404). The detectives drove him over there, and at one point, after asking to get out of the car, he walked alone down a path into some woods where a bloody daisheiki (shirt) worn by the actual assailant was found soon after the stabbing. (Order, R p 17; HT p 21; TT p 1404). Shortly thereafter, he pointed to Latham Hall and said "That's the girl's dorm. That's the girl's dorm." (Order, R p 17; HT p 21; TT p 1404). They then went back to the office, at about 1:09

p.m., and had another short recorded conversation, after which the defendant left. (Order R p 17; TT p 1405).

On October 26, 1983, the defendant again went to the Raleigh Police Department Investigative Division and had a recorded conversation with Detective Holder and Munday. The conversation began at 9:35 a.m. and ended at 10:43 a.m., at which time, at the defendant's request, the detectives drove him back over to St. Augustine's College campus. (Order, R p 17; H T p 23; TT pp 1408, 1422). Once there, the defendant, as he had said he wanted to do, showed the detectives the routes he had taken in and out of the girl's dorm the day he stabbed her, the bathroom and actual stall in which he stabbed her, and the sink where he washed his hands before leaving the dorm. (Order, R p 17; HT pp 23-30; TT pp 1420-1421). After this demonstration, the detectives and the defendant returned to the investigative division where another conversation was recorded from 12:32 p.m. until 1:37 p.m. The defendant then left. (Order, R p 17; HT p 30; TT p 1422). During this interview, he identified the daisheiki found in the woods as being the shirt, the "old" James Blackman, wore when he stabbed Helena Peyton and then left in the woods. (HT p 31; TT pp 1430-1431). He also identified the bloody knife found from a photograph, (HT p 31; TT pp 1432-1433) and he stated, "That is me" and "That look just like me" when shown the composite picture made from the description given by witnesses to the crime. (HT pp 31-32; TT pp 1434-1435).

On October 27, 1983, the defendant went to the detectives' office once again, and defendant talked on tape with the detectives from 10:56 a.m. until 11:19 p.m. The defendant then left. (Order, R p 17; HT p 33; TT pp 1444, 1452).

On October 28, 1983, at 12:15 p.m., the defendant again went to the detectives' office and had a very short conversation, which was recorded. (Order, R p 17; HT pp 33-34; TT pp 1452-1454).

At 2:15 p.m. on the same day, October 28, 1983, the defendant went to Dorothea Dix Hospital to attempt to gain admission, and he was admitted. Dr. Rowles was again the physician and his diagnostic impression was mixed personality disorder with anxious mood. Defendant stated at the time that he was having thoughts of hurting himself or other people. (Order, R p 17; DDH pp 1163-1167).

On November 2, 1983, Detective Holder received a phone message that the defendant had called the office to talk to him. (Order, R p 17; HT p 37; TT p 75).

On November 3, 1983, while Detective Holder was at the office of an Assistant District Attorney, the defendant, who was out on one of the several day passes he received from Dorothea Dix Hospital to look for a job, stopped at the District Attorney's Office and spoke with Detective Holder and Assistant

District Attorney Susan Edwards. (Order, R p 18; HT p 39; TT pp 1454-1455).

On November 9, 1983, defendant was out of Dorothea Dix Hospital on a sign-out day pass and went to the detectives' office to talk. The brief conversation (6 pages of transcript) began at 1:31 p.m. and was recorded. Defendant left afterwards. (Order, R p 18; HT pp 39-40; TT pp 75-76).

On November 10, 1983, defendant, again out of Dorothea Dix Hospital on an all day pass, went to see Holder and Munday at their office. The brief conversation, which began at 4:08 p.m., was recorded. Defendant then left. (Order R p 18; HT pp 40-41; TT pp 81-84).

On November 15, 1983, Detective Holder received a phone message that James Blackman had called to talk to him at his office. (Order, R p 18; HT p 42; TT pp 1463-1464).

On November 16, 1983, Detective Holder received a phone message that James Blackman had called to talk to him at his office. (Order, R p 18; HT p 42; TT p 1464).

On November 18, 1983, the defendant called the detectives from Dorothea Dix Hospital, stated that he was being released and wanted to go to Lumberton, and he asked them to take him down there. They drove him to his grandmother's house, and he told them to stay in touch with him because he wanted to come back to Raleigh. Defendant had been given some money for bus fare to Lumberton by Dorothea Dix personnel because he had none. (Order, R p 18; HT p 42; TT p 1464).

Defendant's diagnoses at discharge by Dr. Rowles were:

Axis I. No diagnosis

Axis II. Antisocial personality disorder - 301.70
Borderline personality disorder - 301.83

During defendant's stay, he stated that the reason he wanted to be admitted this time was that he had bad thoughts and that he'd been sleeping in the streets or abandoned houses and he was afraid that cold weather was on the way. He was found to exaggerate his mannerisms at times and to be able to give accurate information when he wished to do so. (Order, R p 18; DDH pp 1009, 1163-1167).

On November 24, 1983, Detective Holder received a message that James Blackman had called his home to talk to him. (Order, R pp 18-19; HT p 42; TT p 1464).

On November 25, 1983, Detective Holder received a call from Mrs. Hooker, the defendant's grandmother, who relayed a message from the defendant that he wanted them to drive to Lumberton to

pick him up to come back to Raleigh. (Order, R p 19; HT p 42; TT p 1464).

On November 28, 1983, the detectives received a phone call from the defendant in Lumberton asking that they come get him and give him a ride to Raleigh because he wanted to go back to Dorothea Dix Hospital. They did so. On the ride back, defendant became agitated and asked to get out of the car, but calmed down when they found a religious radio station. (Order, R p 19; HT pp 43, 105; TT p 85).

The detectives and the defendant returned to Raleigh and went to the Investigative Division, where the defendant again talked with the detectives on tape from 1:52 p.m. until 2:25 p.m. (Order, R p 19; HT p 43; TT p 86). At the conclusion of the interview, the detectives took the defendant to Dorothea Dix Hospital. (Order, R p 19; HT p 44). On the way there, after being told that he might not be able to get in the hospital, the defendant told the detectives that he knew how to act to get in the hospital. Although appearing to be fine outside, once the defendant entered the Admissions Office, he banged his fist into some lockers, started twitching, gritting his teeth, and blinking his eyes, made faces, cursed and gestured in a bazarre way. After being told he would be admitted, the defendant walked outside with the detectives to get his suitcase, again appeared to be fine, and told them again that he knew how to act to be admitted, resuming the bizarre behavior again only after he returned to the Admissions area. (Order, R p 19; HT pp 44-46, 121-124).

Defendant's diagnostic summary for this November 28, 1983, admission states:

"Mr. Blackman presented, as he has on previous admissions, in an apparent acute psychosis, with agitation, grimacing, posturing, apparent hallucinations."

Defendant was quoted as stating:

"Man, I'm sick. I'm really crazy."

The diagnoses for this period of admissions from November 28, 1983 through December 7, 1983, were:

Axis I. Atypical psychosis - 305.92 - episodic

Axis II. Mixed personality disorder with
borderline and antisocial features - 301.89

On release, defendant denied hallucinations or other symptoms of psychosis and showed none as observed by Dr. Tim Carlson and Dr. James Groce, both staff psychiatrists. Defendant was observed to exhibit less bizarre behavior, talk of

hallucinations, and strange facial expressions when angry with staff when he didn't get what he wanted. He appeared in control, lucid, and rational in conversation. (Order, R pp 19-20; DDH pp 1158-1161, 1336, 1339, 1343).

On December 7, 1983, when defendant was released from Dorothea Dix Hospital, he was picked up at his request by Detectives Holder and Munday. They drove to an apartment that was rented and used in an undercover campaign and again interviewed the defendant, on tape from 1:00 p.m. to 1:20 p.m. The defendant was read arrest warrants that had been obtained earlier that day, was taken into custody, and was taken before a magistrate. (Order, R p 20; HT pp 47-49, 53; TT pp 100-114).

At all times that defendant was interviewed by Detectives Holder and Munday the detectives were dressed in regular street clothes with no exposed weapons. (Order, R p 20; HT pp 118-119).

During all interviews defendant was free to come and go as he pleased and asked for and received breaks to get coffee or go to the bathroom unescorted. (Order, R p 20; HT pp 8-9, 12, 54, 124; TT pp 1386, 1392, 1405, 1408-1409, 1414, 1428, 1436, 1445-1446, 1449, 1450, 1452-1453, 1469, 1484-1485, 1487, 1494-1495).

Interviews were tape recorded with the knowledge and consent of the defendant. At times, defendant even operated the recording device. No interview session was long in duration. (Order, R p 20; TT pp 1404, 1425, 1428, 1436, 1444, 1449, 1452, 1454, 1463, 1486, 1493, 1499-1500).

At no time during the days of the interviews did defendant appear to the two experienced law enforcement officers to be under the influence of drugs or alcohol. He always appeared to be coherent and able to understand their questions. (Order, R p 20; HT pp 13, 118).

Defendant knew that the detectives were police officers and that their job was to enforce the criminal laws. (Order, R p 20; TT pp 1394, 1444, 1455, 1463, 1465, 1482).

At no time did either of the detectives make any promises to the defendant or threaten or coerce him in any way mentally or physically. (Order, R p 20; HT pp 54, 124; TT p 1469).

Defendant was not in custody at any time he made statements to the detectives, until he was actually placed under arrest at the end of the recorded interview on December 7, 1983. (Order, R p 23; HT pp 124; 143-144; TT pp 1386, 1392, 1405, 1408-1409, 1414, 1428, 1436, 1445-1446, 1449, 1450, 1452-1453, 1469, 1484-1485, 1487, 1494-1495).

The defendant has a lengthy criminal record and has served time in prison on more than one occasion in more than one State. (Order, R p 22; TT pp 1389-91; PT p 12). He is street-

wise, self-motivated, self-assertive, and aggressive. (Order, R p 22; HT pp 170, 244, 246). He does what he wants to do in that he has the ability to make choices and to be goal directed, and he has the ability to either make or refrain from making statements. (Order, R p 22; HT p 243). The defendant is suspicious, which is not unusual for a person who has spent a lot of time in an institutional setting. (Order, R p 22; HT p 247).

Defendant was legally mentally competent at the time he made the statements to the detectives, when examined in 1984 and 1987, and at the time of the hearing. (Order, R p 22; HT pp 242-243; DDH pp 1155-1156).

