

STATE OF NORTH CAROLINA
COUNTY OF COLUMBUS

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
78-CRS-2415 & 16

_____)
STATE OF NORTH CAROLINA,)
)
Plaintiff,)
)
vs.)
)
JOSEPH SLEDGE,)
)
Defendant.)
_____)

NORTH CAROLINA INNOCENCE INQUIRY COMMISSION
HEARING
DAY THREE

At Raleigh, North Carolina
December 5, 2014

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A P P E A R A N C E S
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1 JUDGE SUMNER: We're back in session. Once again, for
2 the record, we're resuming hearing the matter of State of
3 North Carolina versus Joseph Sledge, File 78-CRS-2415 and
4 2416. This case originated out of Bladen County, and for
5 the purposes of the record, again, was moved for purposes of
6 the trial to Columbus County. This hearing is open to the
7 public pursuant to North Carolina General Statute
8 15A-1468(a). Ms. Montgomery-Blinn.

9 MS. MONTGOMERY-BLINN: Thank you, Your Honor.

10 We have a matter to clarify from yesterday and I call
11 Ms. Mumma.

12
13 Christine Mumma, having first been duly
14 reminded that she was still under oath, testified as
15 follows:

16
17 EXAMINATION BY MS. MONTGOMERY-BLINN

18 A. Don't worry, I didn't bring anything up with me this
19 time.

20 Q. I'm just going to hand you two documents and if you'll
21 tell me if you recognize what they are.

22 A. It's a letter, one is a letter from me to Joseph, and
23 one is a letter from Joseph to me.

24 Q. Okay. And the letter from you to Joseph, is that the
25 one that you asked if you could read and did read

1 yesterday?

2 A. A paragraph of it, yes.

3 Q. Okay. And will you please re-read the paragraph that
4 you read yesterday?

5 MS. MONTGOMERY-BLINN: Actually, let me send
6 this around. I'm going to send both of these around.

7 (The letters between Ms. Mumma and Joseph
8 Sledge are distributed.)

9 Q. Okay. And would you go ahead and read again just that
10 second, or the third paragraph, which is the one I
11 believe you read yesterday that begins with, I
12 understand.

13 A. I understand that you believe I should pursue Mr. Baker
14 further with the hope that he will change his statement
15 or can be tricked into changing his statement. I'm
16 sorry that I cannot agree to lie to a witness to try to
17 induce them into changing sworn testimony. A
18 recantation obtained in that way would not be
19 considered credible by a court. Although that
20 technique is used by law enforcement during
21 investigations, the post conviction standards in
22 proving innocence are different.

23 Q. Why did you choose to read this to the commissioners
24 yesterday?

25 A. Because I wanted the commissioners to know that Joseph

1 and I have talked about how Mr. Baker should be, or if
2 he should be approached, and that we -- I didn't intend
3 to contact Mr. Baker again after my contact in 2011
4 until his testimony became so important to the
5 investigation by the district attorney's office.

6 Q. Okay. And I asked you about the words tricked and
7 agree to lie to a witness, and asked you if your client
8 had asked you to trick or lie to Mr. Baker, and you
9 were looking for the letter that your March 26 letter
10 is in response to. Did you locate what you believe to
11 be that letter?

12 A. I did. And I was looking for a letter prior to
13 March 26, but I believe my letter is actually misdated,
14 because Mr. Sledge actually wrote me on March 29.

15 Q. Okay. And will you read the second paragraph of the
16 letter you located from March 29?

17 A. The Baker matter, I was hoping a bug could be planted
18 and he was to conversate (sic) and let out the truth
19 with this modern day technology and all.

20 Q. Okay. Now, the letter that you've just read, though,
21 is dated after your letter, but you believe that it's a
22 typo on your letter?

23 A. Yes. Either his date is wrong or my date is wrong.
24 His letter -- my follow-up letter, there's other things
25 that make it clear that my letter is a follow-up to

1 his.

2 Q. But in the paragraph you just read, he says, hoping a
3 bug could be planted. In your response, why did you
4 put tricked in quotes or say lie to a witness?

5 A. Joseph and I had conversations beyond this letter. As
6 I stated yesterday, he had said to me if a witness can
7 be paid to lie, why can't they be paid to tell the
8 truth. So I wanted to make it clear to him in my
9 letter that we weren't going to be doing that.

10 Q. Okay. So that is not what is in this other letter. So
11 is this letter, is your letter in response to
12 conversations you had with him?

13 A. No. My letter is in response for him wanting me to
14 plant a bug.

15 Q. And why did you put tricked in quotes?

16 A. I would consider planting a bug on somebody, as a
17 defense attorney, a trick.

18 Q. Okay. And then you were saying, I'm sorry, but I
19 cannot agree to lie to a witness. But he's not asking
20 you to lie in this letter, is that right?

21 A. I mean, if I had to plant a bug, I would have to have
22 some circumstance, say something to them that would be
23 misleading to have an opportunity to plant a bug.

24 Q. So the lie would be about planting a bug?

25 A. Yes.

1 Q. And so this is in response to this letter that's dated
2 after it, and additionally, conversations?

3 A. Yes.

4 Q. Okay.

5 MS. MONTGOMERY-BLINN: Commissioner
6 questions?

7

8 EXAMINATION BY MR. VICKORY

9 Q. Is there another letter in here that you have that was
10 before this --

11 A. Before his, no. I believe mine must be dated
12 incorrectly. Sometimes I pull up prior letters and
13 type into the body, so that may have been what it was.
14 But if you look at the Sutton, there's a paragraph
15 regarding Sutton and Rome Martin, and I believe those
16 are referenced in this letter as well.

17 MS. MONTGOMERY-BLINN: Are there any other
18 questions?

19 (No response.)

20 MS. MONTGOMERY-BLINN: Okay. Thank you,
21 Ms. Mumma.

22 (Ms. Mumma steps down from the witness
23 stand.)

24 MS. MONTGOMERY-BLINN: I call Ms. Stellato.
25

1 Sharon Stellato, having first been duly
2 reminded that she was still under oath, testified as
3 follows:

4

5 EXAMINATION BY MS. MONTGOMERY-BLINN

6 Q. Ms. Stellato, you're still under oath.

7 Have you interviewed -- actually, before we
8 get into testimony about Joseph Sledge, yesterday you
9 testified about the Bladen County Sheriff's Office and
10 your searches, we passed something out for the
11 commissioners to look at, that memo. Since yesterday
12 have you learned anything additional or is there any
13 follow-up information about that Bladen County
14 Sheriff's Office?

15 A. I have. As I indicated yesterday, on Monday a new
16 sheriff took over the Bladen County Sheriff's
17 Department, Sheriff McVicker. I spoke to Chief Deputy
18 Larry Guyton, he's also new, although he was with the
19 department for many years prior to that. He indicated
20 that --

21 Q. When did you speak with him?

22 A. Yesterday.

23 Q. Did he call you?

24 A. Yes.

25 Q. Okay. Please go ahead.

1 A. And he wanted to let us know that the new sheriff takes
2 evidence handling as his highest priority. Yesterday
3 they met with the city manager. 80 percent of the
4 Bladen County Sheriff's Department conference room will
5 be turned into a new evidence room. They are going to
6 take all of the evidence that is currently stored in
7 those connexes that we talked about yesterday and move
8 it over to the conference room, which will be the new
9 evidence location. It will now be in a climate
10 controlled location, it will all be organized and
11 catalogued. As I said, a highest priority, that will
12 start immediately. It will begin next Monday. The
13 detectives will all begin moving it over on Monday, and
14 they expect to have it completed sometime in January.
15 They can't give an exact date, but they will begin it
16 immediately.

17 Q. And did he indicate that he was aware of the search and
18 the follow-up information that you had provided after
19 the search?

20 A. Correct. We did, I did express to him that the
21 Commission would be willing to help with evidence
22 recommendations in any way possible, and they will take
23 us up on that as well as contact the SBI for help on
24 that.

25 Q. Okay.

1 MS. MONTGOMERY-BLINN: Commissioners, do you
2 have any questions about that specific information
3 before we move on?

4 MR. SMITH: May I ask this?

5

6 EXAMINATION BY MR. SMITH

7 Q. How did you respond?

8 A. I responded thanking him for his phone call and let him
9 know that I would update the commissioners in my
10 testimony today.

11 JUDGE SUMNER: Any other questions?

12 (No response.)

13 MS. MONTGOMERY-BLINN: Okay.

14

15 FURTHER EXAMINATION BY MS. MONTGOMERY-BLINN

16 Q. Now let's talk about Joseph Sledge. Have you
17 interviewed Joseph Sledge?

18 A. Yes. We, myself and Lindsey Guice Smith interviewed
19 him on August 5, 2013.

20 Q. And who else was present?

21 A. His attorney, Christine Mumma, as well as two
22 Commission interns.

23 Q. And was that interview recorded and transcribed?

24 A. Yes, it was.

25 Q. And are you using that transcript to refresh your

1 recollection?

2 A. I am.

3 Q. What did you ask Mr. Sledge?

4 A. We began asking him about his escape from White Lake
5 Prison in 1976.

6 Q. Did he say why he escaped?

7 A. He did. He stated that he had a confrontation with
8 another inmate named John Fowler. He stated that that
9 took place, there was an altercation where John Fowler
10 had hit him in the head, and he required medicine for
11 that altercation.

12 Q. Did he ever say anything about escaping to get his car
13 back from somebody?

14 A. He did. He also stated that one of the reasons he
15 escaped was to get his car back, and that's why he went
16 to Fayetteville, because he believed that his car was
17 in Virginia.

18 Q. Did you, were you able to obtain any DPS report that
19 document this altercation that he had with John Fowler?

20 A. We were. John Fowler was in White Lake Prison Camp at
21 the same time for a second degree murder charge. He
22 did, both he and Sledge had an incident on 2/9/1976.
23 According to Sledge they had an altercation, however,
24 the DPS incident, the DPS records do not indicate that
25 they had an incident or any kind of infraction

1 together. John Fowler had a substance infraction on
2 2/9/1976, Sledge had an infraction for unauthorized
3 leave on 2/9/1976.

4 Q. And are there any records that show Fowler being
5 transferred after that?

6 A. John Fowler was transferred out of White Lake Prison on
7 2/18/1976 from Bladen to Columbus, and then he was
8 transferred back on August 31, 1976 from Columbus to
9 Bladen, which is White Lake. Sledge then escaped on
10 September 5, 1976, so approximately six days after
11 Fowler was returned.

12 Q. Okay. Did Mr. Sledge describe his escape?

13 A. He did. He stated that he climbed the fence at White
14 Lake at approximately 2:00 p.m. and waited until dark
15 at 8:00 p.m., and then he walked up the highway, which
16 is 701, toward Elizabethtown, and that he knew that
17 area from having worked on the road crew.

18 Q. Did he say where he was going?

19 A. He stated that he was going toward Elizabethtown and
20 then going to Fayetteville because he used to live
21 there and he was familiar with that area.

22 Q. Did he describe his journey?

23 A. He stated that he stopped at a juke joint halfway, the
24 middle toward Elizabethtown, that he asked for a ride
25 while he was walking, but that no one would give him a

1 ride. He stated he didn't know the people that he
2 asked for a ride. He stated he was wearing prison
3 clothes, but that people would not have known that he
4 was in prison clothing because it was just a green
5 shirt and green pants. And he stayed at the juke joint
6 for approximately five minutes.

7 Q. Did you learn anything during your investigation about
8 there being juke joints or anything like that in that
9 area?

10 A. We do know that there were some along that way, yes.

11 Q. How do you know that?

12 A. From the interviews we conducted.

13 Q. Okay. And what did he say he did next?

14 A. He stated he crossed over a bridge, that he sat down in
15 a graveyard.

16 Q. On the maps that you have seen, would the bridge he
17 described have been before or after his route near the
18 victims' house, before or after he passed the victims'
19 house?

20 A. After.

21 Q. Okay. On the maps that you have seen, as he described
22 his route would he have walked along the road in front
23 of the victims' house?

24 A. He described walking along 701. It runs very close to
25 the victims' home. It connects at 242, which is where

1 the victims lived.

2 Q. Okay. And then the photograph that was put up on the
3 screen earlier, was that a road you could see from the
4 victims' house?

5 A. You could see it past, yeah.

6 Q. What did Sledge say he did next?

7 A. He stated he walked into a neighborhood where he took
8 off his -- where he took clothes off of a, shirt off of
9 a clothesline. He stated that on his way back to
10 Elizabethtown he had taken a woolen shirt out of a
11 man's truck and that he took off his green prison shirt
12 and put it on a tractor-trailer. He then took off the
13 woolen shirt and put a sweater -- took off a sweater
14 from a clothesline and left the woolen shirt somewhere
15 in a neighborhood.

16 Q. The sweater from the clothesline, do you understand
17 that to be the sweater he was wearing when he was
18 arrested in Dillon, South Carolina?

19 A. I do.

20 Q. What else did he say about his clothing?

21 A. At the time of our interview he stated that he had on
22 the same prison pants, and then he later corrected that
23 and said that he took gray pants in Elizabethtown and
24 put them over top of his green prison pants.

25 Q. Okay. And what did he do with the green pants and gray

1 pants?

2 A. He left those in a tree trunk in Fayetteville and he
3 put on a pair of jeans from somebody else's
4 clothing-line.

5 Q. And that gray and green pants, are those the ones you
6 understand officers did locate in Fayetteville?

7 A. Yes. He took them, he took the officers to them and
8 they collected those.

9 Q. Do you know if the shoes that he was wearing, did he
10 say he wore those the entire time?

11 A. He stated the shoes that he had received from another
12 inmate in prison when that inmate was released and that
13 those were the shoes he had when he was arrested.

14 Q. Do you know the inmate? Has he named the inmate he
15 received the shoes from?

16 A. He recently stated in a letter to his attorney that the
17 man he received the shoes from was named William or
18 Billy Dews. The Commission has attempted to locate
19 this person. We found multiple William Dews in the
20 appropriate age range. The people we were able to
21 contact said they were not in White Lake Prison at the
22 time.

23 Q. All right. What did he say next in the interview?

24 A. He said that it was after midnight when he stole a car
25 in Elizabethtown and drove it to Fayetteville.

1 Q. Okay. What time, did he say what time it was when he
2 got to Fayetteville, if he knew?

3 A. He stated it was around 2 o'clock in the morning.

4 Q. What did he say happened when he got to Fayetteville?

5 A. He stated he drove around, that he gave a boy a ride
6 for a few dollars. He didn't know who the boy was.

7 And then he parked his car and slept in it.

8 Q. He parked his stolen car and slept in it?

9 A. Correct.

10 Q. Who else did he say he saw in Fayetteville?

11 A. He went to a friend's home, Lafayette Smith.

12 Q. Can you read that portion of the interview?

13 A. He stated about Lafayette Smith, he was reading the
14 paper when I walked in his house. He was on the couch
15 reading the paper. He said, Joe, I'm reading the
16 paper, Man. Who did you kill? I said, what? He said,
17 they got it in the paper for you to turn yourself in,
18 and said some people got killed down there in Bladen
19 County. And I said, what? He said, yeah, they're
20 looking for you, Man.