The trial court found that defendant has never been psychotic or schizophrenic but that he has a mixed personality disorder with primitive, antisocial and aggressive characteristics, (Order, R p 22), which did not keep him from being competent. (HT p 243).

From a careful examination of the totality of the circumstances, the trial court found that the defendant's various statements, both recorded and unrecorded, were knowingly, understandingly and voluntarily made, and as such were admissible in evidence at trial. (Order R p 23).

CORRECTIONS OF DEFENDANT'S
MISSTATEMENTS OF FACT

Defendant asserts in his Statement of Facts that "police officers apprehended Mr. Blackman in downtown Raleigh and transported him to the Police Station for questioning by Detectives Holder and Munday." (DB pp 5, 12). The record does not support the assertion that defendant was ever "apprehended." Rather, it shows that he was asked by an officer to go down to the investigative division, (HT p 86), transported to the investigative division by a uniformed officer in a police car, and let out near the back door to go in by himself. (HT pp 9, 85-86). He was not in handcuffs (HT p 9), and not under arrest. (HT p 86). The trial court specifically found that the defendant was not in custody at any time until his arrest on December 7, 1983, (Order, R p 23), and the defendant did not take exception to that finding. (R p 23).

Defendant asserts in his Statement of Facts that Detectives Holder and Munday interrogated the defendant "on at least six separate occasions" between October 28, 1983, through November 18, 1983. (DB p 7). The trial court's findings, which are supported by the record, (See SB pp 11-12), and to which no exception was taken by the defendant, show that short interviews of the defendant were conducted on only two occasions during that time period. (Order, R pp 17-18).

Defendant asserts as fact in his Argument that Detectives Holder and Munday conducted a custodial interrogation of the

defendant on October 25, 1983. (DB p 16). As stated earlier, the trial court specifically found that the defendant was not in custody at any time until he was arrested on December 7, 1983, (Order, R p 23), and the defendant did not take exception to that finding. (R p 23).

Defendant asserts as fact in his Argument that the defendant was never expressly told that he was not under arrest or that he was free to leave. (DB p 20). In so doing, the defendant refers this Court to HT p 143. An examination of that portion of the hearing transcript fails to produce support for defendant's assertion. The record in this case clearly shows that Detectives Holder and Munday repeatedly conveyed to the defendant, and that the defendant knew, that he was free to come and go as he pleased until he was arrested on December 7, 1983. (HT pp 124, 142-144; TT pp 1386, 1392, 1405, 1408-1409, 1414, 1428, 1436, 1445-1446, 1449, 1450, 1452-1453, 1469, 1484-1485, 1487, 1494-1495).

Defendant asserts as fact in his Argument that the defendant "denied, and still denies his involvement in the Peyton murder." (DB p 20). Rather, the defendant has admitted his guilt of the murder of Helena Peyton. (HT pp 23-30; TT pp 1420-1421; PT p 4).

ARGUMENTS

It is well settled in this jurisdiction that when a defendant challenges the admissibility of a confession, the trial judge must conduct a voir dire hearing to determine whether the statement is voluntarily and understandingly made. When the voir dire evidence is conflicting, the trial judge must weigh the credibility of the witnesses, resolve the crucial conflicts and make appropriate findings of fact. State v. Jenkins, 300 N.C. 578, 268 S.E.2d 458 (1980). The trial judge's findings of fact, if supported by competent evidence, are conclusive and binding on the appellate courts, but the conclusions of law drawn from the facts found are reviewable by the appellate division. State v. Corley, 310 N.C. 40, 311 S.E.2d 540 (1984); State v. Jackson, 308 N.C. 549, 304 S.E.2d 134 (1983); State v. Rook, 304 N.C. 201, 283 S.E.2d 732 (1981), cert denied, 455 U.S. 1038 (1982); State v. Jenkins, supra; State v. Thompson, 287 N.C. 303, 214 S.E.2d 742 (1975), death sentence vacated, 428 U.S. 908 (1976); State v. Pruitt, 286 N.C. 442, 212 S.E.2d 92 (1975). No reviewing court may properly set aside or modify those findings if so supported. State v. Jackson, supra; State v. Rook, supra; State v. Barber, 278 N.C. 268, 179 S.E.2d 404 (1971). This is true even though the evidence is conflicting. State v. Jackson, supra; State v. Rook, supra; State v. McRae, 276 N.C. 308, 172 S.E. 37 (1970).

Out of the thirty-six (36) findings of fact made by the trial court, (Order, R pp 15-24), the defendant contends that part of finding of fact 8, part of finding of fact 33, and finding of fact 35 are not supported by the evidence. Defendant did not except to any other findings of fact or partial findings

of fact. Thus, all unexcepted-to findings of facts or portions thereof should be deemed by this Court as appropriately made and fully supported by the evidence.

I. THE TRIAL COURT DID NOT ERR IN DENYING
THE DEFENDANT'S MOTION IN LIMINE FOR
EXCLUSION AND SUPPRESSION OF HIS STATEMENTS
TO POLICE.

Assignments of Error Nos. I, II, III, IV, V,
and VI

Exception Nos. 1-4 (R p 23); 6 (R p 17); 5 (R
p 24); 7 (R p 22); 8 (R p 26); 9 (R p 30); 10
(HT p 259(a))

A. THE DEFENDANT WAS LEGALLY COMPETENT AT THE TIME HE MADE
HIS STATEMENTS AND THOSE STATEMENTS WERE FREELY, KNOWINGLY,
UNDERSTANDINGLY, AND VOLUNTARILY MADE.

The defendant contends that he was incompetent as a matter of law at the time he gave statements to police officers. He further contends that those statements were not freely, knowingly, understandingly and voluntarily made. These contentions have no merit.

In determining whether a statement was voluntarily and understandingly made, the trial court must consider the totality of the circumstances. State v. Massey, 316 N.C. 558, 342 S.E.2d 811 (1986); State v. Jackson, *supra*; State v. Thompson, *supra*; State v. Ross, 297 N.C. 137, 254 S.E.2d 10 (1979).

Some of the factors to be considered are the mental capacity of the defendant, State v. Whittemore, 255 N.C. 583, 122 S.E.2d 396 (1961); whether he was coherent and responded coherently to questions, State v. Simpson, 314 N.C. 359 S.E.2d (1985); State v. Vickers, 306 N.C. 90, 291 S.E.2d 599 (1982); whether he was in custody, State v. Guffey, 261 N.C. 322, 134 S.E.2d 619 (1964); whether he was under the influence of an impairing substance, State v. Simpson, *supra*; the presence or absence of mental coercion without physical torture or threats, State v. Chamberlain, 263 N.C. 406, 139 S.E.2d 610 (1965); whether the defendant had prior experience with the criminal justice system, State v. Fincher, 309 N.C. 1, 305 S.E.2d 685 (1983); State v. Jackson, 308 N.C. 549, 304 S.E.2d 134 (1983); State v. Dawson, 278 N.C. 351, 180 S.E.2d 140 (1971); whether the defendant was street-wise, State v. Jackson, *supra*; whether there was sustained interrogation over a long period of time; whether there were promises made; and whether the defendant was held incommunicado. State v. McCloud, 276 N.C. 518, 173 S.E.2d 753 (1970). See also, State v. Jackson, *supra*; State v. Morgan, 299 N.C. 191, 261 S.E.2d 827, cert. denied, 446 U.S. 986 (1980); State v. Thompson, *supra*.

The trial court made the following findings of fact, to which there were no exceptions by the defendant, and which are supported in the record as indicated by reference:

"25. At all times that defendant was interviewed by Detectives Holder and Munday the detectives were dressed in regular street clothes with no exposed weapons." (Order, R p 20; HT pp 118-119).

"26. During all interviews defendant was free to come and go as he pleased and asked for and received breaks to get coffee or go to the bathroom unescorted." (Order, R p 20; HT pp 8-9, 12, 54, 124; TT pp 1386, 1392, 1405, 1408-1409, 1414, 1428, 1436, 1445-1446, 1449, 1450, 1452-1453, 1469, 1484-1485, 1487, 1494-1495).

"27. Interviews were tape recorded with the knowledge and consent of the defendant. At times, defendant even operated the recording device. No interview session was long in duration." (Order, R p 20; TT pp 1404, 1425, 1428, 1436, 1444, 1449, 1452, 1454, 1463, 1486, 1493, 1499-1500).

"28. At no time during the days of the interviews did defendant appear to the two experienced law enforcement officers to be under the influence of drugs or alcohol. He always appeared to be coherent and able to understand their questions." (Order, R p 20; HT pp 13, 118).

"29. Defendant knew that the detectives were police officers and that their job was to enforce the criminal laws." (Order, R p 20; TT pp 1394, 1444, 1455, 1463, 1465, 1482).

"30. At no time did either of the detectives make any promises to the defendant or threaten or coerce him in any way mentally or physically." (Order, R p 20; HT pp 54, 124; TT p 1469).

"34. The defendant has a lengthy criminal record and has served time in prison on more than one occasion in more than one State. He is street-wise, self-motivated, self-assertive, and aggressive. He does what he wants to do in that he has the ability to make choices and to be goal directed, and he has the ability to either make or refrain

from making statements. The defendant is suspicious, which is not unusual for a person who has spent a lot of time in an institutional setting." (Order, R p 22, HT pp 170, 243-247; TT pp 1389-91; PT p 12).

"36. Defendant was not in custody at any time he made statements to the detectives, until he was actually placed under arrest at the end of the recorded interview on December 7, 1983." (Order, R p 23; HT p 124; TT pp 1386, 1392, 1405, 1408-1409, 1414, 1428, 1436, 1445-1446, 1449, 1450, 1452-1453, 1469, 1484-1485, 1487, 1494-1495).

Thus, the only factor in the totality of the circumstances test for voluntariness, which the defendant has properly brought before this Court with his exceptions and assignments of error, is his mental capacity at the time he made the statements to the police officers.

A defendant's mental capacity or his lack of it, is an important factor to be considered in determining the voluntariness of a confession. Blackburn v. Alabama, 361 U.S. 199, 80 S.Ct. 274, 4 L.Ed.2d 242 (1960); State v. Jenkins, *supra*; State v. Thompson, *supra*; State v. Thorpe, 274 N.C. 457, 164 S.E.2d 171 (1968); State v. Whittemore, 255 N.C. 583, 122 S.E.2d 396 (1961). But a subnormal mentality, standing alone, will not render a confession incompetent if it is in all other respects voluntarily and understandingly made. If a person has the mental capacity to testify and to understand the meaning and effect of statements made by him, he possesses sufficient mentality to make a confession. Blackburn v. Alabama, *supra*; State v. Jenkins, *supra*; State v. Thompson, *supra*; State v. Thorpe, *supra*; State v. Whittemore, *supra*.