21 So, like, I walked out the house. This the
22 same day that the police got in behind me on the -- at
23 the gas pump, that very same day, okay. So like I
24 jumped the fence and got away, yeah.

25 Ms. Stellato, so what did he tell you about

1 the paper that he was reading? What did he tell you
2 from the paper, that they were looking for you?

3 Mr. Sledge, yeah, that it was in the Fayetteville
4 Observer that they wanted investigate me for two
5 killings that occurred down in Bladen County.

6 Ms. Stellato, can you read? At that time
7 could you read? Mr. Sledge, yes.

8 Ms. Stellato, and so at that time what did
9 you do after he told you that? Mr. Sledge, oh, I went
10 and I stopped at the gas pump and bought \$5 worth of
11 gas. And that, when the police pulled up beside me and
12 said get out, and I didn't. I drove off and down a
13 dirt road, pulled in a yard, and jumped a fence and ran
14 ahead. Stayed hid for about 24 hours and then when I
15 figured everyone was done looking and all that in that
16 area, I got up and walked to a trailer park, to a
17 trailer park. It was dark, it was night. Somebody
18 left their keys in a car. It was a Chevrolet Monte
19 Carlo. I took, put in, put it in drive, pushed it
20 around the corner, cranked it up, and pulled out.

21 Q. What did Sledge say he did after he stole the second
22 car?

23 A. He headed south. He picked up a guy at a bus station
24 who paid for gas, and he was pulled over for speeding
25 in Dillon, South Carolina.

1 Q. Where did he say he was headed this time?

2 A. He stated that he was just passing through Dillon on
3 his way to Columbia, South Carolina, that he was going
4 to talk to a man that he had worked for before, and
5 that that man was going to give him some expertise in
6 the legal system.

7 Q. Did you ask about Herman Baker?

8 A. We did, we asked him if he knew Herman Baker.

9 Q. And what did he say?

10 A. He stated that he had seen him previously both in
11 Fayetteville and in prison, but he could not --

12 Q. Did he say he had seen him prior to his trial?

13 A. Yes, he had.

14 Q. Okay. Go ahead.

15 A. He could not recollect if he had ever spoken to him,
16 but he said not to his knowledge. He recognized him
17 when he was testifying him, when Baker was testifying
18 against him. At that time he also said that he did not
19 know Donald Sutton. The first time that he ever
20 recalled seeing Donald Sutton was when Sutton came into
21 the Fayetteville Jail, but he'd never had any
22 conversations with him.

23 Q. So he told you he knew or at recognized, at least,
24 Baker before his testimony?

25 A. Correct.

1 Q. Okay. Did you ask about his interviews with the law
2 enforcement officers?

3 A. Yes, we did. He remembered being interviewed by
4 Phillip Little, and he recalled driving around in a car
5 with Phillip Little. He said that he did not make the
6 statement to Phillip Little about a black man not doing
7 it and a white man doing it.

8 Q. He says he just didn't make that statement at all?

9 A. Correct.

10 Q. Did you ask him about calling women she-devils?

11 A. Yes, we did. He stated he'd been a Muslim since 1978,
12 that he had never referred to women as she-devils or
13 white devils.

14 Q. Did you ask if that was something that sometimes people
15 in his religion said?

16 A. We asked if he knew that black Muslims call women white
17 devils. He stated he did know that, but he had never
18 used the terms, in his words, not directly, no.

19 Q. What else did he say about that?

20 A. He stated, we all got devils, we all got jinns.

21 Q. Okay.

22 MR. SMITH: I didn't understand the last --
23 we all got devils, we all got --

24 A. Jinns, j-I---s.

25 Q. Did he say anything else about that?

1 A. He stated that it was a fabrication, police stating the
2 comments he made about white devils.

3 Q. Did you ask about working road crew?

4 A. He stated that he had worked road crew in the area
5 where the victims lived on 242, but that he had never
6 had contact with the victims. He stated he -- that no
7 one had ever given him a glass of water in the area
8 where the victims lived, that he did see people every
9 day. There was an incident that was described in the
10 police reports where a lady had called about a man
11 crawling around behind her house. He stated that was a
12 fabrication and that it was made up by law enforcement
13 to prove a motive, and it wasn't him.

14 Q. During the original, you said this was from the
15 original investigation. What part is that, is that an
16 interview with somebody?

17 A. It was an interview with Earl McClure. He was the road
18 crew supervisor.

19 Q. And what did Earl McClure say in that interview?

20 A. When he was interviewed originally in the investigation
21 he had stated that he never had Sledge working on the
22 road crew on 242, but he described an incident where
23 Sledge went missing one day and that someone had called
24 in about a man crawling around through the back yard of
25 a woman's home, and that that description fit

1 Mr. Sledge.

2 Q. In that interview with Earl McClure, did Mr. Sledge
3 come back on his own?

4 A. Yes, he did.

5 Q. But Mr. Sledge denies -- that was not him?

6 A. Correct.

7 Q. Did you ask Mr. Sledge about the scratches he had when
8 he was arrested?

9 A. Yes, we did. He said that those were from when he
10 escaped, walking through the woods during his escape.

11 Q. What else did Mr. Sledge say?

12 A. He stated that when he was being transferred to the
13 prison Deputy Rome Martin had told him that they were
14 trying to pin the murders on Sledge because the trail
15 was getting cold.

16 Q. Were you able to interview Deputy Rome Martin?

17 A. He's deceased.

18 Q. Were you able to review Mr. Sledge's DPS records?

19 A. Yes, we reviewed his combined medical records, his
20 combined prison records, probation, parole, substance
21 abuse, and education records.

22 Q. And do the records go back to prior to 1976?

23 A. They do.

24 Q. In those reviews of Mr. Sledge's records what, if
25 anything, did you see throughout him saying about the

1 murder that he's convicted of, the murders?

2 A. He's always maintained his innocence, even prior to the
3 conviction when he was awaiting trial.

4 Q. Did you talk, as part of your investigation did you
5 talk with other people who had talked to Joseph Sledge?

6 A. We did.

7 Q. And who is James Newton?

8 A. James Newton is a man who wrote to the DA's office. He
9 wrote a letter stating that he was incarcerated
10 currently with Joseph Sledge and that he had
11 information about the case.

12 Q. And was this recent, a recent letter?

13 A. It was. It was in 2013.

14 Q. Okay. And how did you get the letter?

15 A. The district attorney's office turned the letter over
16 to the State Bureau of Investigation, and at that time
17 the Commission was also investigating the case, so both
18 agencies interviewed Mr. Newton.

19 Q. Who was present for the interview?

20 A. Myself, Lindsey Smith, and Special Agent Chad Barefoot.

21 Q. And where was the interview at?

22 A. Pamlico Correctional.

23 Q. Was it recorded and transcribed?

24 A. It was.

25 Q. And what did James Newton say?

1 A. He stated that he had been incarcerated with Sledge for
2 five to six years off and on; that he knew Sledge to be
3 a black Muslim and considered him a friend; that he had
4 heard Sledge say, I shouldn't be here, the other man
5 did it; that Sledge said he didn't do stuff like this,
6 that he wouldn't rape a woman, but he has never said
7 one way or the other whether he was present when the
8 crime was committed; that Sledge had told Newton he was
9 trying to get a car and that that was why he escaped
10 prison. Newton said in his opinion if Sledge did not
11 do it, he was present or knew someone who did.

12 Sledge had shown Newton a letter stating that
13 the hairs had been found at the clerk's office and that
14 this would prove he didn't commit the crime. Newton
15 also said that when people escaped prison, they often
16 spread black pepper to throw dogs off of their scent.

17 Q. Okay. Did you interview anybody else?

18 A. We interviewed an inmate named Robert Washington.

19 Q. Why did you interview him?

20 A. He was originally interviewed by law enforcement
21 because he had been in jail with Sledge after Sledge
22 was arrested.

23 MS. MONTGOMERY-BLINN: Commissioners, his
24 original interview, if you'd like to refresh on it, is
25 on page 57 of the brief.

1 Q. Before you interviewed Robert Washington had anybody
2 else interviewed him post conviction?

3 A. He was interviewed by the North Carolina Center on
4 Actual Innocence.

5 Q. Okay. And was that before the case was referred to the
6 Commission?

7 A. Yes. He was interviewed by them on March 20, 2013.

8 Q. And what does their documentation of their interview
9 show was said?

10 A. According to their memo, Washington stated that he
11 remembered Sledge and knew that Sledge was innocent. A
12 quote from their memo is, Sledge said he put black
13 pepper down on the ground when he left prison to throw
14 dogs off the scents and to get dogs off the trail.
15 That he had met Sledge in 1972 to '73 at White Lake.
16 Sledge did talk about she-devils and white devils. If
17 the white devils were killed, the black man would be
18 free. This was part of the teaching of Islam. Sledge
19 would never kill anyone, but was just spreading the
20 teachings.

21 Q. What does the Center on Actual Innocence's file show
22 they did after the Washington interview?

23 A. After that the Center wrote to Sledge and they asked
24 several questions. In there, quote, we interviewed
25 Robert Washington recently. He strongly believes in

1 your innocence, but he remembers you telling him you
2 used black pepper to throw off your scent from the
3 dogs. Do you remember that? You've told me that
4 you've never talked about she-devils and white devils.
5 Are you sure about that, Joseph?

6 Q. And did he respond?

7 A. He did. He wrote back and said, quote, I don't know
8 Robert Washington. If I did, I wouldn't be telling
9 tales like that. The first time I heard that statement
10 was when Baker was telling the jury his testimony about
11 the pepper can. Who on God's earth thought of that
12 one, pray tell me.

13 Q. And did anything else happen in the Center's
14 investigation related to Robert Washington?

15 A. After that, Washington then wrote directly to the
16 Center. His letter was very confusing and we couldn't
17 tell what he was trying to say. But at the end of the
18 letter he wrote, quote, find out when and where the
19 black pepper came from and you will have the case
20 solved.

21 Q. Okay. Once you received this file did you follow up
22 with Robert Washington?

23 A. We did. We interviewed him at Albemarle Correction,
24 myself and Lindsey Smith.

25 Q. And was that interview recorded and transcribed?

1 A. It was.

2 Q. Did you ask Mr. Washington to explain that letter?

3 A. We did.

4 Q. And what did he say?

5 A. He said he was trying to say that he didn't think that
6 Joseph Sledge was guilty, but that he wouldn't tell us
7 if he did.

8 Q. What else did he say?

9 A. He stated that Sledge did talk about she-devils and
10 white devils as part of politics, but not religion;
11 that Sledge thought white people were blue-eyed devils.

12 Q. Go ahead.

13 A. He repeatedly said that Sledge never confessed, and
14 that he believed Sledge did not commit the murders. He
15 said that Sledge took the pepper to get the dogs off
16 his trail, and he felt that Sledge would have told him
17 if he had murdered the women.

18 Q. Did you review Robert Washington's incarceration
19 records?

20 A. We did.

21 Q. And what did you learn?

22 A. That he was on escape at the time of the murders.

23 Q. He was on escape in Bladen County?

24 A. From White Lake, yes, ma'am.

25 Q. Did you ask Robert Washington to provide a DNA sample?

1 A. Yes, we did.

2 Q. And did he?

3 A. He did.

4 Q. Okay. And what were the results?

5 A. He is excluded from the hairs, and there were no
6 matches to him from the other DNA. Some of the DNA
7 comparisons could not be determined, but the expert
8 that testified yesterday explained that.

9 Q. All right. And have you -- has the Commission staff
10 compiled, I think there was a question about DPS
11 records for Mr. Sledge?

12 A. We have.

13 Q. Okay. Is this a document created by the Commission
14 staff after review of the DPS records?

15 A. Yes, ma'am.

16 MS. MONTGOMERY-BLINN: Okay, I'm going to
17 send that around, all of Mr. Sledge's criminal record.

18 (Mr. Sledge's criminal record is
19 distributed.)

20 MS. MONTGOMERY-BLINN: While that's coming
21 around, commissioners, do you have any questions for
22 Ms. Stellato?

24 EXAMINATION BY JUDGE SUMNER

25 Q. Did Washington say how he knew Sledge originally?

1 A. Yes, sir. (Ms. Stellato examines documents.) They
2 were incarcerated together at White Lake for
3 approximately six months.

4

5 EXAMINATION BY MS. SANDS BELLE

6 Q. After he escaped he went to Fayetteville. He then
7 stole a car and drove back to Elizabethtown?

8 A. No, ma'am. When he escaped he walked up -- White Lake
9 is right next to Elizabethtown, so he walked to
10 Elizabethtown, stole a car, drove to Fayetteville.
11 Then when an officer chased him, he left that car, then
12 he stole another car in Fayetteville and went to
13 Dillon, South Carolina and was apprehended.

14 Q. Okay. So it was White Lake was in between there.

15 A. He escaped from White Lake, went to Elizabethtown.

16 Q. After he left prison, yeah.

17 A. Uh-huh (yes). Then went to Fayetteville, then was
18 apprehended in Dillon, South Carolina.

19

20 FURTHER EXAMINATION BY MS. MONTGOMERY-BLINN

21 Q. Ms. Stellato, do you have something else to add?

22 A. Something from the Robert Washington testimony.

23 Q. From the interview of Robert Washington?

24 A. Yes.

25 Q. Okay. Go ahead.

1 A. I think they're reading the DPS records.

2 Q. All right. When they're done, if you will read that
3 portion of your interview.

4 (Commissioners continue to examine document.)

5 Q. Ms. Stellato, will you read that from your transcript
6 of the Robert Washington interview?

7 A. Robert Washington stated, I think, I don't know how I
8 got the idea that he told me that he met those two
9 ladies and that they helped him. I don't understand
10 that. He said that they helped him. I think he said
11 he got some black pepper and put it on the trail of the
12 dogs. He said it was a lie, I think. I don't
13 understand how that part got in there. The ladies, he
14 didn't kill the ladies, I know that. He said that.
15 The ladies did something to help him and he left.

16 I ask, so you remember him saying that the
17 ladies, that he knew them? He answers, uh-huh; yes, he
18 did. He went to their house. I'm thinking they said
19 he went to their house and they helped him. I forgot
20 what he said they gave him and stuff. He said they
21 helped him. And he got some black pepper and something
22 to try to get the dogs off his trail, yeah.

23 I say, okay, when you're talking about the
24 black pepper and the ladies, can you clarify for me,
25 did he say that the ladies -- did he say the black

1 pepper came from the ladies? He answers, I think he
2 did say it came from their house.

3 I ask, did he ever -- so did he tell you that
4 he hurt the ladies? Did he never tell you that he hurt
5 the ladies? He answers, right.

6 I ask, okay, did he say black pepper, that he
7 put black pepper there to throw the dogs off? Yes, off
8 his trail.

9 So he told you, I ask, so he told you that he
10 escaped. When he told you he escaped, did he go to
11 these ladies' home? He answers, yes, some kind of
12 house. I think he said he wound up there.

13 I ask, but he didn't hurt them? Right.

14 MS. MONTGOMERY-BLINN: Commissioner
15 questions?

16

17 EXAMINATION BY MR. VICKORY

18 Q. I might have missed this. Was Washington out on escape
19 at the same time that Mr. Sledge was, too?

20 A. Yes, he was.

21 Q. They didn't leave at the same time, though?

22 A. No, they didn't. He escaped -- one moment.

23 (Ms. Stellato examines documents.) Mr. Washington had
24 escaped from White Lake on October 26, 1975. He was
25 captured on September 24, 1976.

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EXAMINATION BY JUDGE SUMNER

Q. Did you ask him where he was on or about September 6?

A. Yes, I did.

Q. What did he say?

A. During his escape, shortly after he stated he had gone to Virginia for the first month of his escape, then he had returned to Fayetteville for the remaining year. And then, as we stated, we collected a DNA swab from him and had it compared against the DNA from the crime scene.

MR. SMITH: May I ask a question?

JUDGE SUMNER: Certainly.

FURTHER EXAMINATION BY MR. SMITH

Q. Did he say, I don't know how I remember this, I don't know why I'm remembering this, but it seems to me that I am recalling; is that the way he put it?

A. Yes, sir. We can provide a transcript and also copies of the letters that he wrote. We tried several times during the interview to clarify. He repeatedly was saying, I don't know, I'm not sure, I can't remember what I know or how I know it. What he was stating is, to summarize, that he recalled Sledge saying the women were kind and good to him, that Sledge had gone to their home, and that they had given him something, he

1 believed it was black pepper. He didn't know.

2 MR. SMITH: One other question.

3 JUDGE SUMNER: Yes, sir.

4 Q. There isn't any evidence in the file that Washington's
5 prints, any of his prints were found in that house, and
6 there's no evidence that Washington was ever in the
7 house, is there?

8 A. Washington's prints were not compared to the prints,
9 that I know of, to the prints at the crime scene, nor
10 were, I mean, many of the people who had escaped from
11 prison during that time period. So I don't think I
12 could say that other than to tell you about the DNA.
13 And I'm sorry, what was the next part of your question?

14 Q. That's it.

15 A. Okay.

16 Q. Thank you.

17

18 FURTHER EXAMINATION BY MS. MONTGOMERY-BLINN

19 Q. But Ms. Stellato, you compared, you swabbed Robert
20 Washington and had his DNA compared to the hairs and
21 the male DNA from the crime scene?

22 A. Correct. And Washington, what we know of -- I mean,
23 all we know is where he states he was and where he was
24 apprehended, which was Fayetteville.

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FURTHER EXAMINATION BY MR. VICKORY

Q. Washington was also in AFIS, obviously. Didn't they say they uploaded some prints in AFIS and he didn't --

A. They uploaded two, two of the prints from the crime scene into AFIS.

EXAMINATION BY SHERIFF DUNCAN

Q. They were the only two of quality to upload?

A. Correct.

FURTHER BY JUDGE SUMNER

Q. Out of 97, is that correct?

A. Out of, right, out of the 97. I mean, out of the 14 at -- correct.

FURTHER EXAMINATION BY MR. SMITH

Q. I may have missed this, but does Sledge say he knew Washington?

A. Sledge does not, does not say in a letter to the Center that he knew Washington, no, sir.

Q. So does Washington say he knew Sledge?

A. Correct. Washington was originally interviewed by law enforcement as having been incarcerated with Sledge at the Cumberland County Jail.

Q. Right.

1 A. And since that time his statements have changed.

2

3

EXAMINATION BY MS. SURGEON

4 Q. What was his original statement?

5 A. His original statement is on page -- Kendra?

6

MR. HEARD: 57.

7

MS. MONTGOMERY-BLINN: 57 of the brief.

8

9

FURTHER EXAMINATION BY SHERIFF DUNCAN

10 Q. I do have a question, and I don't know if you were
11 going to get around to it or it came up, but going
12 through the media coverage there's an article that
13 says, Sledge Charged in Armed Theft, and the article
14 was dated September 11, 1976. And it gives an account
15 of him robbing a man by the name of, Stone, I believe
16 it is, Johnny Ray Stone of \$400 during the holdup on
17 Interstate 95 on a Tuesday. Did you discover anything
18 about that? I notice it's not in his criminal history.

19 A. Well, we, the only thing we know about that is from the
20 media coverage.

21 Q. There is no record of that?

22 A. No, we weren't able -- I believe what we can do - we
23 weren't -- the time line gets fuzzy after his escape,
24 and the charges, or the crimes after his escape because
25 of what -- because they're pulling him back to Bladen

1 County, right? So what he does on escape, nothing ever
2 comes of it, no charges ever really come of it. We're
3 not sure what happens. We did pull his criminal
4 history and I can have Ms. Riney look at that on break
5 and tell you if there were any convictions from that.
6 I don't believe there were.

7 MS. SANDS BELLE: (Inaudible) -- this?

8 MR. HEARD: Well, there's a larceny over
9 \$200 that's on here, third from the bottom. Is that
10 what you're talking about?

11 MS. SANDS BELLE: Oh, I see it.

12

13 FURTHER EXAMINATION BY MS. MONTGOMERY-BLINN

14 Q. Well, was he also charged with the auto thefts,
15 Ms. Stellato?

16 A. He was.

17 RETIRED SHERIFF PICKENS: There's one charge
18 of auto theft.

19 MS. MONTGOMERY-BLINN: So these are only the
20 convictions that we passed around, commissioners, but
21 we can check and see if there is a charge that was
22 later dismissed. We just can't remember right now, but
23 we'll go through the file.

24 A. We'll check on break and get it back to you.

25 JUDGE SUMNER: Any other questions?

1 (No response.)

2 MS. MONTGOMERY-BLINN: Okay.

3 MR. VICKORY: I do have a question about the
4 medical records.

5 MS. MONTGOMERY-BLINN: Go ahead.

6

7 FURTHER EXAMINATION BY MR. VICKORY

8 Q. There's a reference to the, I guess it's on the second
9 page, the May 24, '95. Are these self-reported or do
10 you know, Ms. Stellato? I'm not sure of the --

11 A. I do know.

12 Q. It says in quotations, 2017, possessed by evil spirits.
13 Is that a, is he referencing another inmate? Or I
14 don't know what 20 --

15 A. I can pull that page. I'm not sure if that, if he --
16 if those words are his or the actual report. I
17 believe those are his, but let me pull that page and
18 look at it and I'll answer that.

19 MR. SMITH: I have one other question.

20

21 FURTHER EXAMINATION BY MR. SMITH

22 Q. On that same page, please, above that, the April 19,
23 1982, Joseph Sledge is a retarded black male. That
24 seems inconsistent with anything else we've seen.

25 A. That is the only mention in the entire file, the use of

1 that word or --

2 Q. Of retardation?

3 A. Uh-huh (yes).

4 Q. Okay.

5 A. Because that's obviously what we look for in the
6 records. That's the only use of that word, the only
7 reference to it at all. And it is inconsistent with
8 the rest of the records.

9

10 FURTHER EXAMINATION BY MR. VICKORY

11 Q. And before that they made reference to him being
12 manipulative of personnel to get things he wanted.

13 A. What we've learned from these records, too, is just
14 like everything, you know, over 40 years different
15 people write different things, and that's why we
16 usually put them in quotes. That's just what they
17 wrote. As far as scores and things like that, we just
18 haven't seen it, other than that reference.

19 JUDGE SUMNER: Certain writers have a
20 pattern, is that what you're saying?

21 A. Sometimes.

22

23 FURTHER EXAMINATION BY MS. SANDS BELLE

24 Q. I notice the sexual offenders risk factor summary, it
25 said that it suggested that there was some level of

1 risk in dealing with this man.

2 A. I think they're saying -- so at the bottom of page 1,
3 is that where you're reading, and the top of the next
4 page?

5 Q. Uh-huh (yes). (Inaudible).

6 A. I think what they're saying there is they're just
7 looking at, at the crime he was convicted of, and
8 they're looking at what he was convicted of versus
9 letting him out, and they're talking about, you know,
10 what would he do on the outside. I can pull that as
11 well. But that has, I believe that has more to do with
12 what the crime is than anything that he's told them,
13 but I'll make sure.

14 MS. SURGEON: I have a question.

15

16 FURTHER EXAMINATION BY MS. SURGEON

17 Q. In your search were you able to find any records of
18 actual testing, IQ testing or any kind of mental
19 testing?

20 A. Yes, ma'am. That's on the front page right there in
21 the middle. The only reference to it are the four
22 scores.

23 MR. VICKORY: 98.

24 MS. SANDS BELLE: Which would be around the
25 time they said he was mentally retarded.

1 A. Well, it's from 1977, there's a '97, so it's over the
2 20-year period.

3 Q. Okay.

4 MS. SANDS BELLE: I -- inaudible -- they
5 said 82.

6 A. Two right in the middle, yes, ma'am.

7

8 FURTHER EXAMINATION BY MS. MONTGOMERY-BLINN

9 Q. I'm just going to hand a document up from the DPS files
10 to Ms. Stellato and ask if that was the original --
11 (inaudible) -- one of the questions the commissioners
12 had?

13 A. (Ms. Stellato examines document.) It is. This is an
14 answer to the question about adult male report sheet
15 states possessed by evil spirits, strange or peculiar
16 experiences, and worry over sex matters. Apparently
17 these are codes. And we can make, I'm sure, a copy of
18 that and pass it around, but those are codes for
19 possessed by evil spirits, strange or peculiar
20 experience, and worry over sex matters.

21 Q. So is that literally all that it says? It's not a
22 narrative that that's taken from?

23 A. Correct.

24 Q. It's literally bullet points of those three things?

25 A. Yes. And it would probably help to make a copy for the

1 commissioners and pass it around.

2 Q. Okay.

3

4 FURTHER EXAMINATION BY RETIRED SHERIFF PICKENS

5 Q. Does that quote have to do with an assessment?

6 A. It appears that way.

7 Q. But we don't know by whom it was done, the assessment?

8 A. I can look at the pages before and after.

9 (Ms. Stellato examines document.)

10 MS. MONTGOMERY-BLINN: I'm just going to hand
11 up volume two of the DPS record.

12 A. (Ms. Stellato continues to examine record.) Yes,
13 ma'am, it's an assessment.

14 MS. MONTGOMERY-BLINN: That should be back in
15 to hand out in just a second. In the meantime, are
16 there any more questions for Ms. Stellato?

17 SHERIFF DUNCAN: It seems like there was
18 something in the brief about somebody making a
19 statement about him spending the money, he'd spent the
20 money from a holdup or robbery or something. There's
21 something in the brief that makes reference to that,
22 some statement.

23 RETIRED SHERIFF PICKENS: Or was it a winning
24 that he had gotten?

25 MR. HEARD: Yes, he went to Florida with the

1 money he won in New York. But also, he supposedly sold
2 two women's purses and used that money for something as
3 well. There's a reference to that as well.

4 RETIRED SHERIFF PICKENS: Yeah, there's two
5 references to that. (Inaudible).

6 JUDGE SUMNER: Sheriff Pickens, you need to
7 keep your voice up for the court reporter.

8 RETIRED SHERIFF PICKENS: Oh, I'm sorry; I'm
9 sorry. We were talking about the money referenced, and
10 I think there was two. One was about some winnings in
11 New York way before this incident, and that he had
12 bought a car and went to Florida, and then he came back
13 to North Carolina. And then another reference was what
14 Mr. Heard said about selling the pocketbooks.

15 MS. MONTGOMERY-BLINN: Bear with us. We
16 know it's in here, we're just looking. (Examines
17 documents.)

18

19 FURTHER EXAMINATION BY MS. MONTGOMERY-BLINN

20 Q. I'm going to hand up some records to Ms. Stellato and
21 see if that answers Sheriff Duncan's question about
22 whether or not he was charged formally.

23 A. The armed robbery that you referenced in the newspaper
24 article was dismissed on February 14, 1977.

25 MS. MONTGOMERY-BLINN: And Ms. Smith just

1 found 54, page 54 in the brief under Thomas Hart. He
2 later saw Sledge in a Fayetteville jail and Sledge said
3 he blew the money he got from the holdup in
4 Fayetteville. Is that what you were referencing?

5 SHERIFF DUNCAN: That's what I was
6 referencing.

7

8 FURTHER EXAMINATION BY SHERIFF DUNCAN

9 Q. In my documentation about the armed robbery it would be
10 important for me to know if that was an armed robbery
11 with a knife or -- but no documentation at this point?

12 A. No, sir.

13 Q. Okay. But if I'm reading that right, that would have
14 been Tuesday, it says on Tuesday, but it doesn't give a
15 date in the article, but the article is dated
16 September 11, so that would have been Tuesday the 7th,
17 I believe, September 7, if I'm reading the timeline
18 correctly.

19 MS. MONTGOMERY-BLINN: The bodies were found
20 on Monday.

21 Q. Yes.

22 MS. MONTGOMERY-BLINN: Okay, I'll ask that
23 Ms. Stellato step down and I'll call Mr. Sledge.

24 (Ms. Stellato steps down from the witness
25 stand.)

1 Joseph Sledge, having first been sworn,
2 testified as follows:

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EXAMINATION BY MS. MONTGOMERY-BLINN

Q. Mr. Sledge, will you please state your name for the record?

A. Joseph Sledge.

Q. I may need you to speak as loudly and as clearly as you possibly can.

A. I will.

Q. How old are you, Mr. Sledge?

A. 70.

Q. I'm going to ask you some questions. They may be questions you've been asked before, but I need you to answer them again and I need you to tell the truth. If you do not remember or you do not know, please tell us that. Please do not try to tell us what you think we want to hear. Do you understand?

A. I understand.

Q. What are you in prison for?

A. Two counts of second degree murder.

Q. Did you kill Josephine and Aileen Davis?

A. No, I did not.

Q. Did you watch anybody kill two women?

A. No, I did not.

1 Q. Were you involved in any way in killing two women?

2 A. No, I did not.

3 Q. Have you ever killed anyone?

4 A. No, ma'am.

5 Q. Do you know who killed Josephine and Aileen Davis?

6 A. No, I do not.

7 Q. Have you escaped from prison before?

8 A. Yes, I have.

9 Q. All right. Can you tell me about when you escaped in
10 1967 as a youthful offender, where did you escape from?

11 A. No, that wasn't me.

12 Q. I'm sorry?

13 A. Not Joseph Sledge, it wasn't.

14 Q. That was not you?

15 A. No, ma'am.

16 Q. Did you escape in 1971 from White Lake and go to New
17 York?

18 A. Yes, I did.

19 Q. Why did you escape in 1971?

20 A. In '71 you said?

21 Q. Uh-huh (yes).

22 A. Well, I think that was one of my first times in prison.
23 I couldn't adjust to prison, prison life at that time,
24 so I just jumped the fence one day at, I think it was
25 at McCain Prison.