Defendant asserts that Blackburn and Ross compel the relief he requests. This is so only if "the evidence indisputably establishes the strongest probability that [the defendant] was insane and competent at the time he allegedly confess." State v. Ross, *supra*, 297 N.C. at 141, citing Blackburn v. Alabama, *supra* (emphasis added). Where, as in this case, there was conflicting evidence and the trial court made findings of fact which resolved the conflicts, the trial court's findings may not be set aside or modified if supported in the record. State v. Jackson, *supra*; State v. Rook, *supra*.

Although there was evidence that defendant has at times been diagnosed as having either Atypical Psychosis or Paranoid Schizophrenia, the trial court, adopting the diagnoses and opinions of Dr. Bob Rollins, Clinical Director of Dorothea Dix Hospital's Forensic Unit and a board certified forensic psychiatrist, found that the defendant has never been psychotic or schizophrenic but has a mixed personality disorder with

primitive, antisocial and aggressive characteristics. (Order, R p 22, Finding of Fact 33). This finding is supported by the majority opinion of those who have treated the defendant (HT p 241), the psychological testing conducted by Psychologist Ron Valentine, (DDH pp 8-12), the psychological testing conducted by Psychologist Dorothy Humphrey (DDH pp 1262, 1275), the diagnosis report on March 15, 1983, of the medical group headed by Psychiatrist, Dr. E. Rassekh (DDH pp 609-614), the diagnosis by Dr. E. Rassekh for the period from June 18, 1981 through June 14, 1982, (DDH pp 1195-1199), the diagnosis by Dr. Bob Rollins for the period January 21, 1983 through September 12, 1983, (DDE pp 1182-1183), the reports of diagnosis by Psychiatrist, Dr. John Mark Rowles, October 2 - 18, 1983, October 21, 1983, and October 28, 1983, through November 18, 1983, (DDH pp 1163-1169, 1175-1178), and the reports of Dr. Bob Rollins, dated October 15, 1984, and July 9, 1987, (DDH pp 1155-1156, 1312; Def. Ex. 7), and the opinion of Dr. Rollins that, from September through December of 1983, the defendant did not have a mental disorder which kept him from knowing what he was doing and executing other functions. (HT p 243).

And, although Dr. Walter Scarborough, a psychiatrist with limited forensic experience, (Order, R p 21) was of the opinion that the defendant had a very limited understanding of reality (HT p 167) and that he was not competent (HT p 168) at the time of his various statements, the trial court found as a fact that the defendant was competent. (Order, R pp 22-23). The trial court's finding is supported by the record (HT pp 242-243; TT pp 1495-1498; DDH pp 1155-1156) and by finding of fact #34, (Order, R p 22), to which no exception was taken by the defendant. (R p 22). It is clear from the records that, contrary to Dr. Scarborough's opinion, (HT p 168), the defendant did know what was going on, did know the consequences of the statements he made and that it could be detrimental to him. (TT pp 1495-1498). He knew that Detectives Holder and Munday had the authority to put him in prison for the murder if they felt it was necessary, (TT p 1482), and that if the case were put before a judge and jury he knew he would go to prison. (TT p 1496).

This case is clearly distinguishable from both Blackburn v. Alabama, supra, and State v. Ross, supra.

In Blackburn, the facts showed that the defendant had been diagnosed as a paranoid schizophrenic and had been declared permanently disabled and 100% incompetent by the Veterans Administration. His confession, given shortly after a crime committed while he was out on an unauthorized leave from the V.A. Hospital, was taken after his arrest during an 8 to 9 hour sustained interrogation in a tiny room which was upon occasion literally filled with police officers. Shortly after his arrest, he was declared insane by a three-doctor lunacy commission. Thereafter, a judge declared him legally insane. He was again declared insane and incompetent by a group of doctors and was only declared competent to stand trial four years after giving

his confession. The trial court was presented with the opinion of three doctors that the defendant was insane and incompetent at the time of his confession. There was no medical opinion that the defendant was competent or sane at the time of his confession. The only evidence presented to the trial court which was favorable to the State was the officer's opinion that the defendant talked sensible, was clear eyed, and did not appear nervous, and the statement from one of the three doctors, who thought the defendant was incompetent and insane at the time of the confession, that the defendant's condition was good on the day of the confession. Blackburn v. Alabama, supra; 361 U.S. at 200-209, 4 L.Ed.2d at 244-249.

In Ross, the defendant had a long history of mental illness with a diagnosis of chronic schizophrenia which included delusions and misinterpretation of reality. He exhibited bizarre behavior around the time of the crime, was arrested and confessed during custodial interrogation. The defendant was uncertain whether the officer taking his statement was a real policeman or whether he was from outer space. The only medical opinions before the trial court were that, although the defendant did know the nature of his behavior, he did not appreciate the quality of that behavior, he was not able to distinguish right from wrong in the usual sense, and his judgment was poor, due to psychosis. The only evidence presented to the trial court which was favorable to the State was the testimony of the deputy who took the confession that the defendant appeared to be comfortable and that whatever the defendant said appeared to be logical and made sense to the deputy. State v. Ross, supra; 297 N.C. at 138-143.

Thus, in Blackburn and Ross, there was insufficient evidence to support the findings of fact and conclusions of law of the trial courts. In the present case, the trial court, faced with conflicting evidence, made findings of fact and conclusions of law which were well supported by the evidence presented to it at the hearing. Rather than Blackburn and Ross, this Court should be guided in its decision in the present case by the rulings of the North Carolina Supreme Court in State v. Simpson, supra; State v. Fincher, 309 N.C. 1, 305 S.E.2d 685 (1983); State v. Misenheimer, 304 N.C. 108 282 S.E.2d 791 (1982); State v. Jenkins, supra; State v. Thompson, supra.

In State v. Jenkins, supra; the evidence before the trial court showed that the defendant, who had been arrested and was in custody, made statements after being advised of his rights. Two doctors agreed that the defendant had an IQ less than 60, a markedly impair memory, a limited vocabulary, and was mildly mentally retarded. One doctor was of the opinion that the defendant was competent while the other doctor was of the opinion that the defendant was not competent. The trial court made findings of fact that the defendant was able to appreciate the consequences of giving such a statement, was able to understand his constitutional rights, and that the defendant's statement was freely and voluntarily made without coercion. In upholding the

trial court's findings and conclusions as being supported by the evidence, the North Carolina Supreme Court said:

"A defendant's subnormal mental capacity is a factor to be considered, but such lack of intelligence standing alone, does not render an in-custody statement incompetent if it is in all other respects voluntary and understandingly made. State v. Thompson, 287 N.C. 303, 214 S.E.2d 742 (1975), death sentence vacated, 428 U.S. 908 (1976)."

State v. Jenkins, supra; 300 N.C. at 585.

In State v. Misenheimer, supra; the defendant, during custodial interrogation, after waiving the Miranda rights read to him, told the police:

"that he had gotten the firearm from the shed because some communists, including his father, had been causing trouble in his father's trailer park, and because his father had previously attempted to poison him. He also complained to the officers that a laser light was coming through the window of the conference room where he was being questioned, but neither officer could see any light." State v. Misenheimer, supra; 304 N.C. at 113.

The defendant was questioned in a well-lighted room for less than two hours. Although he had a history of psychiatric problems and had delusions about his father, he was able to function without medical or family supervision prior to his crime and confession. He was found to be competent shortly after his arrest and confession. He appeared coherent during the interrogation and was not under the influence of drugs other than prescribed medication at that time. The North Carolina Supreme Court upheld the trial court's ruling that the defendant competently and voluntarily confessed during custodial interrogation, holding that "there was ample evidence to support the trial court's conclusion that defendant's statements to officers were made freely and voluntarily and understandingly." State v. Misenheimer, supra; 304 N.C. at 116.

In State v. Fincher, supra; the 17-year old defendant, during a custodial interrogation after arrest, gave consent to a search and made a confession. The medical evidence before the trial court was that the defendant was mentally retarded and schizophrenic, had an IQ of 50-65, was susceptible to fear, and had a limited ability to deal with stress. At the time he was in custody, the defendant was alert, coherent, cooperative; was not under the influence of drugs or alcohol; and responsively answered questions. No threats or promises were made. In

upholding the trial court's findings of fact and conclusions of law that consent to search was given knowingly, understandingly and voluntarily, the North Carolina Supreme Court held that the same test used to determine voluntariness of confessions where mental competence is questioned should be used and that there was "ample evidence of record to support the trial judge's findings." State v. Fincher, supra; 309 N.C. at 9.

In State v. Thompson, supra; the 19-year old defendant, during prolonged custodial interrogation, confessed after waiving the Miranda rights read to him. The trial court heard testimony from Dr. Bob Rollins (the psychiatrist relied on by the trial court in this case) that the defendant had an IQ of 55, was mildly mentally retarded, had below average intellectual functioning, especially in the areas of judgment, was easily influenced by other people, was more easily intimidated than the average person, was upset and under stress during the interrogations, and had diminished responsibility, but was responsible under usual rules and circumstances. Dr. Rollins also was of the opinion that the defendant's statement "reflected not so much a willing and voluntary accounting of the events recalled by the defendant as it did agreeing that the facts put to him by other persons was correct." State v. Thompson, supra; 287 N.C. at 313. The North Carolina Supreme Court, in upholding the trial court's ruling, in this capitol case, that the defendant's statement was made freely understandingly, voluntarily and intelligently, stated that "a person who is responsible under usual circumstances possesses sufficient intelligence to testify and to know the meaning and effect of a confession," and held that the defendant's "lack of high mentality" was "not sufficient to render his confession involuntary" neither alone nor considered along with his youth and prolonged interrogation. Id., at 319. The Supreme Court noted that this was "not" the defendant's "first encounter with law enforcement officers" and that there was a "notable absence of promises, threats, or other coercive forces which ordinarily render confessions involuntary." Id., at 323. Citing Blackburn, supra; the Supreme Court set forth that:

"If a person has the mental capacity to testify and to understand the meaning and effect of statements made by him, he possesses sufficient mentality to make a confession." Id., at 318.