1 Q. You think that was at McCain?

2 A. Yes, ma'am.

3 Q. And was that in 1971?

4 A. Yes.

5 Q. And did you go to New York?

6 A. Yes, I did.

7 Q. Did you escape on April 22, 1973 from Hoke
8 Correctional?

9 A. I did.

10 Q. Why did you escape then?

11 A. Same circumstances, couldn't, couldn't get, get, get
12 along in prison.

13 Q. Why couldn't you get along?

14 A. Financial circumstances.

15 Q. What do you mean?

16 A. Just, just poverty. Wasn't getting no, no help from
17 the outside world, so I just -- but it was a small, it
18 was a small amount of time that I was doing. I think
19 it was the same four years, on that same sentence, I
20 think.

21 Q. Did you escape again that year on September 26, 1973
22 from White Lake?

23 A. '73? I'm trying to recollect was it White Lake or not
24 in '73.

25 Q. Well, I see three escapes in 1973, one in the spring

1 from Hoke, one in the fall from White Lake, and one a
2 couple days later from, it says Bladen. I don't know
3 if that was White Lake as well. Does that sound right,
4 three times in 1973?

5 A. (Witness does not respond.)

6 Q. This is from your DPS records. Does that sound
7 accurate?

8 A. I don't think so. Let me see; let me see. Oh, I think
9 I was, I escaped and was apprehended right after,
10 shortly afterwards. I think it was '73. Yes, it was.

11 Q. So you escaped and were apprehended three times?

12 A. Yes, ma'am.

13 Q. Okay. How about in 1974, did you escape from New York
14 and go to Florida?

15 A. '74? See, I think I stayed gone for about a year, from
16 '73 to '74. I did.

17 Q. Okay. Did you escape from a prison in New York?

18 A. No, no, no. No, no.

19 Q. Did you tell that to your attorney?

20 A. I escaped from -- it was I escaped from Carolina and
21 stayed gone a year. I was apprehended in New York in
22 1974.

23 Q. Apprehended in New York?

24 A. It was November '74.

25 Q. All right. How about February of 1976, did you escape

1 again in February of that year?

2 A. No, ma'am.

3 Q. If DPS records say you escaped from Bladen, would that
4 be White Lake?

5 A. September 1976?

6 Q. February of 1976.

7 A. No, it wasn't.

8 Q. That's incorrect in your DPS record?

9 A. It's incorrect.

10 Q. Did you escape that same year, 1976, from Wagram
11 Correctional?

12 A. Say again.

13 Q. Wagram Correctional.

14 A. No, I didn't.

15 Q. No?

16 A. No, ma'am. I was transferred from Wagram to White
17 Lake.

18 Q. Okay.

19 A. They changed Wagram to a, a, a felony unit, so they got
20 all the misdemeanors from Wagram to White Lake.

21 Q. So if your DPS record says that's an escape, the
22 records are inaccurate?

23 A. Yes, it's inaccurate.

24 Q. September 5, 1976, did you escape from White Lake?

25 A. Yes, I did.

1 Q. Is that the last time you escaped?

2 A. It's the last time I escaped.

3 Q. Why did you escape on that day?

4 A. Well, in actuality I had a confrontation with an
5 inmate, and they, they busted him back to brown
6 clothes. And about some months later they put him on
7 the same unit, so I felt it safer for me to just go on
8 and leave.

9 Q. What was that inmate's name?

10 A. John Fowler.

11 Q. Why did you feel it was safer for you to go on?

12 A. Because he was, he was, he was a violent offender.

13 Q. He was a violent offender?

14 A. Yes.

15 Q. Did he say he was going to hurt you?

16 A. No, I wasn't going to wait around and find out.
17 Because I figured though that they violated a rule when
18 they put him in the prison after a confrontation. So
19 when they bust him back to brown, I figure though that
20 he probably want some -- has some, some, some, some
21 state of mind that he probably wanted retaliate.

22 Q. What was the confrontation?

23 A. We was on a road squad one day working on a road squad,
24 and he push out -- oh, he pull out a -- he picked up
25 the bush axe. I ran off the squad and I ran down the

1 road for about a couple of miles. And the prison,
2 prison guard was on his way to work that day stopped,
3 and gave me a ride, carried me back to the prison camp
4 and asked me what had happened. They put me in the
5 cell and I was -- nurse gave me medication. And they
6 put, kept me on lockup. And then after this, they --
7 when the, when the gang came in that day, they, they
8 contained John Fowler, put him in lockup. And about,
9 I'd say about a week later they sent him down to Bill
10 Mahoney's, White Bill, to a brown clothes unit. And
11 sometime later they put him back on the unit, I jumped
12 the fence.

13 Q. You said he picked up a bush axe, is that what --

14 A. Yes, ma'am; yes.

15 Q. Why did he do that?

16 A. It was a threat.

17 Q. Why was he threatening you?

18 A. I don't know. I really, I think maybe at that time,
19 you know, you do, you know, you young punks, you this,
20 all that, all that and everything, all that. But I
21 just, I just went on about my business when that, when
22 that --

23 Q. And you said they brought you back and put you on
24 medication. Were you hurt?

25 A. Hit, she said I got hit upside the head.

1 Q. With the bush axe?

2 A. No, with his fist.

3 Q. So you were having a physical altercation and then he
4 picked up the bush axe?

5 A. Yes, ma'am. That's when I ran.

6 Q. Okay. What about your car, were you trying to get your
7 car back from Joe Lewis?

8 A. Well, this, this was, this was, this was in 1976. This
9 was sometime after I escaped.

10 Q. That you were trying to get your car back?

11 A. Yes, ma'am.

12 Q. A different escape or --

13 A. No. See, when I ran from the, from the, from the work
14 site, the prison guard was on his way to work. He
15 carried me back to the prison. And then September 5,
16 that's when I escaped. And when I escaped that, that's
17 when Ms. Aileen Davis and Josephine Davis was murdered.
18 And that's when I went to Fayetteville and found out
19 that these people had been killed. And this when I
20 made my attempt to go to Columbia, South Carolina. And
21 then on my way down there, that's when I was
22 apprehended.

23 Q. But were you never trying to get your car back from Joe
24 Lewis? That was not part of your escape?

25 A. Well, no, when, when, when, when I found out that

1 Ms., Ms., that the Davis women had been murdered, a guy
2 said, the, the law is looking for you, Man, they want
3 you to turn yourself in for to be questioned about a
4 murder that occurred in Bladen County. I say, oh, my
5 goodness, what happened? So, so like, so like, the car
6 I had taken from, from Bladen County, I drove it to
7 Fayetteville. And that's the next day, that Monday --
8 I escaped that Sunday and stole that car and, and, and,
9 and went to Fayetteville. And the, and the next day a
10 guy said that it was in the paper for me to turn myself
11 in.

12 So I was intending to go to Columbia, South
13 Carolina and, and talk to a man that, that was director
14 of a school down there where I was working with, an old
15 fellow by the name of Mr. Ralph Grimsby. I was going
16 down there, talk with him because I knew this was a
17 serious situation, you know, because it was, it was
18 beyond of what I, what I expected or anything like this
19 that ever happen, you know. And that's, that kind of
20 put me in another -- my mind set was kind of vague
21 then.

22 Q. Okay. But I'm trying to ask you -- before we even get
23 there, before you even find out about the murder, I've
24 heard, I've read different reports that you said you
25 were escaping to get away from John Fowler --

1 A. Right.

2 Q. -- or that you were escaping to get your car from Joe
3 Lewis, or you were escaping to eat grapes. Which one?
4 Why were you escaping?

5 A. That -- no, but see, listen. See, see, when I jumped
6 that fence that day and looked -- well, it was, you
7 know, it was a fruit lying behind the unit. So like
8 when I got over the fence, there wasn't no grapes on
9 the vines. So what I decide to do is go on and leave
10 the unit because of that incident with Fowler. I
11 waited till it got dark. I walked all the way to
12 Elizabethtown. A lady left her keys in the car. I
13 took the, took the -- pushed the car down the street,
14 cranked it up, and drove it to Fayetteville.

15 When I got to Fayetteville I stopped at I-95
16 truck stop. I asked this woman where, where a
17 particular, a guy I was looking for. She told me he
18 was incarcerated. So she was my alibi for this
19 incident after I find out about this because she knew
20 where I was at the time Ms. Davis and them was
21 supposedly had been murdered. But she somehow or
22 another -- during the initial investigation I got
23 sidetracked. Because she would have been a witness in
24 this case and know my whereabouts when this crime
25 supposedly been happening.

1 So when I found out through a guy named
2 Lafayette Smith that, that they were looking for me for
3 a murder in Bladen County, that's when I decided to go
4 to Columbia instead of going to Virginia to try to find
5 my automobile. Because I know that Mr., Mr. Grimsby
6 was man of a position that could help me out in this
7 matter.

8 Q. All right. When you did escape, when you jumped the
9 fence, take us, first off, where did you go right away?
10 Where did you go at first?

11 A. On the side of the unit by the, by the construction
12 yard. It's a construction yard right next to the unit.
13 I sat down, waited till it gotten dark.

14 Q. How long do you think that was?

15 A. About from, from about 3:00 to about 8 o'clock, 8:30.

16 Q. Okay.

17 A. Then I walked all the way to Elizabethtown.

18 Q. While you were waiting there, at any point during your
19 escape did you hear dogs or people looking for you?

20 A. No, ma'am.

21 Q. You said you walked. Tell us the road you walked on.

22 A. I walked, I walked 701 highway. On my way up -- this
23 would have been another alibi for me. Two people was,
24 a couple of people was in this juke joint dancing, but
25 I was still in green clothes. And while they were in

1 there dancing and stuff, I asked this guy were they
2 going Elizabethtown anytime soon. They said, no, not
3 right away. Should have waited around, but I was in
4 them green clothes, I didn't wait. So I walking all
5 the way to the city, crossed the bridge on my feet.
6 And, and, and, and, and, and, and walk, walking through
7 the neighborhood I looked in this automobile and I saw
8 those keys in that car, and I drove it to Fayetteville.

9 Q. You said you walked down 701?

10 A. All the way.

11 Q. Did you know this area from road crew?

12 A. That's right.

13 Q. You'd worked this road?

14 A. That's right.

15 Q. Okay. How about the road, 242?

16 A. No, I went straight on up, straight up 701.

17 Q. Did you know the road 242?

18 A. No, ma'am.

19 Q. You did not?

20 A. I tell you this, though, if, if people are honest about
21 this, I know the animals, those hound dogs or whatever
22 they were that was, that they supposed to been using
23 for, for, for smell and all that, they follow that
24 trail all the way up to 701. If anybody is straight up
25 honest about this case, those animals follow that trail

1 all the way up 701, I know that to be a fact.

2 Q. How do you know that?

3 A. Because they said it.

4 Q. Who said it?

5 A. Some people I had met since I been in the system.

6 Q. Other inmates?

7 A. Yes, ma'am. Yeah, people knew; people knew. People
8 tell -- since the 40 years I been in this prison system
9 peoples been telling me about this case and about what
10 they had known and what they had found out, telling me
11 about they made me a scapegoat and all this and
12 everything. They knew.

13 Q. So other inmates told you that even though you didn't
14 hear dogs, they did follow you?

15 A. Yes.

16 Q. But either way, you admit you walked 701?

17 A. I walked all the way straight up 701.

18 Q. Okay. Do you remember telling this lady sitting next
19 to me that you did walk 242 as well?

20 A. This dog -- no, I was --

21 Q. Or worked, did you work on 242?

22 A. There you go, I worked that, that, that, that, that
23 particular neighborhood, but the, the, the SBI reports
24 say otherwise. SBI report said that the road crew
25 officer said that he didn't work that area, and I know,

1 I know he did.

2 Q. You did work highway 242?

3 A. Yes, ma'am, we did. Not I did, me, us.

4 Q. The road crew?

5 A. Yes, ma'am.

6 Q. All right. When you escaped what were you wearing?

7 A. Prison clothes, Converse sneakers, green shirt, green
8 pants, white boxer short, and white socks.

9 Q. All right. When did you first change to something
10 different?

11 A. When I crossed, when I crossed the Cape Fear River
12 bridge. I took a man's gray pants off, off his carport
13 and put those on. I took a sweater off, off 701
14 highway and took that green shirt off. Coming up 701 I
15 took that shirt off and put it -- it was, it was a, it
16 was a sweater shirt, that's what it was. I put that
17 sweater shirt on and stuck that green shirt down the
18 side of a hood.

19 Q. Side of a what?

20 A. Of a rig.

21 Q. A rig?

22 A. Yes. And then when I got, when I got, when I got in
23 Elizabethtown I took a, put a pair of gray pants over
24 the green pants I had on.

25 Q. Gray pants over your green prison --

1 A. That's right. And --

2 Q. Was there a woolen shirt somewhere in between that you
3 got?

4 A. That's the woolen was on.

5 Q. That's the sweater shirt?

6 A. That's the sweater shirt.

7 Q. From the rig?

8 A. From the rig.

9 Q. All right. Did you ever change again?

10 A. Yeah, I changed, I changed clothes and took the green
11 pants and the gray pants and the shirt and put on a
12 pair, put on a pair of, pair of dungarees. Somebody
13 had dungarees on the line, put the dungarees on and
14 stuck the, stuck the pants, the green pants and the
15 green shirt down the bark of a tree.

16 Q. Okay. And did you ever change clothes again?

17 A. No, I didn't.

18 Q. What about your -- what did you say, did you get a blue
19 and white sweater?

20 A. Yeah, it was on a line.

21 Q. Where was that, was that Fayetteville?

22 A. That -- no, that line was in, in Elizabethtown.

23 Q. And was this now what you've described having the blue
24 and white sweater, the dungarees, is that what you were
25 wearing when you were arrested in Dillon, South

1 Carolina?

2 A. That's what I was wearing.

3 Q. And what about your shoes?

4 A. Same shoes.

5 Q. Same shoes from prison?

6 A. Yes, ma'am.

7 Q. Were you wearing a hat?

8 A. I think that hat belonged to somebody that own the car.

9 Q. So you remember wearing a hat?

10 A. No, I wasn't wearing it; I wasn't wearing it; I wasn't
11 wearing it. It was in the car, though, and they
12 probably took it in as evidence, think it was mine.

13 Q. Okay. Do you remember, were you wearing a t-shirt with
14 a picture of a car on the front?

15 A. No; no.

16 Q. You weren't wearing a t-shirt underneath the sweater?

17 A. No, ma'am. No, ma'am.

18 Q. How about your underwear, did you ever change that?

19 A. The same underwear and the same t-shirt.

20 Q. Do you know how blood got on some of these clothing,
21 some of --

22 A. Walking through the woods. That was the green pants I
23 had on. I got scratched, you know. You know you get
24 scratched from the twigs and stuff.

25 Q. You said you stole a car in Elizabethtown?

1 A. Correct.

2 Q. Where did you drive?

3 A. Fayetteville.

4 Q. And you said when you were in Fayetteville you saw --
5 who did you say you saw?

6 A. When I was in Fayetteville I saw, I saw Lafayette
7 Smith. He told me that they heard it in Fayetteville
8 that two women was killed down there in Bladen County
9 and they looking for me; that what he said. He said,
10 they looking for you. So, so like, so like, that was
11 it.

12 Q. If Lafayette Smith said you were selling ladies
13 handbags, is that true?

14 A. Ladies handbags? Let's see, was that then? No, that
15 wasn't then.

16 Q. That wasn't then?

17 A. No.

18 Q. When was that?

19 A. That was when I come to prison. That what I come to
20 prison for.

21 Q. Well, when was that?

22 A. In '70.

23 Q. In 1970 you were selling ladies handbags?

24 A. Yes. That's the, that was the theft charge I had on
25 me.

1 Q. Okay.

2 A. Receiving stolen goods.

3 Q. So you didn't have any ladies handbags, you didn't get
4 any ladies handbags or steal them from a store or
5 anything after your escape?

6 A. Not that I know, no, ma'am.

7 Q. When you were in Fayetteville did you hold anybody up?

8 A. No, I didn't.

9 Q. The day after your escape?

10 A. No.

11 Q. You got charged with armed robbery.

12 A. No, that -- well, this is a case that was mistaken
13 identity. This guy said that he, somebody robbed him
14 on a rest area on I-95. The lawyer asked the man how
15 tall was the guy that robbed him, he said about his
16 height, about six feet. The man said no more, no
17 further question. I was sitting behind, on behind a
18 table like this. So that case was dismissed.

19 Q. Do you remember in that case was the person that did it
20 or the original claim, was the robbery with a weapon?

21 A. No, I didn't know nothing. Now, when I, when I went to
22 the preliminaries and, and, and they asked the man how
23 tall was the guy that robbed him, the lawyer, he said
24 six feet tall, he said, no further questions. So I
25 didn't -- nothing else about the case.

1 Q. Okay. So do you know from reading the papers or the
2 documents from that what the weapon was for that
3 charge?

4 A. Which charge?

5 Q. The one you didn't do.

6 A. Well, the, the --

7 Q. The armed robbery.

8 A. The armed robbery?

9 Q. Uh-huh (yes). What was the weapon that the six foot
10 tall guy --

11 A. Oh, let me see, the man said a man stepped, come up
12 behind him and robbed him with a gun.

13 Q. A gun?

14 A. Yeah.

15 Q. Okay. All right. Now, in Fayetteville when you had
16 that car do you remember seeing an officer and fleeing
17 in the car?

18 A. Oh, that's -- yes, ma'am.

19 Q. Tell us about that.

20 A. I stopped to buy some gas at the, at the pump going to
21 Columbia --

22 Q. How did you get money for --

23 A. -- South Carolina.

24 Q. Okay.

25 A. When he stopped, when he stopped me, he -- no, he

1 pulled, when he pull out, when he pull out, when he
2 recognize the car, because I think there was a bulletin
3 out about the car of being stolen or something, so, so
4 I backed out and ran down the highway and jumped the
5 fence and, and got away.

6 Q. You left the car?

7 A. Yeah, right there on the spot.

8 Q. How did you get the money to buy gas?

9 A. Oh, no, I knew -- I was, I was riding and giving people
10 lifts cross town and everyplace like that, playing
11 cabbie.

12 Q. Playing cabbie, is that what you said?

13 A. Yes, ma'am.

14 Q. Okay. All right. When you fled from that officer and
15 left the car, what did you do next?

16 A. I hid, I hid until the next day. And then --

17 Q. Where did you hide?

18 A. Under a house.

19 Q. Okay. Where did you say you were headed?

20 A. Columbia, South Carolina.

21 Q. Why?

22 A. Mr. Grimsby, I was going to see Mr. Grimsby.

23 Q. That was the man that ran the school?

24 A. It's the director of the, yeah, Midland Technical
25 Education Center.

1 Q. But you didn't make it to Columbia, did you?

2 A. Didn't make it.

3 Q. Where did you get picked up?

4 A. They stopped me on I-95.

5 Q. Sorry?

6 A. I got stopped in Dillon, South Carolina.

7 Q. Why were you stopped?

8 A. Stupidity. Speeding.

9 Q. Speeding?

10 A. (Witness nods head affirmatively.)

11 Q. Did they run the tag on the car?

12 A. Yes.

13 Q. This was your second stolen car?

14 A. That's right.

15 Q. All right. When you got picked up in Dillon were you
16 brought back to North Carolina?

17 A. Immediately.

18 Q. Immediately?

19 A. I got -- yes, almost.

20 Q. Was it the same day?

21 A. Yes.

22 Q. Who brought you back?

23 A. Sheriffs for, I don't know if it was Columbus County.

24 I think it's Columbus -- no, Columbia -- Fayetteville;

25 Fayetteville. Yeah, Fayetteville sheriffs came and got

1 me.

2 Q. You don't know the names of the officers?

3 A. No, ma'am.

4 Q. When did you first talk to detectives about a murder
5 case?

6 A. When I was confrontated (sic).

7 Q. I'm sorry?

8 A. When they confrontated me in Fayetteville.

9 Q. When they confrontated you in Fayetteville?

10 A. Right.

11 Q. So that was after you were brought back?

12 A. Yes, ma'am.

13 Q. Who confronted you?

14 A. The Bladen County, Bladen County authorities.

15 Q. Do you know who that was?

16 A. Detective Phillip Little, and somebody else. Lee
17 Sampson, whoever the name is. A bunch of people --

18 Q. Do you know what day that was?

19 A. I think that was about the same, the same, the same --
20 the 6th. No, the 9th, the 9th, that's right.

21 Q. Was it right after you were brought back?

22 A. The 9th of September. September 9, because that's when
23 they asked me where those prison clothes, and I carried
24 them where they were.

25 Q. Okay. Did they take you out in a car?

1 A. That's right.

2 Q. And where did you go?

3 A. Straight to where those clothes were.

4 Q. And did they find the clothes?

5 A. They find the clothes; they found them.

6 Q. What else did they ask you?

7 A. Let's see, they took some blood, and that was it.

8 Q. Did they ask you about the murder?

9 A. No, not right away. They didn't say nothing about no
10 murder.

11 Q. Did they tell you you were a suspect in the murder?

12 A. Already knew that.

13 Q. You knew that from the paper?

14 A. Paper.

15 Q. Did they tell you?

16 A. No. They didn't say nothing right away about me being
17 a suspect or nothing like that. They just said that
18 there, there was a -- they knew that I knew that
19 somebody was killed down there in Bladen County though.

20 Q. How did they know that you knew it?

21 A. Because, because it was out in the news.

22 Q. So they figured it out?

23 A. No, no, no, no, no, no, no. It was already knowed
24 (sic) it, they knowed that I was a suspect.

25 Q. But how did they know you knew?

1 A. Because when I was apprehended in Dillon they had --
2 they knew that I was a -- that was -- they were looking
3 for me then.

4 Q. They weren't looking for you for a stolen car?

5 A. No, they were looking for, for the investigation in
6 those killings and when I was in Dillon.

7 Q. Somebody in Dillon told you that?

8 A. Yes, ma'am. They already knew.

9 Q. Do you remember during that drive-around stopping in
10 front of the house?

11 A. Which house?

12 Q. Josephine and Aileen Davis's house.

13 A. When?

14 Q. During the drive-around with Officer Little?

15 A. No. Oh, no, no. I know, I know where that's going.
16 No, ma'am.

17 Q. Well, where's it going?

18 A. You saying that I'm pointing at that house and all that
19 kind of, kind of -- when that man pulled in front of
20 that house, I see all them peoples, had people -- roped
21 off, I knew what the deal was. Because he asked me to
22 get out. I said, well, no, I'm not putting my, my, my,
23 my, my, my, my footprints on the premises because I
24 knew what they was going at.

25 Q. Okay. I just want to make sure we can hear everything

1 you're saying.

2 A. Yes, ma'am.

3 Q. So let's go back and do to that just one piece at a
4 time.

5 A. All right. All right.

6 Q. You remember them stopping at the house?

7 A. Yes. He asked me to get out. You want to get out? I
8 said, no, sir, I'm staying right here.

9 Q. Why -- do you know, did they say why they were stopping
10 at the house?

11 A. Well, I assume that -- I assume, now, that, that, that
12 that was the crime scene.

13 Q. Why did you assume that?

14 A. Because it was roped off, police cars all out there in
15 front of the place, all officers with uniforms on.

16 Q. Had you seen that house before?

17 A. No, except working on that 242, I believe.

18 Q. Do you remember seeing it when you were working on 242?

19 A. I seen all the homes and everything, but I didn't --
20 (inaudible) -- on one particular house.

21 Q. Okay. All right. Then what happened?

22 A. That was it.

23 Q. So he told you to get out?

24 A. They asked me to get out.

25 Q. Did you get out?

1 A. He asked me wanted, did I want to get out. He asked
2 me, ask me I want to get out. I said no.

3 Q. No?

4 A. Yeah.

5 Q. Okay. So if he says that you made the statement,
6 pointed at the house and made the statement about a
7 black man wouldn't do that, a white man did it --

8 A. No, that, that, that's, that's, that's, that's -- no, I
9 don't remember saying nothing like that.

10 Q. You don't remember it?

11 A. I know that -- no, I don't. I don't remember saying
12 none of that because, I mean, that's, that's a
13 statement like, like -- I don't even -- that statement
14 don't even much make no sense to me about me saying
15 something like that.

16 Q. So I'm just trying to --

17 A. The only thing I know about this, this particular
18 situation is the deputy sheriff telling me that I was
19 -- that they was trying to blame me for these murders;
20 he said, told me that. He said --

21 Q. They told you that in the car?

22 A. He told me that. He came to pick me up to take me to
23 court for the, for that auto larceny charge in Bladen
24 County. On our way to court he told me, said, Man, I'm
25 tell you something. You keep this under your hat.

1 Because I was, I wanted to have him subpoenaed to court
2 when I was being tried, but he told me to keep it under
3 my hat, don't tell nobody this. Said, I'm telling you
4 personally. He said, they trying to, they trying to,
5 they trying to, they trying to put this case on you,
6 Man. He said, they're trying to put this murder on
7 you. He said, they trying to blame you because they
8 can't catch the perpetrator, can't -- you see, this is
9 what he told me now. He said the trail is getting
10 cold, they can't catch the guy.

11 Q. Was that Rome Martin?

12 A. That what he said.

13 Q. When was it that he said that?

14 A. God as my witness.

15 Q. Was that before or after --

16 A. That was in '77.

17 Q. The what?

18 A. That was in 1977.

19 Q. So after you've been driven to the house, this is a
20 year later?

21 A. After. He picked me up from Carthage to take me to the
22 court.

23 Q. When you were going to court?

24 A. On our way to court he told me, said that they trying
25 to blame this case on me because the trail is getting

1 cold and they can't catch the guy that did it. And
2 evidently, he probably knew during this time what was
3 going on in investigation because when he said that
4 they trying to blame me because the trail getting cold,
5 I figure out who -- he said I can read between the
6 lines. He told me that. Be sure not to tell nobody.

7 Q. So you didn't?

8 A. Never did.

9 Q. Even though you were on trial?

10 A. I was being tried for murder, yeah. Because I didn't
11 want to interfere with the man. He gave me enough
12 information, he gave me a warning, let me know what was
13 going to happen. But I didn't know, I figured they
14 were going to be honest about it. I figured that they
15 going to go and try me and, and, and, and acquit me.
16 But when I see that they set me up and paid these
17 inmates and all that, and everything and all that, and
18 all that and everything, I never had a chance then.

19 Q. Okay. So going back to that statement in front of the
20 house, are you saying you don't remember saying it or
21 you know for a fact you didn't say it?

22 A. I know I didn't say nothing like that.

23 Q. You know for a fact you didn't make that statement?

24 A. Yes, ma'am. Right. I wish, I wish I can play instant
25 replay from history.

1 Q. Do you remember being asked about that at trial?

2 A. What's that?

3 Q. About the statement at your second trial?

4 A. Then I say the same thing. I say I don't know, I don't
5 know nothing about it, I know, I know, making no
6 statement about a black man didn't do it and a white
7 man did it and all that.

8 Q. Okay. So if I'm reading from your transcript and it
9 says, the prosecutor asks you, did you make a statement
10 to Mr. Little that no white man would have done -- I
11 mean, no black man would have done that? And the
12 transcript says your answer is, no, sir, I said it
13 wasn't about a black man. I said it was somebody in
14 the family.

15 A. Oh, yeah, that's, that's what, that's what the --
16 Mr. Rome Martin was telling me about a suspect. He
17 told me about a suspect, yeah. But I didn't reveal his
18 identity. He's told me on the way to, on the way to
19 what you call them, on the way to the Bladen County
20 that, that they were looking at a family member as
21 being a suspect. And then they told me, I think he
22 told me about soemthing about the will or something
23 about they was being threatened to take out a will.
24 But he said he didn't know how that was going to pan
25 out. He didn't go in no detail about it and tell me

1 nothing else. Yeah, so that's what happened.

2 Q. So what you were talking about at trial was something
3 later, not this statement that Phillip Little says
4 happened in front of the house?

5 A. Yes, ma'am.

6 Q. Did you know Herman Baker before you went to prison?

7 A. Not personally.

8 Q. When you say not personally, what do you mean?

9 A. I seen him.

10 Q. You've seen him?

11 A. Yeah.

12 Q. Did you know him in prison?

13 A. No, not -- yeah, I seen him.

14 Q. Seen him. Did you ever talk to him?

15 A. But I didn't know the guy, like, you know, like, you
16 know, like every day, every day Joe, you know. I
17 didn't know him real personally. I don't think I had a
18 ten-minute conversation with that man his whole life; a
19 five-minute conversation.

20 Q. Okay. So if you told your lawyer, if your lawyer's
21 memo says that you didn't recognize him until he
22 testified or you didn't recognize him when he was
23 testifying, is that --

24 A. Not in there. It just like somebody pop out the sky
25 and pretending like he knowing me like we buddy-buddies

1 or something. I didn't know him.

2 Q. But did you recognize him? When he testified did you
3 think, I've seen that man?

4 A. I didn't recognize, I didn't even much recognize him.

5 Q. You didn't even recognize him?

6 A. No, ma'am.

7 Q. But you had talked to him for five minutes or less
8 before in prison?

9 A. I think; I think so. I think I had about a -- said
10 hello, how you doing, or whatever. Common courtesy.

11 Q. Did you know he was going to testify before your trial?

12 A. Oh, no ma'am, because when Phillip Little and them come
13 down to Caledonia and pull me into one of them time and
14 told me I'm being charged with these murders, I think
15 he might have asked me did I know the guy. I think so.
16 I think it -- I told him no.

17 Q. Okay.

18 A. They carry me to, they carry me to the SBI to take a
19 lie detector test.

20 Q. About whether or not you knew Herman Baker?

21 A. No, no, no, about the case itself.

22 Q. About the case. You remember that?

23 A. Yes.

24 Q. How about Donald Sutton, did you know him?

25 A. No, I didn't. I really didn't know him.

1 Q. You'd never met him before, that you recall?

2 A. The only time I saw the guy was in the Cumberland
3 County Jail. Because when I was at, at White Lake, he
4 supposedly had escaped about a month, two later -- a
5 month or two before I had got, before I, before I
6 escaped.