In State v. Simpson, supra; the defendant, after being handcuffed and arrested, and after executing a written waiver of his Miranda rights, made several different statements to the police during a custodial interrogation lasting an hour and ten minutes. Evidence before the trial court showed that the defendant had always been on the low end of the intelligence scale, had failed several grades in school, had exhibited bizarre behavior during adolescence and adult life, and had received a medical discharge from the army based on mental reasons. The

trial court further heard, from Dr. Barry Moore, a board-certified psychiatrist who had examined the defendant approximately six times, that the defendant's medical records indicated that other physicians had at previous times diagnosed the defendant as schizophrenic, depressed, or as possessing other personality disorders. In his opinion, defendant, at the time of the crime, was laboring under defective reasoning due to mental disease or defect so as to be incapable of knowing the nature and quality of his acts. In his opinion, defendant, at the time of his confession, was unable to comprehend his Miranda rights as they were expressed to him, based on his difficulty thinking and comprehending under stress exacerbated by the alcohol he had consumed and based on the fact that the defendant was very compliant when confronted with authority figures. The trial court also heard from Dr. Bob Rollins, (the psychiatrist relied on by the trial court in this case) who testified that, in his opinion, the defendant was not suffering from a mental illness which would have kept him from understanding the nature and quality of his acts and that the defendant was competent. Citing the totality of the circumstances test set out in State v. Ross, supra; and the binding effect of the trial court's findings of fact if supported by competent evidence even though the evidence is conflicting, as set out in State v. Corley, supra, the North Carolina Supreme Court reviewed the above evidence in the record and held

"that, though there was evidence to the contrary, there was ample evidence to support the trial court's conclusion that the defendant fully understood his constitutional rights; that he knowingly and intelligently waived those rights; and that his statement was freely, voluntarily, and understandingly made."

State v. Simpson, supra; 314 N.C. at 369. In so holding, the Court stated:

"It is well established that although subnormal intelligence is a factor to be considered in determining whether a waiver is valid, this condition standing alone will not render a confession inadmissible if it is in all other respects voluntarily and understandingly made. State v. Jenkins, 300 N.C. 578, 268 S.E.2d 458 (1980). We have also said that previous incidents of mental instability are not necessarily dispositive of the issue of mental competence at the time of the confession. State v. Vickers, 306 N.C. 90, 291 S.E.2d 599 (1982). Therefore, evidence of the defendant's below-average intelligence and his previous psychological problems do not compel suppression of the

statement."

State v. Simpson, supra; 314 N.C. at 368-369.

In the present case, as in Simpson, Fincher, Misenheimer, Jenkins, and Thompson, the findings of fact by the trial court are amply supported by the record and are binding on this Court even though there was conflicting evidence. State v. Simpson, supra; State v. Corley, supra. And the trial court's conclusions of law are amply supported by and necessarily follow from the trial court's findings of fact.

The defendant was legally mentally competent at the time he gave his statements freely, knowingly, understandingly, and voluntarily, and the trial court properly so held.

B. THERE WAS NO COERCIVE POLICE CONDUCT CAUSALLY RELATED TO DEFENDANT'S STATEMENTS SO THERE IS NO DEPRIVATION OF DUE PROCESS OF LAW.

Defendant contends that Detectives Holder and Munday engaged in coercive police activity to obtain statements from the defendant in violation of his right to due process. This contention has no merit.

As stated recently by the United States Supreme Court:

"[C]ases considered by this Court over the 50 years since Brown v. Mississippi have focused upon the crucial element of police overreaching.' While each confession case has turned on its own set of factors justifying the conclusion that police conduct was oppressive, all have contained a substantial element of coercive police conduct. Absent police conduct causally related to the confession, there is simply no basis for concluding that any state actor has deprived a criminal defendant of due process of law."

Colorado v. Connelly, 479 U.S. ___, 107 S.Ct. 515, 93 L.Ed.2d 473, 482 (1986).

Refusing to engage in "sweeping inquiries into the state of mind of a criminal defendant who has confessed" where such inquiries are "divorced from any coercion brought to bear on the defendant by the State," the Supreme Court held that

"coercive police activity is a necessary predicate to the finding that a confession is not 'voluntary' within the meaning of the Due Process Clause of the Fourteenth Amendment."

Colorado v. Connelly, supra, 93 L.Ed.2d at 484.

The Connelly case was relied upon by this Court in State v. Adams, 85 N.C. App 200, 354 S.E.2d 338 (1987). In examining a defendant's challenge on grounds of mental competence to the finding of a trial court that his statements were made voluntarily to the police, this Court, in Adams, cited Connelly as controlling on the federal constitutional due process challenge. In examining the grounds for exclusion under North Carolina law, this Court cited, as controlling, the North Carolina Supreme Court decision in State v. Leonard, 300 N.C. 223, 266 S.E.2d 631, cert denied, 449 U.S. 960, 101 S.Ct. 372, 66 L.Ed.2d 227 (1980).

Stating that the preliminary inquiry into mental competence which is necessary in cases of custodial interrogation was not necessary in that case, the Leonard Court held

"Notwithstanding the defendant's claim of insanity, the State may offer, without a preliminary inquiry into defendant's mental competence, testimony describing the defendant's acts in shooting the deceased and fleeing the scene. In a like manner the State may offer testimony describing the defendant's other self-initiated acts, statements and questions, without a preliminary inquiry into defendant's mental competence so long as they are relevant to an issue under inquiry."

State v. Leonard, supra, 300 N.C. at 230.

In the present case, the defendant was not in custody, (Order, R p 23) no interview was long in duration, (Order, R p 20) the detectives were dressed in street clothes with no exposed weapons, (Order, R p 20) the defendant was free to come and go as he pleased and asked for and received breaks to get coffee or go to the bathroom unescorted, (Order, R p 20) the defendant was not under the influence of drugs or alcohol, (Order, R p 20) the detectives made no promises or threats to the defendant, (Order, R p 20) and they did not coerce him in any way mentally or physically. (Order, R p 20). These findings of fact were not excepted to by the defendant (R pp 20, 23) and they are well supported by the record. (See SB pp 11-12). As stated earlier, the only factor in the totality of the circumstances test for voluntariness, which the defendant has properly brought before this Court with his exceptions and assignments of error, is his mental capacity at the time he made the statements to the police officers.

The overall findings of the trial court that there was no coercive police activity, to which the defendant did not take exception, are binding on this Court as well supported by the

record. Absent any coercive police activity causally related to defendant's statements there is no due process violation. Colorado v. Connelly, supra; State v. Leonard, supra; State v. Adams, supra. Whether the defendant's motivation for going to the police station and making recorded statements to the police about his guilt of the murder of Helena Peyton was actually, as he said, because God wanted him to come down and get things straight, (TT p 1469) or not, is unimportant and irrelevant to the inquiry of voluntariness and due process. What is important and relevant is, as he stated, "Nobody ain't forcing me to do nothing, (TT p 1469) and, as the trial court found, that the police officers did not coerce the defendant in any way mentally or physically. (Order, R p 20).

These assignments of error have no merit and should be denied.

II. THE TRIAL COURT PROPERLY FOUND AND HELD THAT DEFENDANT WAS NOT IN CUSTODY DURING ANY OF HIS STATEMENTS.

Assignments of Error Nos. III, VI and VII
Exception Nos. 2,5,8,9 and 10 (R p. 23, 24,
26, 30, Hrng. Tp. 259a)

In these assignments of error the defendant appears to be attempting to challenge the finding of fact that the defendant was not in custody at any time he made statements to the detectives (Order, R p 23) and the conclusion of law that the defendant was not in custody at the time he made any of the statements and there was no custodial interrogation (Order, R p 23).

Defendant took exception to neither the finding of fact, (Finding 36, Order, R p 23), nor the conclusion of law. (Conclusion 2, Order, R p 23). Thus, he is barred from raising this issue on appeal. Rules 9, 10, North Carolina Rules of Appellate Procedure.

Had the defendant properly raised and preserved this issue for appellate review, he still would not be entitled to relief. The trial court's findings of fact with respect thereto, (Findings 25, 26, 27, 30, 34, and 36, Order, R pp 20-23), are well supported by ample evidence in the record. (See SB pp 11-12).

These assignments of error should be denied.

CONCLUSION

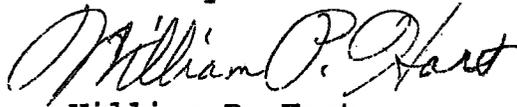
Based on the defendant's exceptions, his assignments of error are limited to whether the trial court could properly determine from the evidence before it that the defendant was legally competent, that his limited mental capacity did not

prevent him from making voluntary statements to the police, and that there was no coercive police activity causally related to his statements.

Faced with conflicting evidence at the hearing on defendant's Motion to Suppress, the trial court made findings of fact from which it drew conclusions of law. The findings of fact are well supported by the record, and, as such, are binding on this Court. The conclusions follow from the trial court's findings of fact, to most of which the defendant took no exception. There is no error in the trial court's Order.

Respectfully submitted this the 14th day of September, 1988.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that he has this date served a copy of the foregoing Brief for the State in the above-entitled action on the person hereinafter named at the address stated below by depositing said copy in a postpaid, properly addressed envelope in the post office under the exclusive care and custody of the United States Postal Service.

Mr. Thomas C. Manning
Attorney at Law
Post Office Box 1029
Raleigh, North Carolina 27602

This the 14th day of September, 1988.



William P. Hart
Assistant Attorney General

COURT OF APPEALS' OPINION



Cited

As of: September 27, 2018 3:39 PM Z

State v. Blackman

Court of Appeals of North Carolina

January 23, 1989, Heard in the Court of Appeals ; March 21, 1989, Filed

No. 8810SC603

Reporter

93 N.C. App. 207 *; 377 S.E.2d 290 **; 1989 N.C. App. LEXIS 150 ***

STATE OF NORTH CAROLINA v. JAMES ANDREW
BLACKMAN

was free to leave the police station when he wished and the two detectives did not coerce defendant into make the statements.

Prior History: [***1] Appeal by defendant from *Barnette (Henry V.)*, Judge. Judgment entered 14 January 1988 in Superior Court, Wake County.

Outcome

The court affirmed the conviction of defendant.

Disposition: Affirmed.

LexisNexis® Headnotes

Core Terms

suppress, admissions, custody, murder, custodial interrogation, in limine, interview

Case Summary

Procedural Posture

Defendant sought review of his conviction from the Wake County Superior Court (North Carolina) of second degree murder after defendant pled guilty.