7 Q. Okay. So you did remember being in Cumberland County
8 Jail with him before your trial?

9 A. Absolutely.

10 Q. Did you ever talk with him there?

11 A. No.

12 Q. Why not?

13 A. No, I mean to say, I mean to say, I mean like, I mean
14 like conversation, no, I didn't have no conversation
15 with none of them.

16 Q. But you recognized him?

17 A. Yeah. Even with the two dudes that testified on my, in
18 my behalf, I didn't have too much conversation with
19 them, but they know what was going down.

20 Q. How did you know that he'd escaped then if you didn't
21 know him?

22 A. Who? Because it was all -- because when he was
23 apprehended it was, it was -- he was in there for
24 escaping.

25 Q. So you recall when he was apprehended?

1 A. I was caught when he was apprehended. I was in, I was
2 in the Cumberland County Jail before he was.

3 Q. Okay. So you remember him being brought into
4 Cumberland County Jail --

5 A. For escape.

6 Q. -- because of escape?

7 A. Yeah, because he -- they said he was in there for
8 escape.

9 Q. Okay. What's a jinn?

10 A. Psalm 41 -- 141, that's it. It's in the Bible.

11 Q. Can you tell me what it means?

12 A. Evil spirits, bad, bad demons and stuff like that.

13 Q. And is that something you believe in?

14 A. We, we all should.

15 Q. Okay. What's a white devil?

16 A. That's a, that's a, that's a, that's a, that -- listen,
17 that's a, that was a scheme from Herman -- from Donald
18 Sutton's plan to persuade a judge and a jury that, that
19 I was, that I was guilty. See, see, see, when I
20 finally went down there to speak with him about the
21 case, he said I never told him I did this. He told the
22 lawyer that. But he told him, said, look, give me some
23 time to think. So that was -- read between the line.
24 If you do me right, I do you right. And that's why I'm
25 sitting here.

1 Q. Well, have you ever used the term white devil?

2 A. No, I didn't. That was, that was --

3 Q. But you, you have the --

4 A. That was Donald Sutton's statements. He put that
5 statement in testimony to the jury, and that was it. I
6 don't -- I ain't never said nothing like that.

7 Q. What about she-devil?

8 A. I ain't said nothing like that.

9 Q. You've heard those words but you've never used them?

10 A. No, I didn't. I been in prison 40 years and I don't, I
11 ain't got no, no attitude about nobody's demeanor.

12 Q. Did you ever use black pepper in all the times you
13 escaped?

14 A. No, that was fabricated. That was just an idea from
15 the law to help to corroborate the testimony of Baker,
16 that's all.

17 Q. Have you ever heard of other inmates using black pepper
18 to throw the dogs off when they escaped?

19 A. No; no, ma'am. No, ma'am.

20 Q. You've never heard of that?

21 A. No, I never heard of none of that.

22 Q. And you never did?

23 A. No, ma'am.

24 Q. Have you ever used black pepper for religious practice?

25 A. No, ma'am; no.

1 Q. What is --

2 A. That's superstition. No, no, I ain't -- won't go
3 there.

4 Q. You're not superstitious?

5 A. No, ma'am.

6 Q. Do you know who Robert Washington is?

7 A. No, ma'am.

8 Q. Have you heard of him, another inmate? Do you remember
9 being in prison with another man named Robert
10 Washington at White Lake in 1976?

11 A. No, ma'am.

12 Q. And then again in Cumberland County Jail in 1977?

13 A. I don't know.

14 Q. If Robert Washington told our investigators that you
15 told him you went to the victims' house and they helped
16 you and they gave you stuff and you got black pepper
17 from them and you used it to throw off the dogs, but
18 you didn't hurt them, is that true?

19 A. That's a, that's a lie. That's a, that's a lie. That
20 don't much make sense. That's, that's -- man, I'm
21 telling you. No, ma'am.

22 Q. Did you ever tell anybody that you went to two ladies'
23 house and they were nice and helped you?

24 A. No, ma'am.

25 Q. Did you do that, did you stop by the ladies' house?

1 A. No, ma'am.

2 Q. All right. I'm going to see if the commissioners have
3 any questions for you.

4 MS. MONTGOMERY-BLINN: Commissioners?

5

6 EXAMINATION BY MR. SMITH

7 Q. How did you get over the fence?

8 A. Climbed over it.

9 Q. I'm not familiar with what those --

10 A. They weren't barbed wire fences then.

11 Q. Sir?

12 A. It wasn't barbed wire fences then.

13 Q. They weren't barbed wire?

14 A. No, sir.

15 Q. What kind of fence was it?

16 A. It's kind of, it's a, it's a metal fence.

17 Q. Were there any spikes at the top?

18 A. No, ma'am -- no, sir.

19 Q. How tall was the fence?

20 A. I'd say about 12 feet.

21 Q. So how hard was it to get over?

22 A. Simple. It was easy.

23 Q. And were there any guards on duty at that time?

24 A. No, this is an honor grade unit.

25 Q. So it didn't have any guards?

1 A. No, sir.

2 Q. So it's pretty easy to get away?

3 A. Yes, very easy.

4 Q. Did people get away all the time from that prison?

5 A. All the time; all the time. Because they put curfew on
6 the place and started putting tighter security and
7 tighter control after this incident.

8 Q. All right. So when you would get over the fence did
9 you cut yourself in any way?

10 A. Well, it's just minor bruises and scratches, but it
11 wasn't recognizable.

12 Q. It didn't penetrate your hand or your hands didn't
13 bleed?

14 A. No, sir.

15 Q. So did anybody know you were going to leave?

16 A. No, sir.

17 Q. And what was going on at the time you left, were you on
18 some kind of duty or were you just in your, in your --

19 A. I was on road squad duty.

20 Q. Sir?

21 A. I was working on, I was working on the road squad.

22 Q. But you were inside the fence?

23 A. Yes, this was a Sunday, the weekend.

24 Q. Okay. So nobody knew that you were leaving?

25 A. No, sir.

1 Q. And when would they have discovered that you left?

2 A. About, let's say about 5 o'clock.

3 Q. And what would help them discover it? Was there some
4 sort of a --

5 A. I'd of been missing.

6 Q. Sir?

7 A. I would have been missing on a count.

8 Q. On the count?

9 A. That's right.

10 Q. So when you got over the fence you hid somewhere and
11 waited?

12 A. And waited.

13 Q. And where did you hide?

14 A. Right beside, right, right beside the, the, the, the,
15 the, the construction yard.

16 Q. Did you hide behind something?

17 A. No, I was sitting beside of a tree.

18 Q. Beside a tree?

19 A. Yes, sir.

20 Q. They wouldn't have started the dogs after you until
21 they, obviously until they discovered you, so you knew
22 the dogs wouldn't be after you --

23 A. Not right away.

24 Q. -- right away?

25 A. That's right.

1 Q. So after you sat there for a while, then you left. Did
2 you leave after dark?

3 A. That's right.

4 Q. Waited till it got dark?

5 A. Good and dark.

6 Q. Then what did you do?

7 A. Walked straight to 701, straight up 701.

8 Q. And does 701 pass by the house where these people were
9 killed?

10 A. No, it walk -- no, 701 goes straight toward -- across
11 the Cape Fear bridge. You got intersection right at
12 that, that Cape Fear bridge right there. I kept
13 straight, straight at, straight gone. I kept straight
14 up 701.

15 Q. And how far would that be from the house? The closest
16 that you came to that house where the people died, how
17 close would that be?

18 A. I'd say about -- I'm going to take a good guess. About
19 a quarter of a mile down the road.

20 Q. So you came within a quarter of a mile of the house?

21 A. I think so.

22 Q. Had you ever noticed that house before?

23 A. Not in particular, no.

24 Q. What do you mean, not in particular?

25 A. I mean because a bunch of houses up and down the

1 highway there, down the road. That's because if I
2 recall correctly, while I was on that house, on that
3 highway, and we were working around road squad, I think
4 it's a mail, a mail, a mail dispatcher down the highway
5 somewhere in there, if my mind serve me right.

6 Q. All right.

7 A. It's been 40 years ago now.

8 Q. Of course. Did you know the Davises?

9 A. No, sir.

10 Q. Did you know them?

11 A. I didn't. No, I didn't know, no, sir.

12 Q. While you were working on the roadside down that way,
13 did you ever see anybody around that house?

14 A. No, sir.

15 Q. So you didn't know who lived in that house?

16 A. No, sir, I didn't.

17 Q. You've already answered this question, I want to ask
18 you again. Have you ever been in that house?

19 A. No, sir.

20 Q. Do you believe in your religion that Allah wants you to
21 kill white people?

22 A. No, that's a lie.

23 Q. Have you ever told anybody that?

24 A. No, sir, never.

25 Q. Those are my questions. Thank you, sir.

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JUDGE SUMNER: Yes, ma'am.

EXAMINATION BY MS. SURGEON

Q. Mr. Sledge, how far did you get in school?

A. I graduate from high school.

Q. What high school?

A. Averdeen (sic) Beach, Savannah, Georgia.

Q. And after you finished high school, what did you do?

A. Went to the military.

Q. What branch?

A. Army.

Q. How long were you in the Army?

A. Two years. About -- no, I got out -- I got a 209 on a, a general discharge on honorable conditions.

Q. A 209 under honorable conditions?

A. Yeah, I couldn't adjust to military life.

Q. You could not adjust --

A. I have -- and I -- yes; yes, ma'am.

Q. You could not adjust to military life?

A. Couldn't.

Q. Okay. Thank you.

EXAMINATION BY SHERIFF DUNCAN

Q. Mr. Sledge, you mentioned something, that you had met a lady that if we could have or the Commission could have

1 found --

2 A. Yes; yes, sir. She was on -- she was at the truck stop
3 that night when I, when I pull out, out of, out of, out
4 of, from out of, out of Elizabethtown and I, and I, I
5 got sidetracked. Had that woman been presented to
6 court, I wouldn't be sitting here today.

7 Q. Sidetracked, and what could she have testified --

8 A. Because if I had -- if my mind was functioning normally
9 like it's supposed to pertain with this incident, I'd
10 had her subpoenaed in court to testify on my
11 whereabouts when these people supposed to be killed.

12

13 EXAMINATION BY MS. SANDS BELLE

14 Q. Mr. Sledge, may I ask you a question?

15 A. Yes, ma'am.

16 Q. You talked about the, I guess it was a guard, was that
17 Rome, Rome Martin?

18 A. Yes, ma'am.

19 Q. He was a guard with which prison, and can you tell me
20 was he black or white?

21 A. No, he was a, he was a, he was a deputy sheriff of
22 Bladen County Sheriff's Department.

23 Q. And would you give that Bible scripture again when you
24 said about what jinn was, because I was confused by it.

25 A. Yes. That, that, that -- it's, it's, it's, it's, it's

1 a -- because I stumble up on that myself. And this
2 might be a help because it might be a reason because
3 the situation. Because in, in, in, in scripture it
4 gives you some understanding about the jinn, the jinn.
5 Because people, because I wonder, I wondered why the
6 Holy Quran speaketh on the jinn. I can find it nowhere
7 in the Bible about the jinn, about the jinn that
8 generates people that live that we don't see, people
9 that exist that we don't, we don't comprehend. Because
10 I've talked to a lot of people and they say that people
11 in different denominations don't believe this. So I
12 found this one, this scripture. It's Psalms 121 -- no,
13 Psalms 141, 142, 143. It's one of those Psalms. And
14 then I realize that, that it's in the Bible as well.

15
16 EXAMINATION BY JUDGE SUMNER

17 Q. Mr. Sledge, you may have answered this question, I just
18 want to ask it again, though. Do you deny making the
19 statement to Mr. Little, Detective Little, that a black
20 man did not kill those two women, a white man did it?
21 A black man would have not cut them up like they were.
22 Do you deny that?

23 A. Yeah, that's, that's I want to know, why would I say
24 something like that? I don't even know nothing about
25 the case itself. I don't even know nothing.

1 Q. And what you're telling us today is the truth, is that
2 correct?

3 A. Yes, sir, absolutely.

4 Q. And my final question is, why do you think we need to
5 believe you today?

6 A. Well, I tell you, well, sir, I mean, you know, people,
7 people, you know, people got their own ideology and
8 about life and totality of life experience and that we
9 all know that the Lord knows and sees all that we do
10 because this is continued being told to us as we live
11 in this world. Life is a trial in itself and, I mean,
12 you know, like this is real, you know, this is planned.
13 Everything happens for a reason, you know what I'm
14 saying? And He know I didn't do what I didn't do. And
15 being this the case, I got to live with myself, I can
16 do that because I know what I didn't do. He know this,
17 so it's life in itself.

18

19 EXAMINATION BY MR. VICKORY

20 Q. Mr. Sledge, you say when you went to the house with
21 Detective Little, was there another officer in the car?

22 A. No, I don't think there was.

23 Q. Just the two of you?

24 A. Yes, sir.

25 Q. Were you in the front seat or the back seat or --

1 A. In the back seat.

2 Q. Were you handcuffed?

3 A. Yes, sir.

4 Q. Front of you or behind you or how, do you remember?

5 A. Like this here (indicating).

6 Q. Just like that?

7 A. Yes. I thought I was hand -- from behind, from behind
8 once upon a time, but that ain't true.

9 Q. Okay.

10 A. I probably was handcuffed from behind, but didn't
11 remember.

12 Q. But at that time you knew that two ladies had been
13 murdered in Bladen County?

14 A. Yes, sir. Yes, sir.

15 Q. And that you were a suspect?

16 A. That's right.

17 Q. Did you know how they'd been killed at that point?

18 A. No, not that particular point, no, sir.

19 Q. Okay. So you're saying that reference to how somebody
20 would cut, like a black man wouldn't cut, a white man
21 would cut like that, that --

22 A. No, sir. No, sir. No, sir. See, what I'm trying to
23 say is that I didn't make a, the statement because it
24 don't, it don't add up. It don't rhyme. Because how
25 I'm supposed to know how somebody died or whatever and

1 a man -- this guy told me in Fayetteville some women,
2 they were looking me for, for investigating in a
3 murder; that's all he told me. That's it. He didn't
4 say nothing else. And I didn't follow it up and look,
5 no read nothing or nothing until I was apprehended.
6 After I was apprehended, then that told me, say that,
7 that, that -- how it happened.

8 Q. When you got up with this lady at the truck stop, did
9 you say it was on 95?

10 A. Yes, sir.

11 Q. So how long would this have been after, after the
12 escape?

13 A. I say about, I say about, I say about, I say about,
14 about, let me see, about six, eight hours.

15 Q. So it was --

16 A. So it was between, it was between the time I escape
17 from about 5 o'clock from that -- no, from about the
18 time I left, left from where I was down there, about
19 8 o'clock till about 2 o'clock in the morning.