Overview

Defendant was accused of the murder of a female college student who was stabbed to death in a sixth-floor bathroom of the women's dormitory. The State agreed, as a condition of defendant's guilty plea, that defendant could appeal the denial of his motion in limine to suppress statements that he made to two police detectives, along with his appeal of the judgment and sentence. Defendant contended that he was not mentally competent when he made his admissions of committing the criminal offense and that he made the statements during custodial interrogations without the benefit of Miranda warnings. On appeal, the court accepted the findings of the trial court that the opinion of the State's expert witness best identified defendant's mental condition. The expert witness found that defendant was competent to know what he was doing at the time of the offense. Defendant was not in police custody at the time he made the admissions because he

Criminal Law & Procedure > ... > Miranda Rights > Self-Incrimination Privilege > Custodial Interrogation

Criminal Law & Procedure > Commencement of Criminal Proceedings > Interrogation > General Overview

Criminal Law & Procedure > ... > Interrogation > Miranda Rights > General Overview

Criminal Law & Procedure > Commencement of Criminal Proceedings > Interrogation > Noncustodial Confessions & Statements

HNI Self-Incrimination Privilege, Custodial Interrogation

A person must be fully advised of his constitutional rights before any custodial interrogation may take place. The only relevant inquiry to make in determining whether a person was in the custody of the police during interrogation is to ask how a reasonable man in the suspect's position would have understood his situation. In short, "custody" depends upon whether a reasonable person would have believed he was free to leave the company of the police. Miranda warnings are not required simply because questioning takes place at the

police station, or because the questioned person is a suspect.

Criminal Law & Procedure > Commencement of Criminal Proceedings > Interrogation > Voluntariness

HN2 [v] Interrogation, Voluntariness

Absent police coercion, there is no federal due process ground for finding that a confession is involuntary. Rather, the admissibility of an uncoerced statement must be determined by state rules of evidence.

Evidence > ... > Testimony > Competency > General Overview

HN3 [v] Testimony, Competency

To determine whether a defendant was or was not competent at the time he incriminated himself, the court must look at the totality of the circumstances surrounding the defendant and his admissions.

Civil Procedure > Judicial Officers > Judges > General Overview

Criminal Law & Procedure > Appeals > Standards of Review > General Overview

Criminal Law & Procedure > Defenses > Insanity > General Overview

Criminal Law & Procedure > Defenses > Insanity > Insanity Defense

HN4 [v] Judicial Officers, Judges

Conflicting evidence does not vitiate the conclusive and binding effect of a trial judge's findings on the appellate court.

Headnotes/Syllabus

Headnotes

1. Criminal Law § 75.7 -- no custodial interrogation -

- Miranda warnings not required

The trial court properly concluded that police detectives did not subject defendant to custodial interrogations, and the court consequently did not err by refusing to suppress defendant's statements on the ground that he did not receive *Miranda* warnings where defendant was free to come and go as he pleased during all interviews; he asked for and received breaks to get coffee or go to the bathroom unescorted; the detectives took pains to ask defendant on tape if anybody was forcing him to stay, and he typically responded that he had come to the station and was talking to police of his own free will; defendant, on several occasions, telephoned the detectives and, on his own, went to the police station to talk to them; none of the interview sessions were of long duration; the detectives dressed in civilian clothing; and they did not expose their weapons to defendant.

2. Criminal Law § 75 -- detectives' use of psychiatric history -- detectives ingratiating [***2] themselves with defendant -- no coercion of confession

Detectives' use of defendant's psychiatric history to guide their interrogative tactics and their ingratiating themselves with defendant did not constitute coercion of his confession.

3. Criminal Law § 75.14 -- mental capacity to confess

Though there was conflicting medical evidence as to defendant's mental state, his statements to detectives were not rendered involuntary by his mental condition, and defendant was legally competent to make those statements to the detectives.

Counsel: Attorney General Lacy H. Thornburg, by Assistant Attorney General William P. Hart, Raleigh, N.C., for the State.

Thomas C. Manning, Raleigh N.C., for defendant-appellant.

Judges: Charles L. Becton, Judge. Judges Hugh A. Wells and Clifton E. Johnson concur.

Opinion by: BECTON

Opinion

[*208] [**290] On 12 December 1983, a grand jury indicted defendant, James Andrew Blackman, for the murder of Helena Peyton. At the 6 August 1987 Criminal Term of the Wake County Superior Court, defendant made a motion *in limine* to suppress statements [**291] he had made to two Raleigh police detectives. In an order entered 31 August 1987, the Honorable Wiley F. Bowen, Judge, denied defendant's [***3] motion to suppress. Defendant entered a plea of guilty to second degree murder before the Honorable Henry V. Barnette, Jr., Judge, at the 14 January 1988 Criminal Term of the Wake County Superior Court. Judge Barnette sentenced defendant to life imprisonment. The State agreed that, as a condition of the plea, defendant would appeal the denial of his motion *in limine* along with his appeal of the judgment and sentence. We affirm.

I

On 28 September 1979, Helena Peyton, a student at St. Augustine's College, was stabbed to death in a sixth-floor bathroom of the women's dormitory, Latham Hall. Police investigators made a composite sketch of a man witnesses had seen leaving the building. They also recovered a blood-stained garment from woods nearby. The police, however, did not initially apprehend any suspect in the killing.

In the spring and summer of 1983, Detectives J. C. Holder and A. C. Munday of the Raleigh Police Department Major Crimes Task Force received information that defendant, James Andrew Blackman, had been making inculpatory statements about the Peyton murder. At the time they received these reports, defendant was a patient at Dorothea Dix Hospital. Holder [***4] and Munday began to investigate defendant; their inquiry included obtaining and reading defendant's voluminous psychiatric records.

When defendant left the hospital on 23 September 1983, Holder and Munday made contact with him in downtown Raleigh and told him they wanted to speak with him. On 25 October, a police officer brought defendant to the investigative division offices to meet with Holder and Munday. With defendant's permission, the detectives [*209] tape recorded the conversation. After the interview, defendant and the detectives went to St. Augustine's College. Defendant pointed to Latham Hall and said, "That's the girls' [or girl's] dorm." In addition, defendant walked down a path into the woods where the bloodied garment had been found following the Peyton murder.

The next day, defendant came back to the police station, spoke once more with Holder and Munday, and returned with them to the college campus. Defendant took the detectives to the sixth-floor bathroom in Latham Hall, showed them the last toilet stall, and told them, "This is where it happened." He then walked to the sink, washed his hands, and said, "This is what I did."

Between 28 October and 7 December, [***5] defendant participated in eight tape-recorded conversations; seven included Holder and Munday, and one included Holder and an assistant district attorney. During these sessions, defendant, in essence, admitted killing Helena Peyton. On 7 December, Holder and Munday arrested defendant for the murder.

Concomitant with his dealings with the police, defendant received extensive psychiatric treatment. Between 21 January 1983 and 7 December 1983, defendant was hospitalized at Dorothea Dix four times. The first hospitalization ran from 21 January until 23 September, the second from 2 October until 18 October, the third from 28 October until 18 November, and the fourth from 28 November until 7 December. Defendant's psychiatric reports from this period indicate that he was twice diagnosed as suffering from atypical psychosis.

After his arrest, defendant filed a motion *in limine* to suppress the statements he had made to the detectives. Following a *voir dire* hearing, the judge denied defendant's motion. Defendant subsequently pleaded guilty to second degree murder, preserving his right to appeal the denial of his motion *in limine* as a condition of the plea. The only issue [***6] for our consideration is whether the judge should have granted defendant's motion to suppress.

II

Defendant contends his statements were inadmissible on two grounds. First, he [**292] contends he did not make the statements knowingly and voluntarily. Stated another way, defendant alleges he was not mentally competent when he made his admissions. Second, defendant claims that he made the statements during custodial [*210] interrogations without the benefit of *Miranda* warnings. We shall first address the question of custody.

A

The State urges us to reject defendant's *Miranda* challenge on the grounds that defendant has not excepted to the judge's finding that no custodial

interrogations took place prior to defendant's arrest. N.C. R. App. P. 10(a) (1988). We choose to dispose of this issue on its merits, however, because the question of custody is relevant to whether defendant made his statements knowingly and voluntarily.

HN1 [↑] A person must be fully advised of his constitutional rights before any custodial interrogation may take place. Miranda v. Arizona, 384 U.S. 436, 16 L.Ed. 2d 694 (1966); State v. Harvey, 78 N.C. App. 235, 237, 336 S.E. 2d 857, 859 (1985). [***7] "[T]he only relevant inquiry" to make in determining whether a person was in the custody of the police during interrogation "is [to ask] how a reasonable man in the suspect's position would have understood his situation." Harvey, 78 N.C. App. at 238, 336 S.E. 2d at 860 (quoting Berkemer v. McCarty, 468 U.S. 420, 442, 82 L.Ed. 2d 317, 336 (1984)). In short, "custody" depends upon whether a reasonable person would have believed he was free to leave the company of the police. See State v. Davis, 305 N.C. 400, 410, 290 S.E. 2d 574, 580-81 (1982) (citing U.S. v. Mendenhall, 446 U.S. 544, 554, 64 L.Ed. 2d 497, 509 (1980)). Miranda warnings are not required simply because questioning takes place at the police station, or because the questioned person is a suspect. Oregon v. Mathiason, 429 U.S. 492, 495, 50 L.Ed. 2d 714, 719 (1977); see also State v. Perry, 298 N.C. 502, 509, 259 S.E. 2d 496, 500-01 (1979).

The judge concluded as a matter of law that Holder and Munday never subjected defendant [***8] to a custodial interrogation prior to his arrest. The judge based this conclusion on his finding of fact that "[d]uring all interviews [d]efendant was free to come and go as he pleased and asked for and received breaks to get coffee or go to the bathroom unescorted." The detectives took pains, moreover, to ask defendant, on tape, such questions as "Nobody is forcing you to stay here, [are] they?" Defendant typically answered that he had come to the station and was talking to the police "on [his] own will." Defendant, on several occasions, telephoned Holder and Munday and, on his own, came to the station to talk with them. Moreover, the judge found that none of the interview [***11] sessions was of long duration, that Holder and Munday dressed in civilian clothing, and that they did not expose their weapons to defendant. In our view, a reasonable person in defendant's position would not have believed he was in police custody. The judge correctly concluded, therefore, that the detectives did not subject defendant to custodial interrogations. Consequently, the judge did not err by refusing to suppress the statements on the ground that defendant did not receive Miranda

warnings. [***9] We overrule this assignment of error.

B

Defendant also contends that he was not mentally competent on the occasions he spoke to Holder and Munday and that his incriminating statements, therefore, should have been suppressed. See Blackburn v. Alabama, 361 U.S. 199, 4 L.Ed. 2d 242 (1960); State v. Ross, 297 N.C. 137, 141, 254 S.E. 2d 10, 12 (1979). Defendant argues that his lack of competence rendered his admissions "involuntary" under the due process clause of the fourteenth amendment. We begin by noting that, **HN2** [↑] absent police coercion, there is no federal due process ground for finding that a confession is involuntary. Colorado v. Connelly, 479 U.S. 157, 167, 93 L.Ed. 2d 473, 484 (1986); State v. Adams, 85 N.C. App. 200, 203, 354 S.E. 2d [***293] 338, 340 (1987). Rather, the admissibility of an uncoerced statement must be determined by state rules of evidence. Connelly, 479 U.S. at 159, 93 L.Ed. 2d at 479; Adams, 85 N.C. App. at 203, 354 S.E. 2d at 340.

Defendant asserts that Holder and Munday's [***10] use of his psychiatric history to guide their interrogative tactics constituted coercion. We reject this contention. Holder and Munday clearly ingratiated themselves with defendant and presented themselves as his friends. We are not prepared to hold, however, that simply because the police adopt a strategy for their dealings with a suspect that that strategy is therefore coercive. At no time did these detectives force defendant to submit to any of the ordeals traditionally associated with coercive interrogations. See, e.g., Blackburn, 361 U.S. at 207-08, 4 L.Ed. 2d at 249 (suspect interrogated for eight to nine hours in a tiny room). We hold, therefore, that the interviews in which defendant participated with Holder and Munday were not coercive, and thus, we look to our state rules to decide whether the judge should have suppressed defendant's statements [***12] on the ground that defendant was incompetent. Adams, 85 N.C. App. at 203, 354 S.E. 2d at 340.

HN3 [↑] To determine whether a defendant was or was not competent at the time he incriminated himself, this court must look at the totality of the circumstances surrounding [***11] the defendant and his admissions. Ross, 297 N.C. at 141, 254 S.E. 2d at 12. A critical stricture on our inquiry is that the findings of fact made by the trial judge at the voir dire hearing are conclusive and binding upon us if those findings are supported by competent evidence in the record. State v. Simpson, 314 N.C. 359, 368, 334 S.E. 2d 53, 59 (1985).

We have already determined that defendant was not in police custody at the time he made his admissions, and that Holder and Munday did not coerce defendant into making the statements he did. We now turn our examination to the medical evidence in this case. That evidence indicated that defendant has never had a sound mental state. The evidence conflicted, however, as to the severity of defendant's disorder. Indeed, the evidence conflicted as to the nature of the illness, or illnesses, from which defendant has suffered.

Dr. Walter Scarborough, Jr., a psychiatrist, reviewed defendant's medical records, read the transcript of defendant's conversations with Holder and Munday, and interviewed defendant prior to the suppression hearing. Dr. Scarborough testified [***12] that defendant was "at least psychotic during [the period of time in which defendant associated with the detectives], if not psychotic all the time." Dr. Scarborough's opinion is buttressed, in part, by the two diagnoses of atypical psychosis made in late 1983.

Dr. Bob Rollins, a forensic psychiatrist and Clinical Director of the Forensic Unit at Dorothea Dix, testified for the State. His diagnosis was that defendant had a mixed personality disorder with primitive, antisocial and aggressive characteristics. Dr. Rollins also believed that other psychiatrists had misdiagnosed defendant as being psychotic and/or schizophrenic because defendant was a skilled malingerer. He offered the following opinion of defendant's condition during the period in which defendant dealt with Holder and Munday:

I don't believe Mr. Blackman had a mental disorder at that time that would keep him from being competent to execute other functions. It is fair to say that Mr. Blackman is [*213] a very limited individual and he could be easily influenced, suggestible, respond to offers of help. But all that aside, it's still my assessment that he would be competent to know what he was doing at that time.

[***13] Dr. Rollins' opinion is also supported by evidence in the record. The judge found Dr. Rollins' opinion to be "the better reasoned, [and] more consistent with the behavior and history of the [d]efendant than any opinion that [defendant] is psychotic."

In our view, some of the medical and other evidence in this case would support a conclusion that this defendant was not competent when he spoke with the detectives. At the same time, other competent evidence in the

record points to the opposite conclusion. HN4 [↑] Conflicting evidence [**294] does not vitiate the conclusive and binding effect of the trial judge's findings on the appellate court. See *id.* The judge's finding that Dr. Rollins' opinion best identifies defendant's mental condition during the period in which he made his admissions to the police is supported by competent evidence in the record. We accept that finding as binding upon us. While we are not bound by the judge's conclusion that defendant was legally competent, we believe the findings do provide a sufficient basis for the judge's ruling. See *id.* We hold, therefore, that defendant's statements were not rendered involuntary by his mental condition and that defendant [***14] was legally competent to make those statements to the police detectives. Thus, we overrule this assignment of error.

III

We find no error in the trial judge's denial of defendant's motion *in limine* to suppress the statements defendant made to Detectives Holder and Munday. Consequently, the judgment in this case is

Affirmed.

End of Document

VIII. Pre-Commission Post Conviction Work

Both North Carolina Prisoner Legal Services (NCPLS) and the North Carolina Center on Actual Innocence (the Center) had some involvement with Blackmon after his conviction. Neither agency filed motions on his behalf.

Blackmon initially reached out to NCPLS in the mid-1990s concerning his case. Though PLS reviewed his claim, they denied representation to him on the basis that they found no legal ground to proceed on his behalf at the time. (Center 382-4). Blackmon also reached out to NCPLS in 1997 concerning certain sentencing issues, but NCPLS again reviewed his concerns and indicated to him that there was no legal grounds for pursuing sentencing concerns. (Center 385-6). In 2011, NCPLS attorney Beth McNeill again reviewed Blackmon's case and referred the case to the Commission. McNeill currently represents Blackmon for purpose of the Commission's formal inquiry. In all his communication with NCPLS, Blackmon maintained his innocence.

The Center reviewed Blackmon's case through an innocence project at North Carolina Central University law school. The case was opened with the center in 2005 but closed in 2007 after a determination was made that there was no physical evidence remaining in the case. (Center 2, 12). In all his communication with the Center, Blackmon maintained his innocence.

Blackmon filed a *pro se* MAR on March 5, 1996 which was summarily denied without a hearing on May 16, 1996. (Clerk 360-363). Blackmon also filed *pro se* motions to dismiss his case for lack of jurisdiction, to locate and preserve evidence, and a motion for DNA testing. All three motions were denied. (Clerk 364-392). In each of these filings, Blackmon maintained his innocence.

IX. Proposed Hearing Agenda

The Commission intends to provide evidence at the upcoming hearing concerning a thumbprint found on the bathroom stall door where the Victim was attacked that has been identified to an individual named James Leach pursuant to the Commission's investigation in this case. Information regarding Leach, who is deceased, will be provided during the hearing. Witnesses, including experts and the Commission's lead investigator in this case, will provide testimony.

X. Conclusion

A hearing will be conducted before the North Carolina Innocence Inquiry Commission on November 14-16, 2018. At that time, Commission staff will present in detail the evidence uncovered during the Commission's investigation.

The Commission is charged with considering "credible, verifiable evidence of innocence that has not been previously presented at trial or considered at a hearing granted through postconviction relief."¹ As to any claim following a guilty plea, a plea pursuant to *North Carolina v. Alford*, 400 U.S. 25 (1970), or a no contest or *nolo contendere* plea, the Commission's Rules and Procedures, Article 2(B) and (C), provide that there must be credible, verifiable evidence of innocence **that was not reasonably available to the claimant at the time that he/she pleaded guilty or scientific testing that was not completed.** At the conclusion of the hearing, each Commissioner shall determine whether "there is sufficient evidence of factual innocence to merit judicial review."² All eight Commissioners are required to participate in this vote.

¹ N.C.G.S. § 15A-1460.

² N.C.G.S. § 15A-1468(c) and *Commission's Rules and Procedures*, Article 7(l)(4).