20 Q. Okay, 2 o'clock in the morning. And you just ran into
21 her at a truck stop?

22 A. Yes, sir.

23 Q. Did you spend the night with her?

24 A. No, no, no, no, no. I just asked her a question. I
25 asked her where was this guy that I was looking for.

1 And she told me she was in jail. That's exactly what
2 she told me.

3 Q. She told you the guy you were looking for was in jail?

4 A. She was in jail -- that's right, and that was it.

5 Q. Well, how was that going to solve this whole case? I
6 mean, what do you -- I'm not sure if I follow that.

7 A. See, because my whereabouts, and during the course of
8 that house when these women was murdered I was in
9 Fayetteville.

10 Q. How do you know when the women were murdered?

11 A. Because of the autopsies, I read, I read a lot of the,
12 of the, the SBI reports saying that they died sometime,
13 some 4:00 in the morning or something like that.

14 Q. So you wouldn't have had time to have committed those
15 murders and then get to the truck stop?

16 A. That's what the man was trying to, he was trying to put
17 my whereabouts when these, when this -- they were
18 trying to solve the case. They wanted to know where my
19 whereabouts was at the time the crime occurred. But
20 they -- I couldn't reveal where I was at because I
21 didn't have no witness.

22 Q. And I believe your lawyer might have referred to you as
23 a sort of serial escaper at some point. Is that --

24 A. Yes; yes, sir.

25 Q. Is that sort of a way to put you --

1 A. Yes, sir; yes, sir. Really truthfully speaking.

2 Q. You don't like being confined --

3 A. I don't.

4 Q. -- whether it's in the military --

5 A. I don't.

6 Q. -- or whether it's in the prison?

7 A. I don't; I don't. I don't.

8 Q. When you've been on an escape or during a period of
9 time when you're escaped, especially early on right
10 after you get out, how do you, how do you avoid
11 detection, especially when you want to, when you need
12 to sleep or something?

13 A. I slept in that car for a couple days.

14 Q. Okay.

15 A. Yes.

16 Q. Well, if you don't have a car available, what do you
17 do?

18 A. Well, it was just a short while. It wasn't but about
19 four days, the four days I was out there. I think I
20 slept in that car for a couple of days, and then they
21 got in behind me on that third day, I think. And then
22 when I eluded them, I stayed up under a house. And
23 then the next day when I, when I apprehended them in
24 Dillon, that was the, that was the fourth day. I was
25 in that other car, that, that Chevrolet.

1 Q. Okay. Well, when you stay up under a house -- and I'm
2 more talking in generalities now.

3 A. That was on -- that was from that, about that -- I
4 think it was about late that evening about 5:30,
5 6 o'clock. I stayed up under that house all night.

6 Q. Okay. Was that a house that had somebody in it?

7 A. Right. Nobody knew I was under there, though.

8 Q. But there were people in the house?

9 A. Yeah.

10 Q. So you were up under their house, and that was in
11 Fayetteville?

12 A. Yeah. I heard them people in the house talking about
13 they looking for somebody trying to run, or something
14 like that. Because I left the -- I jumped out the car
15 and jumped the fence, left the car running and hid up
16 under the house, yeah.

17 Q. And you heard the people inside talking about you?

18 A. Talking about somebody, not me, but somebody, somebody,
19 they looking for somebody.

20 Q. Uh-huh (yes).

21 A. Yeah. So the next morning I crawl up under the house
22 and got in the wind.

23 Q. And that was in where, White Lake or --

24 A. Fayetteville.

25 Q. -- Fayetteville or --

1 A. Fayetteville

2 Q. -- Elizabethtown?

3 A. Yeah, that was Fayetteville.

4 Q. Fayetteville? Okay. Do you recall ever mentioning to
5 medical folks while you've been in prison talking about
6 having evil spirits and things of that nature?

7 A. No, sir. No, no, none. Of course not.

8 Q. Never made any complaints to --

9 A. No, sir. No, sir.

10 Q. If they had some medical records in reference to being
11 possessed by evil spirits, that would not be right?

12 You never complained of any?

13 A. No, sir. No, sir. The only thing I might had a
14 confrontation about, about the medical, going to
15 psychologist or something like, anything like this. I
16 was involved with a, in an accident. A car hit a
17 telegram post running about 80 miles an hour. And, and
18 it kind of shook me up. But that was sometime shortly
19 after I come to prison. And I went to the doctor.
20 That was in 1970. I went to see the doctor because
21 there was an impact, it was a, it was a violent impact.

22 Q. Okay. But that didn't have anything to do with spirits
23 or anything?

24 A. No, this had to do with physical.

25 Q. Okay. Robert Washington, you say you don't know who he

1 is?

2 A. No, sir. See, see, the people, I don't know them
3 personally. I don't know them by name, but I know them
4 when I see them, I mean, as individuals.

5 Q. And Herman, Herman --

6 A. Didn't know him.

7 Q. You didn't know him?

8 A. Didn't know him; didn't know him.

9 Q. How -- have you got any way to educate us or fill us in
10 on how these guys that you didn't know and didn't know
11 you would know of your beliefs about spirits and things
12 of that nature?

13 A. You know what, I tell you this: see, see, when people
14 is trying to make something happen for their own
15 betterment or benefit, because they looking for
16 favoritism. I'm looking at this SBI report and I see
17 so many people coming forward with information about
18 matters, telling them what they know or what they think
19 or how they, what they, what information they can give
20 them. You see, all they want is favorable treatment.
21 They want, they want attention so they can get some
22 help. They'll lie, but they buy those lies. Lies cost
23 money, I can say it that way.

24 Q. Well, I appreciate all that, but what about all this
25 talk of spirits and things of that nature?

1 A. That, that didn't happen. That's, that's, see, that's
2 speculation. That just some idea that, that's
3 associated in the minds of the people to want them to
4 think like that, because that's the scheme. They want
5 to create some avenue so they can make a case, they can
6 make something, they can make something happen from
7 that.

8 Q. Let me ask you, you know what we're talking about
9 about --

10 A. That, that's right; yes.

11 Q. -- the references to you being concerned about devils
12 and things of that, spirits and things of that nature.
13 Is that wrong? Do you not talk of that when you --

14 A. No, well, see, that's, that's, that's education because
15 that's, that's a, that's study in, in, in, in, in the
16 worldly sense where you could go to Mohamed, live so
17 long, and buy books about stuff, read it, study it for
18 yourself, analyze it, see how you feel about it.
19 Because like what you saying about the world, evils,
20 jinn natures, spirits, diabolicalism, whatever, it's
21 the devil. It's the devil is evil. He's scheme is to
22 deceive. His idea is to do what he suggests. He going
23 to do it because is his reason. He's respited to the
24 term appointed. The world is like it is, people do
25 what they do. You understand me? Talking about jinns

1 and you talking about evils, alcohol, cigarettes,
2 whiskey, whatever you do, you understand, it's the way
3 it is in this man's reason. God gave him reason, gave
4 him choice. So that's it.

5 Q. Have you got any way to let us understand how these men
6 would know that you feel these ways about these things?

7 A. Well, you said -- rephrase the statement.

8 Q. Well, that was pretty poorly worded, I'm sure. I'm
9 just trying to figure out how these people that you say
10 you didn't know and didn't know you would know that you
11 have all these beliefs about spirits and devils and --

12 A. No, this, this side -- see, this is drifted out from
13 Donald Sutton's testimony, you see. See, see, Donald
14 Sutton had enough sense to come up with a scheme to be
15 convincing to a judge and a jury that I'm supposed to
16 have told on this. They bought into it, he got paid
17 and went on about his business.

18 Q. Did you know Donald Sutton well enough to talk about --

19 A. I didn't know him, no.

20 Q. You didn't know him, either?

21 A. I know he was smart enough to do what he did and got
22 away with it.

23 Q. Okay. Well, that's my point.

24 A. I know that.

25 Q. Donald Sutton was another person you didn't know.

1 A. That was --

2 Q. How did Donald Sutton know that you believed in evil
3 spirits and --

4 A. No, not, not, not, not, not, no, no, I'm, I didn't say
5 it like that. I'm saying Donald Sutton told the law
6 that, that I told him I didn't commit this crime. What
7 Donald Sutton told the man, he said, look, man, give me
8 some time to think. And he thought it out, he figured
9 it out. He figured that he could come up with a
10 testimony to tell for them, for they wanted to hear to
11 bring about a conviction. Because that my word against
12 his. Herman Baker with the damage testimony, he was
13 the one that said that I told him I committed this
14 crime and spread black pepper and all that, and that's
15 when he came and the man that, you understand, he was
16 coerced to do that. He told the truth.

17 Q. And you say in all of your experience with escapes you
18 never heard anything about black pepper being used --

19 A. No, sir.

20 Q. -- to throw the dogs off?

21 A. No; no. No. That's superstition, Man.

22 Q. But so you have heard of that before, you just --

23 A. No. I'm saying to me it's superstition. It ain't --
24 it's not real.

25 Q. Yeah, I'm not talking about whether it works or not,

1 I'm just talking about whether you've heard of it.

2 A. Yes, sir.

3 Q. Okay.

4 MS. SURGEON: I have a question.

5

6 FURTHER EXAMINATION BY MS. SURGEON

7 Q. Mr. Sledge, did you ever have a conversation with
8 Donald Sutton about she-devils --

9 A. No, ma'am.

10 Q. -- black pepper?

11 A. No, ma'am.

12 Q. Did you ever have a conversation with Herman Baker
13 about that?

14 A. No, ma'am. No, ma'am. That was their ideas to figure
15 up a way to get them \$5,000 reward.

16 Q. Did you ever have a conversation with anybody --

17 A. No, ma'am.

18 Q. -- about she-devils and --

19 A. Ever, and no ma'am, ever.

20 Q. You never talked to anybody about that?

21 A. Anybody.

22 Q. and what are you saying to the Commission today is your
23 belief about she-devils --

24 A. No, ma'am.

25 Q. -- or any conversation about it?

1 A. No, ma'am. No, that ain't Islam. Look, we all got
2 devils. It's all -- we in the world, we all got
3 devils, we all got jinns because it's a product of
4 human life. But we got angels, we got spirits protect
5 us from these devils. But we got reason, we got
6 choice, it's on us. It's our reasons, our choices.
7 What we choose to do, that's what it's all about. If I
8 -- if a jinn can influence you to believe the thing you
9 think that make you think that I'm guilty today, it can
10 do that. But in reality, if you look at reality, that
11 will be the different story. Because that's what God
12 is, he's the only reality. So ain't nothing I can do.

13 Q. Do you have conversations with people, other inmates
14 about your beliefs as you're talking today?

15 A. In the prison system?

16 Q. Yes.

17 A. Well, that's the, that's a, that's a great curricular
18 because Islam is being propagated all over the world,
19 you know. People, people think it ain't this, that,
20 and nobody, but it's the opinions of others because
21 it's only individual. It's a single man religion, you
22 know. There's no compulsion in it.

23
24 EXAMINATION BY MR. HEARD

25 Q. Mr. Sledge, I'm curious about something. While you

1 were in prison --

2 A. Yes, sir.

3 Q. -- were there any other Muslims there?

4 A. Yes, sir. At that time?

5 Q. Yeah, at that time.

6 A. You're talking Bladen County?

7 Q. White Lake, were there other --

8 A. Believers, yes, sir. There were believers, yes, sir.

9 Q. Were there very many of them there?

10 A. No, sir. No, sir, not like it is today.

11 Q. Did they preach at all?

12 A. Not like it is today, no. No, sir.

13 Q. But they did talk to the other inmates?

14 A. Yes, sir.

15 Q. Was there any tension between the Muslim inmates and
16 the non-Muslim inmates?

17 A. No, not -- no, sir. Not too much, no. Because, see,
18 Christianity and Islam is on the same, on the same, on
19 the same principle, faith from God and a day of
20 resurrection. It's, it's, it's, it's nothing
21 different. It's just the only difference is the
22 culture, that's all.

23 Q. But do you think that the non-Muslim inmates understood
24 Islam at all?

25 A. Yes, sir, to, to, to, to a degree. Because you could,

1 you be a Christian and, and believing in God from an
2 Islamic standpoint of view, but you won't know it.

3 Q. I'm wondering if, indeed, they understood both Islamic
4 custom as well as Islamic traditions?

5 A. No, no, they wouldn't, not at that stage in the prison
6 system.

7 Q. So might they have, having heard terms, not
8 understanding them, have used them?

9 A. No, they wouldn't have; no, sir. So that means that's
10 -- it's like an insult if they didn't know, if they
11 think something is the matter.

12 Q. I know it would be an insult to the Muslim.

13 A. Yes, sir.

14 Q. But I'm speaking from the perspective of the non-Muslim
15 Christian -- non-Muslim inmate, rather.

16 A. Yes, sir.

17 Q. Okay. Thank you, sir.

18

19 FURTHER EXAMINATION BY SHERIFF DUNCAN

20 Q. You said Mr. Sutton, you had no conversation with him
21 at all about --

22 A. No, sir.

23 Q. -- about this incident?

24 A. No, sir.

25 Q. So his first testimony where he said you told him you

1 did not do it, that you did not do the crime, that
2 didn't occur either?

3 A. Well, see, this is, this is, this is from Ms. Mumma's
4 digging because she did discover that, that his
5 testimony was, was like suppressed because had they
6 known that, I probably wouldn't -- he never had an
7 opportunity to testify against me.

8 Q. But I'm just trying to be clear. You're saying you
9 never had any discussion with him, so when he gave a
10 statement about anything you told him, he made all
11 those things up?

12 A. That's correct. Yes, sir. That's exactly right. Had
13 that, that testimony been presented into evidence about
14 he saying that I told him I didn't do it, and then he
15 come around the corner and said I told him I did do it,
16 that's an issue of doubt right there.

17 JUDGE SUMNER: Any other questions?

18 MR. SMITH: May I ask one more?

19

20 FURTHER EXAMINATION BY MR. SMITH

21 Q. If it should be determined that you shall be set free,
22 if that should happen, what will you do with the rest
23 of your life?

24 A. Go to Georgia. I got a bunch of people I never met
25 before. I got a, I got grandnieces and people I have

1 to become more familiar with and, and, and learn about,
2 and probably make a better life for myself as well as
3 they.

4 Q. Will you be furious at people who put you in prison?

5 A. No, sir; no. I know something about the reality mind.
6 It's this world. It's a better place wherever you may
7 be. It just depend upon your, your, your, your
8 obedience. I mean, you could be obedience everywhere
9 you go. I mean, prison, wherever. You got a state a
10 mind that you can live with, you can go, you -- I'm put
11 you in a shoe box, you know. It's, it's the, it's the,
12 it's the way you think. And that's, that's, that's a
13 great help.

14 Q. Will you be vengeful and furious with Mr. Baker?

15 A. No, sir. No, sir. Because that ain't, that ain't the,
16 that ain't the, that ain't the anecdote to a problem.
17 In the life, as I said, you got to kind of make your
18 mind understand that there's a reason for everything
19 that's going on in the world, you know. If you decide
20 not to let me go, still, there's always that reason,
21 you know. But there's always hope.