XI. Appendices

A. Latham Hall Police Sketches

B. Photos

C. Campus Map 1979

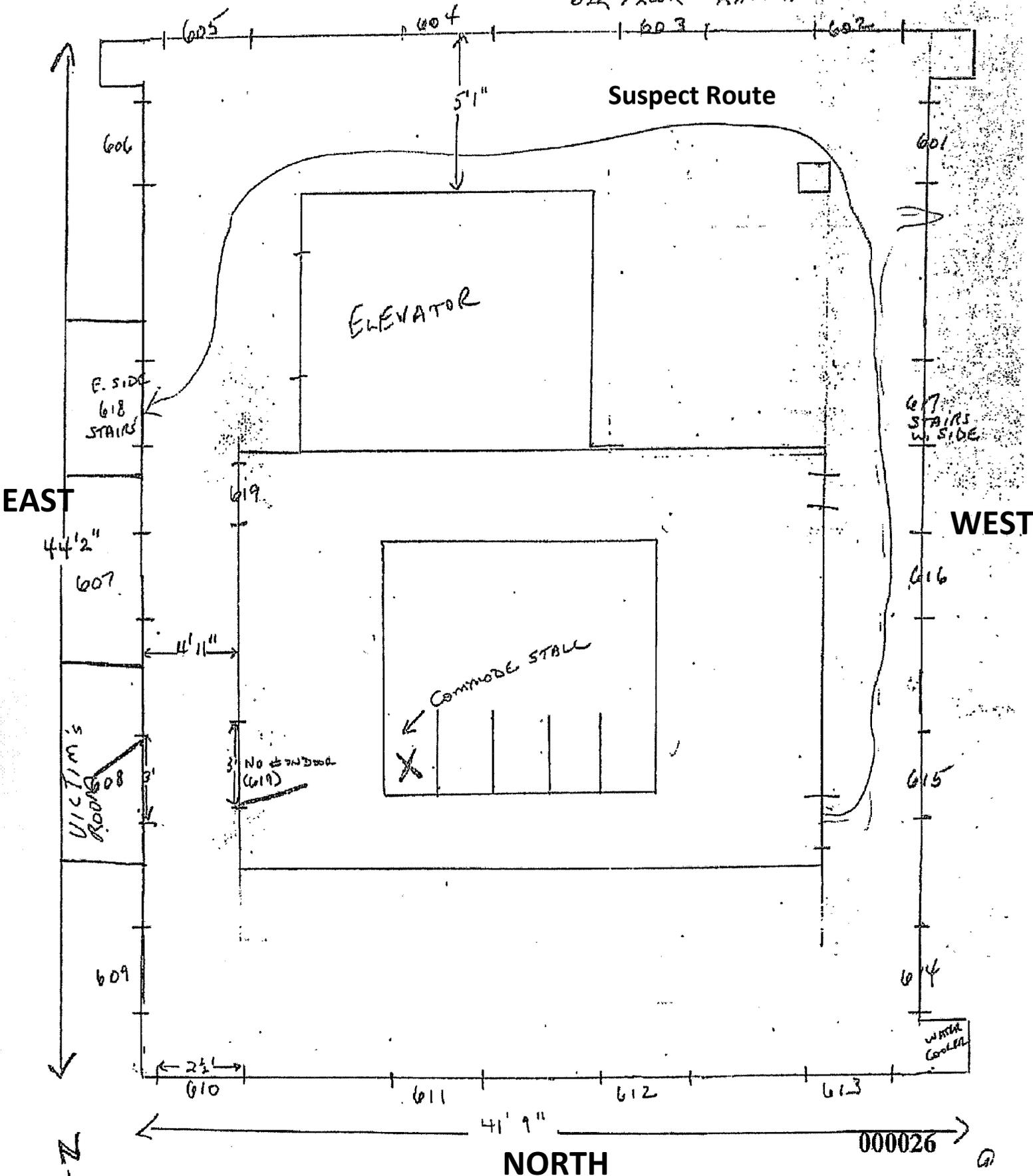
D. Forensic Testing Chart

A. Latham Hall Police Sketches

SOUTH

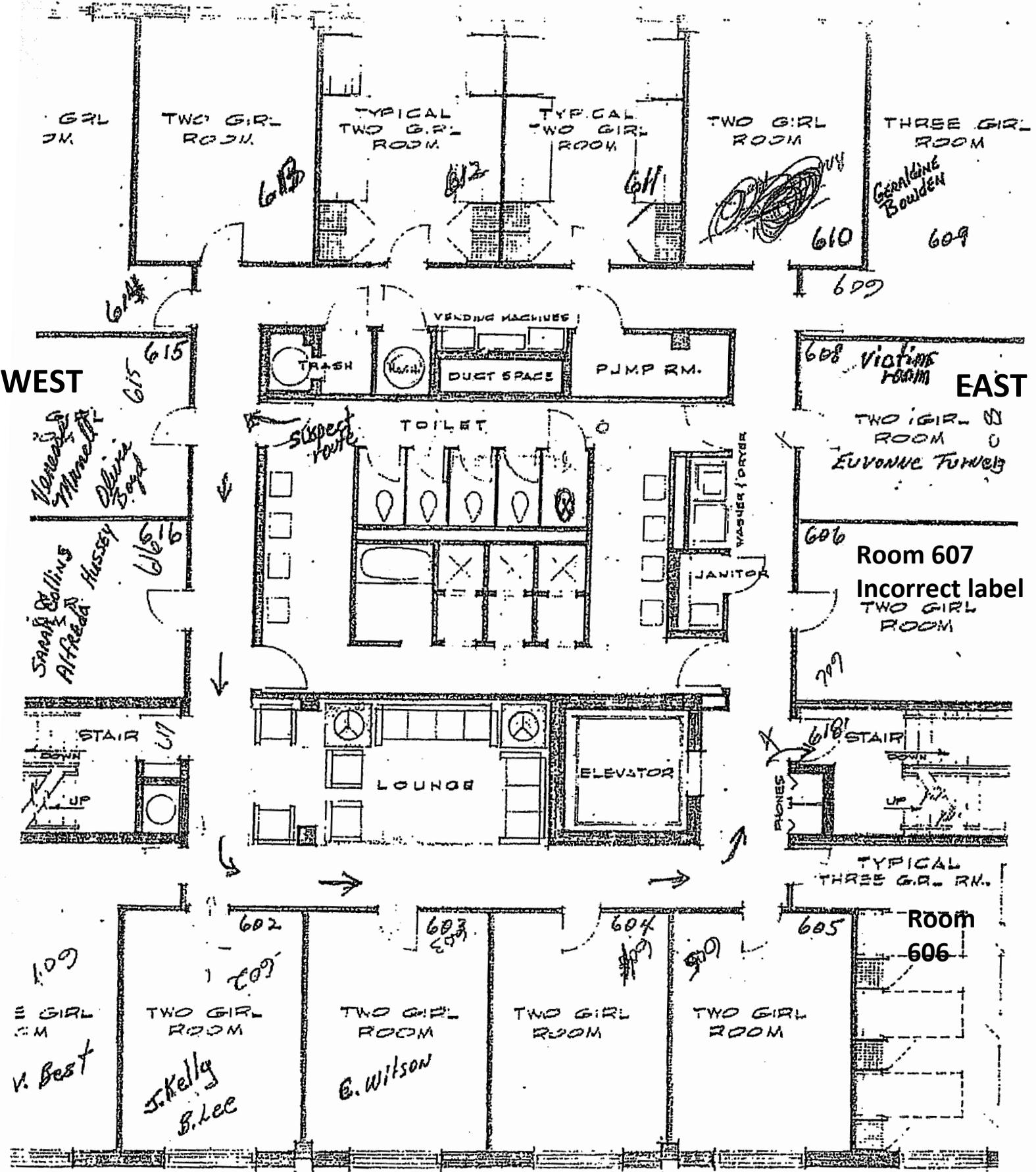
HELENA MYTON
#558471

6th FLOOR LATHAM HALL



6th Floor Latham Hall--South to North

NORTH



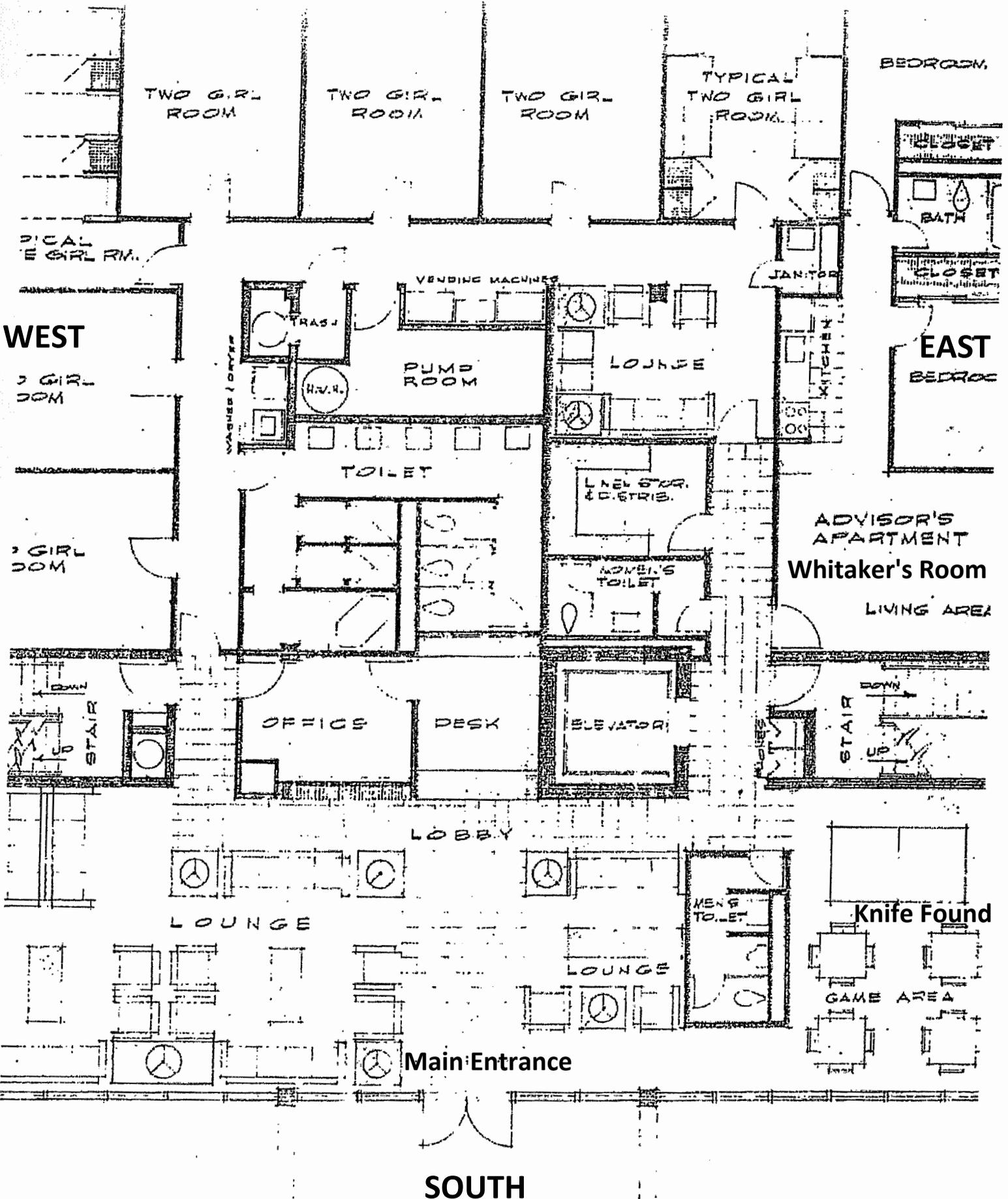
Latham Hall North to South

SIXTH FLOOR

000143

123

NORTH



SOUTH

000144

124

Latham Hall First Floor -- North to South

B. Photos



Bathroom where Assault Occurred



BATHROOM STALL WHERE ASSAULT OCCURRED



FOOTPRINTS FROM STALL HEADING TO EAST EXIT



EAST BATHROOM ACCESS-WHERE VICTIM EXITED



EAST BATHROOM ACCESS -- WHERE VICTIM EXITED



FOOTPRINT IN BATHROOM HEADING TOWARD WEST EXIT



VICTIM'S ROOM

Room 614

Bathroom Entrance
Across From Victim's
Room on East Hallway



North Hall Facing East Sixth Floor



Victim's Room

Stairs

Bathroom
Entrance East
Hall

EXIT



EXIT

607

Stairs

609

Victim 609

Room 610

Bathroom

Bathroom

Elevator Across from East Stairs

Lobby Area

601

602
Kelly

603
Wilson

613

South Hall Facing West From East Stairs

East Exit by Showers

West Exit by Showers

Bathroom Showers Along South Side



Victim's Room Facing Bathroom



Victim's Room

Where Assault
Occurred

West Exit
on Stall side

West Exit
On Shower Side

Bathroom Sink Area -- Against West Hall

ONLY RESIDENTS OF
THIS BUILDING ALLOWED
BEYOND THIS POINT. ALL
OTHERS SUBJECT TO AR-
REST FOR TRESPASSING.
PLEASE REGISTER AT LOBBY

Whitaker Apt.

East Stairs

East Stairs First Floor Facing Away From Entrance (Right from East Stairs)



STAIRS

306

PLEASE KEEP DOOR
CLOSED AT ALL TIMES
ONE IN THE BUILDING

LY RESIDENTS OF
BUILDING ALLOWED
AND THIS POINT, ALL
RS SUBJECT TO AR
FOR TRESPASSING.
PLEASE REGISTER AT LOBBY

Front Entrance

Game Room



East Hallway

Lobby at Entrance



Hallway from East Stairs

Lobby

Game Room



Main Entrance Latham Hall



Wooded Area

Parking Lot by Latham Hall facing wooded area/road



Wooded Area

Cheshire Dorm

624

Parking Lot By Latham

Aerial Photo from Latham Hall



Wooded Area



Cheshire Dorm

Latham Hall



Road

Road

Path in Woods Behind Latham and Cheshire Leading Toward Road

C. Campus Map 1979¹

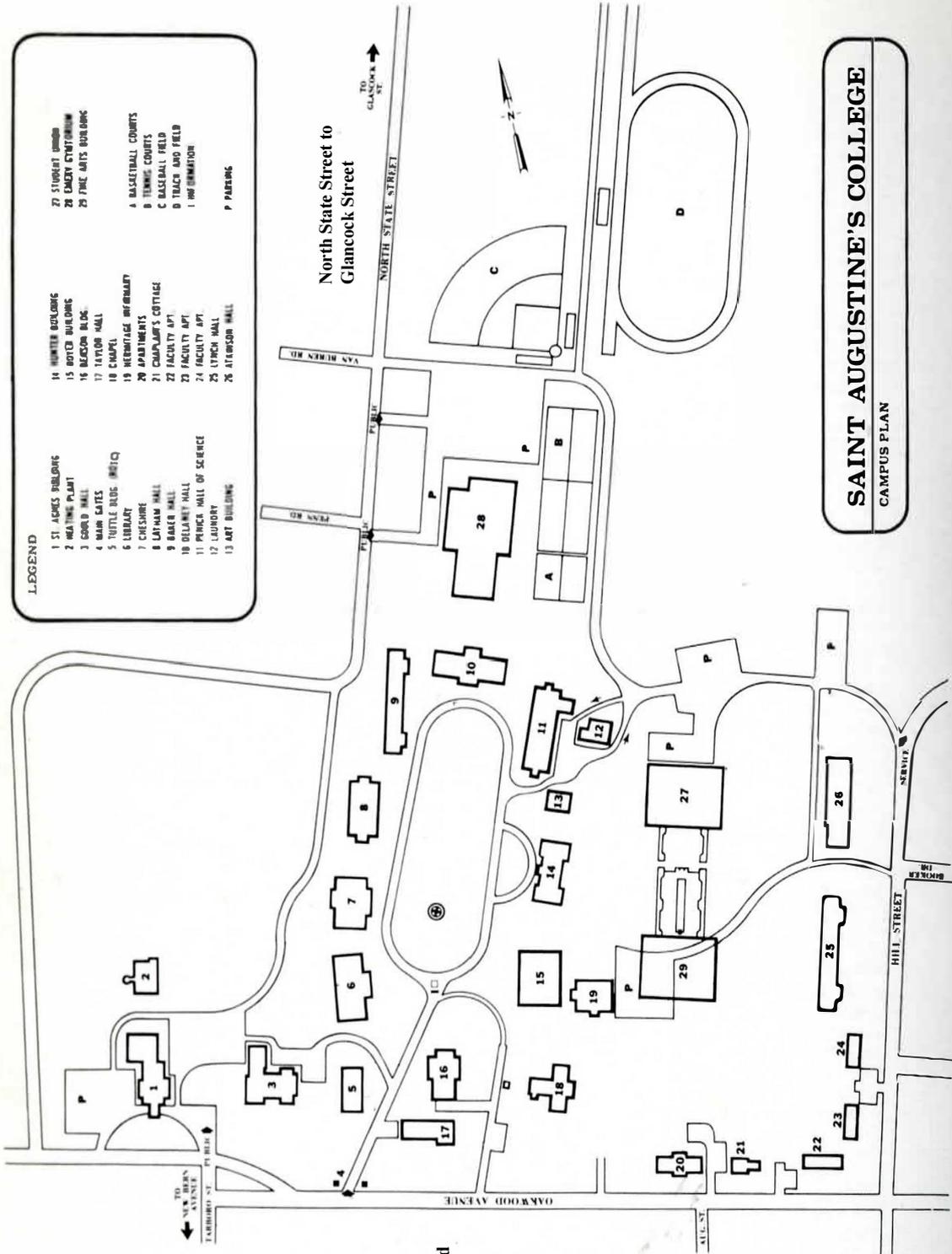
¹ Because the legend on the campus map when produced and scanned from its original source was blurry, we have separately reprinted the legend for clarity.

LEGEND FOR ST. AUGUSTINE'S COLLEGE MAP

1. St. Agnes Building	14. Hunter Building	27. Student Union
2. Heating Plant	15. Boyer Building	28. Emery Gymnasium
3. Goold Hall	16. Benson Bldg.	29. Fine Arts Building
4. Main Gates	17. Taylor Hall	
5. Tuttle Bldg (ROTC)	18. Chapel	
6. Library	19. Hermitage Infirmary	
7. Cheshire	20. Apartments	A. Basketball Courts
8. Latham Hall	21. Chaplain's Cottage	B. Tennis Courts
9. Baker Hall	22. Faculty Apt.	C. Baseball Field
10. Delaney Hall	23. Faculty Apt.	D. Track and Field
11. Penick Hall of Science	24. Faculty Apt.	I. Information
12. Laundry	25. Lynch Hall	
13. Art Building	26. Atkinson Hall	P. Parking

LEGEND

- | | | |
|----------------------------|------------------------|------------------------|
| 1 ST. AGNES BUILDING | 14 HUNTER BUILDING | 27 STUDENT UNION |
| 2 HEATING PLANT | 15 ROTCH BUILDING | 28 EMERY ENTERTAINMENT |
| 3 COOK BLDG. | 16 BLACKSON BLDG. | 29 FINE ARTS BUILDING |
| 4 MAIN GATES | 17 TAYLOR HALL | |
| 5 TUTTLE BLDG. (MUSIC) | 18 CHAPEL | |
| 6 LIBRARY | 19 HERMITAGE INFIRMARY | |
| 7 CHEMISTRY | 20 APARTMENTS | 4 BASEBALL COURTS |
| 8 LAYMAN HALL | 21 CAMPBELL'S COTTAGE | 8 TENNIS COURTS |
| 9 BAKER HALL | 22 FACULTY APT. | 8 BASEBALL FIELD |
| 10 DELANEY HALL | 23 FACULTY APT. | 8 TRACK AND FIELD |
| 11 PERKINS HALL OF SCIENCE | 24 FACULTY APT. | 1 INFORMATION |
| 12 LAUNDRY | 25 STRICK HALL | |
| 13 ART BUILDING | 26 ALUMNUS HALL | P PARKING |



SAINT AUGUSTINE'S COLLEGE
CAMPUS PLAN

Tarboro Street
to New Bern
Avenue

Oakwood
Avenue

D. Forensic Testing Chart

FORENSIC TESTING CHART

Item Tested	Results
	FORENSIC TESTING
Guardman 007 Folding Knife	Testing conducted by SBI on 10/18/1979 for blood and group: <ul style="list-style-type: none"> • Item contained human blood and gave results for groups ABO A, EAP B, and PGM 1, Hp inconclusive
Dashiki	Testing conducted by SBI on 10/18/1979 for blood and group: <ul style="list-style-type: none"> • Item contained human blood and gave results for groups ABO A, EAP B, and PGM 1, Hp 1, which was noted to occur in 2% of the population • Note: Officers reported during a witness interview that the Victim's blood was found on the Dashiki, but no comparison to the Victim was done.
Three pieces of carpet from Room 616	Testing conducted by SBI on 11/13/1979 for blood: <ul style="list-style-type: none"> • No blood was found.
Dashiki	Testing conducted by SBI on 2/23/1981 for presence of hairs: <ul style="list-style-type: none"> • Examination failed to reveal the presence of any human hairs.
Dashiki	Testing conducted by SBI on 4/16/1982 for presence of hairs at the request of CCBI: <ul style="list-style-type: none"> • Examination revealed the presence of numerous short black Negroid hair fragments. These hair fragments are not suitable for purposes of comparison. • Examination also revealed the presence of a "medium brown" Caucasian body hair. This hair not suitable for purposes of comparison. This hair is not suitable for purposes of comparison.
Knife with wooden handle	Testing conducted by FBI on 5/10/1982 at the request of CCBI: <ul style="list-style-type: none"> • No latent prints of value for identification purposes appear or were developed on knife.
Two Latent Print Cards from Outside of Bathroom Stall Door	Comparisons performed by CCBI throughout the investigation of this case: <ul style="list-style-type: none"> • Various suspects were compared with no matches. Many of these suspects' names were written on the back of the envelope containing the prints and on a separate handwritten list. Every name listed on the back of the envelope except for one has a corresponding CCBI Latent Finger Print Comparison Request Report. Four of the names from the handwritten list, including James Blackmon, have corresponding CCBI Latent Finger Print Comparison Request Reports. • Blackmon's prints were directly compared by CCBI on 2/24/1983 and he was found to not be a match. • No fingerprint database existed at the time of the original investigation; thus, the prints were never put through any local, state, or national database searches at the time of the original investigation.

Note: All testing on this chart was conducted prior to the Commission's investigation