22 Q. Thank you, sir.

23 A. You're welcome.

24 JUDGE SUMNER: Mr. Sledge, thank you, sir.

25 A. Thank you.

1 (Mr. Sledge is dismissed from the witness
2 stand.)

3 MS. MONTGOMERY-BLINN: The next portion of
4 the hearing will be the victims' statement, and it will
5 be closed to the public. The video cameras have to be
6 turned off, everyone must leave. Would you like to
7 recess for morning or lunch, Your Honor, before --

8 JUDGE SUMNER: We're going to take a break,
9 about 15 minutes before we go into closed session. For
10 purposes of the public, though, at this point this
11 proceeding is halted. Commissioners, you have a break
12 for about 15 minutes.

13 (THEREUPON, A SHORT RECESS WAS TAKEN AT
14 11:24 A.M.)

15 JUDGE SUMNER: For your purposes,
16 commissioners, we'll be hearing from the family of the
17 victims in this matter. At this point it's closed.
18 And then shortly after they finish, we will go back on
19 the record briefly for Kendra to give us our marching
20 orders about what our purpose is and what we're
21 supposed to do. And then we're going to close again
22 for deliberation, and we'll be eating during that time,
23 is that correct?

24 MS. MONTGOMERY-BLINN: Thank you, Your Honor.

25 (The victims' family members enter the

1 hearing room to give their impact statement.)

2 MS. MONTGOMERY-BLINN: I'll just say very
3 briefly that Ms. Josephine and Aileen Davis's family
4 are here today. They have been watching the whole
5 hearing in another room on closed circuit TV.
6 Ms. Stellato and Ms. Smith met with them and had
7 regular contact with the family leading up to this
8 hearing. On behalf of the Commission we know this has
9 been a difficult process for them and we extend our
10 sympathy to the family. And Ms. Katherine Brown is
11 going to give a statement on behalf of the family.

12
13 MS. KATHERINE BROWN: My name is Katherine
14 Brown. My mother was Ophelia Johnson, and my
15 grandmother was Josephine Davis. And this is my aunt,
16 Aileen Davis.

17 (Photographs of the victims are passed around
18 for commissioners to view.)

19 MS. KATHERINE BROWN: I have a prepared
20 statement from my cousin, and this is his statement.

21 My name is Donald Hales, the grandson of
22 Josephine Davis and the nephew of Aileen Davis. My
23 grandmother and aunt were the most loving and precious
24 human beings I've ever known. As a teenager they took
25 me in as if I was their child. They were very poor

1 people with little or no education at all and basically
2 lived off the sustenance from Bladen County DSS. They
3 lived a very simple and dull life without notice.

4 The normal routine was getting up in the
5 morning, Aileen cooking breakfast for herself and
6 grandmother. In the evening grandmother would walk to
7 my parents' home waiting for the school bus to drop us
8 off. About dark, especially during the wintertime,
9 Aunt Aileen would cook collard greens and cornbread.
10 And it often tickled the nose of a man named Bill
11 Sutton who lived nearby, no relation to Donnie Sutton.
12 Soon he would be on grandmother's doorsteps wanting
13 some of those collards.

14 My grandfather and grandmother never owned
15 any kind of vehicle. Transportation was provided by me
16 or my parents. A mule and wagon was used for local
17 commuting. My grandfather was a log floater and
18 cobbler, he had no other invocation.

19 Underneath the farmhouse hens laid their eggs
20 beside the support piers and sat on the eggs until they
21 hatched. The flooring was wooden pine planks
22 approximately one-half inch apart, which made it quite
23 nice for me. I could count the number of chickens that
24 was hatched that day.

25 I lived in this house of love. And this

1 picture was taken probably maybe ten years ago.

2 (A photograph of the victims' house is held
3 up for commissioners to view.)

4 MS. KATHERINE BROWN: I lived in this house
5 of love through high school and until I was drafted I
6 the Army in August of 1969. I served a tour in Vietnam
7 and returned to live with my grandmother and aunt
8 again. A back room designated as a bedroom parallel to
9 the kitchen was my birthplace on April 11, 1948. I
10 think that day I received my nickname, Shane. My
11 grandmother never called me Donald, she always called
12 me Shane. I had a younger brother whose name was
13 Roger, and his nickname was Teddy Blonde. And
14 grandmother give him this name. I can't truly say that
15 we were his -- her favorites, but we were the only two
16 that were given nicknames.

17 When I lived with grandmother I was often
18 called her conservator.

19 Something I would like to talk about, and
20 that is the alcohol in my grandmother's blood. How
21 ridiculous and outrageous. My grandmother and aunt
22 never smelled or tasted any kind of alcoholic
23 beverages. I think the pathologist had alcohol in his
24 blood. That would make more sense than alcohol in my
25 grandmother's blood.

1 I think my family is being tag teamed by
2 Christine Mumma. The question is why are you putting
3 my family through this? New evidence? No such thing.
4 Seriously, who do you think you're kidding? At best,
5 your new evidence could -- should be called imagination
6 or inventive. You have no more information on this
7 case other than what was provided by the court system;
8 nothing at all. Who are you fooling?

9 Joseph Sledge just walked in a house, killed
10 my grandmother and aunt for no reason at all, and he
11 could have just left them and walked away. Joseph
12 Sledge is a cold blooded ruthless snake who leaves
13 nothing breathing. Imagine the pain and suffering
14 forced upon my grandmother and aunt, no matter the
15 idiocy involved here. Circumstances and opportunity
16 don't lie. Make no mistake, Joseph Sledge is a killer
17 of white she-devils, better known as Josephine and
18 Aileen Davis. Joseph Sledge deserves the criminal
19 environment and should never be among decent white
20 people -- excuse me, should never be among decent
21 people again.

22 Court transcripts show the testimony of
23 Herman Baker describing the beating details as one
24 woman beaten down and then another woman shows up.
25 After beating her down Sledge says, I just went crazy,

1 I just could not stop. My grandmother and aunt's face
2 literally beaten to a pulp, totally unrecognizable. No
3 moaning or groaning left when my sister, Wanda, found
4 them. Christine Mumma interviewed Baker several months
5 ago and he recanted. Could this be the golden goose
6 that laid the golden egg for Christine Mumma? Imagine
7 going to church for a family member and then imagine
8 yourself going to a funeral with two family members.

9 Thanks to Christine Mumma we are reliving
10 this horror from this painful event. This introduction
11 of CSI material and CSI drama will not fool me or
12 change my mind. Joseph Sledge is a cold blooded killer
13 of older women. If you tell yourself that you didn't
14 do a particular thing long enough, you will actually
15 believe you didn't do it. Once that happens, you think
16 you convince others you didn't do it. And that's
17 what's happened here. You have been bamboozled by
18 Joseph Sledge. Submitted by Donald Hales.

19 And this is my statement. On September 6,
20 1976, Lonnie Davis, Lyla Belle Scott, Harvey Davis, my
21 mother, Ophelia Johnson, and Omega Hales, they lost
22 their mother, Josephine Davis, and also their sister,
23 Aileen Davis. I am doing this for them today. We the
24 grandchildren, Donald, Billy Ray, Roger, and Wanda
25 Hales, Horace, Simeon, Mitchell, James, Lonnie, and

1 Carolyn Davis, Mary Coley, Jean Tatum, Wayne and Reuben
2 Scott, Betty Bramley Turner, and myself, we lost our
3 grandmother and an aunt that day.

4 And how has this impacted our family? When I
5 say labor day, what do you think of? For members of
6 the Davis family, what we think of, this is the day
7 that our grandmother and aunt were both brutally
8 murdered, stabbed, throats cut, grandmother's jaws
9 broken on both sides, dresses pulled up to their waist.
10 Autopsy reports show that Aunt Aileen may not have been
11 raped, but she had a one-inch cut on her vagina.
12 Bodies so badly beaten, their caskets could not be
13 open.

14 To tell you the kind of people that grandma
15 and Aunt Aileen were -- and we called grandma Grandma
16 Josie. The remaining grandchildren would like to share
17 the following. When I was born my mother, Ophelia
18 Johnson, was in McCain Hospital for tuberculosis, so I
19 stayed with grandma and Aunt Aileen until I was one
20 year old. Aunt Aileen called me her baby. No matter
21 what age I was, I was still her baby.

22 The times when Aunt Aileen would cook
23 homemade black walnut pound cake with walnuts picked
24 from a tree in their back yard, or homemade strawberry
25 cake, turnips and dumplings, and not the frozen kind

1 that you buy from the grocery store, or flour bread.
2 And it was all done on a wood stove from wood that they
3 chopped in the back yard. And when family came to
4 visit, it was try this, whatever they had cooked that
5 day. And Aunt Aileen was a great cook. We never heard
6 them complain, not once, and you couldn't leave without
7 eating something. They would do anything for anyone.
8 If someone knocked on their door and said they were
9 hungry, they went in the kitchen and cooked them
10 something, no matter what the time of day or night.

11 Growing up on 242 within walking distance of
12 Grandma and Aunt Aileen's house, I grew up in a home
13 that had no locks on the doors or windows, there was no
14 need to. The only things to keep out at that time were
15 maybe flies or mosquitos. Two weeks before this had
16 happened my cousin, Mary Coley, went to see grandma and
17 Aunt Aileen and asked Aunt Aileen, aren't both of you
18 scared to stay here by yourself? And they said no.
19 Aunt Aileen at that point went into a bedroom and
20 brought out a rifle and said she was not scared. After
21 this happened my dad went and had locks put on the
22 windows, locks on the doors, a nightlight installed
23 outside. He then purchased a pistol and he slept with
24 it under his mattress.

25 On a lighter note, Grandma and Aunt Aileen

1 had a pig they were feeding to possibly one day take to
2 the slaughterhouse to have processed. They called this
3 pig Big Hog. Well, when that day came, they could not
4 have the pig put down. Aunt Aileen would talk to the
5 pig and would grunt back at her like he knew what she
6 was talking about.

7 Josephine and Aileen Davis were the most
8 kind, humble, and considerate two people that ever
9 walked the face of this earth. They wouldn't hurt a
10 flea nor a pig. Talking about the impact this has had
11 on our family, sitting through both trials, other
12 family members and myself both remember looking at
13 Joseph Sledge and smiling while looking at crime scene
14 photos. And how brutal they were, he was smiling.
15 Trust me, that was nothing to smile about.

16 James Lonnie Davis states that Uncle Lonnie
17 received a purple heart in World War II, but was not on
18 medication for anxiety or depression until after
19 September 6 of 1976. Wanda Hales, my cousin who found
20 the bodies who lived next door, who went to see them
21 every single day, or grandma or Aunt Aileen was at
22 their house, to this day finds it hard to talk about as
23 it is with this surviving grandchildren.

24 When Uncle Harvey's health declined I would
25 ask him, Uncle Harvey, what do you want me to tell the

1 parole board? And his response, and I quote, I hope he
2 never gets out of prison. Uncle Harvey's son states he
3 has trained his children to make sure if they leave
4 home, to make sure that they lock the doors, and when
5 they come back they're to check the doors, make sure
6 they're locked, the windows, their closets, under the
7 bed, and to this day they do this also.

8 How has this affected our family? This has
9 been a living nightmare for the past 38 years. How did
10 this affect Bladen County? After this happened gun
11 permits soared in Bladen County.

12 Points to ponder, when hair was found on the
13 bodies it was consistent with Joseph Sledge in 1976.
14 Now, 38 years later, it's not a match. My question is,
15 couldn't these hair samples be compromised? According
16 to newspaper accounts, at one point Christine Mumma
17 stated that she was about to tell Joseph Sledge that
18 there was nothing else that she could do for him. And
19 in 2012 these hair samples miraculously shows up on top
20 of a file cabinet in Columbus County, and what a
21 surprise, they didn't match.

22 During expert testimony this week all three
23 testified that if hair or DNA samples were not stored
24 properly, DNA breaks down and loses potency over time.
25 I think it was Ms. Meghan Clement that stated from a

1 partial print on the linoleum that Joseph Sledge could
2 not be ruled out as a contributor. Some of these
3 prints were of no value or not definable. Can you
4 100 percent state that some of these prints did not
5 belong to Joseph Sledge?

6 In Joseph Sledge's own testimony during the
7 second trial when asked under oath, why didn't you stop
8 when the officer put on his blue lights and siren
9 driving 80 miles per hour, why didn't you stop? His
10 response, and I quote, because they were trying to
11 connect me with something I didn't know anything about.
12 He stole a car from Elizabethtown with blood stains in
13 the car, went to Fayetteville driving 80 miles an hour
14 to get away from law enforcement because he was trying
15 to escape from a crime that he knew nothing about. His
16 statement has changed over the years according to his
17 testimony and what has been presented this week.

18 This charade started about two weeks after my
19 mother was laid to rest. The only upside to this whole
20 thing is that she and her other brothers and sisters
21 are not here today to witness this. The news media,
22 Christine Mumma, and her staff have all tried to change
23 the facts of this case, disrespect, discredit, and
24 destroy the reputation of everyone that has had
25 anything to do with this case, including district

1 attorneys, lawyers, investigators, detectives, judges
2 past and present, and even a former governor to make
3 her client, Joseph Sledge, look like a choir boy, and
4 that everyone else has been lying. And to be honest,
5 we're sick of it. Even to the point of trying to
6 discredit our own family, inferring that they were
7 killed by a family member because of a land dispute or
8 because someone was being written out of grandmother's
9 will. Newsflash, grandmother did not have a will, and
10 all the land was divided up prior to September 6, 1976.
11 Grandmother and Aunt Aileen's sleeping apparel and how
12 they kept their house was their business and no one
13 else's. It was their home and they were proud of it.
14 It should be no relevance in this case. Billy Ray
15 Hales and myself gave DNA samples and our entire family
16 was excluded. If they were excluded, why bring it up?
17 Only for trying to throw blame away from the real
18 killer in this case.

19 According to testimony in this hearing it was
20 brought out that Christine Mumma wrote an affidavit and
21 Herman Baker signed it without knowing what it said,
22 even saying he would be in trouble with the SBI if he
23 didn't sign it. A lot was brought up about Donald
24 Sutton and Herman Baker receiving their reward. If the
25 truth were known, you can't tell me that Herman Baker

1 has not been promised a piece of the pie if Joseph
2 Sledge is released, and that is just my opinion.

3 It has always been the Davis family's opinion
4 that our grandmother, Josephine Davis, and Aileen Davis
5 were both brutally murdered by Joseph Sledge, that he
6 was the sole perpetrator, and was convicted of such
7 second degree and given two life sentences. The past
8 three days have not changed our minds, not one bit.
9 DNA samples provided may not prove Joseph Sledge's
10 guilt, neither does it prove his innocence. It only
11 proves that the hair samples tested were not his. They
12 could have belonged to anybody or compromised after 38
13 years, and they probably were. It does not prove that
14 he was not there.

15 Again, thank you for this opportunity to
16 speak with you today, and I hope you will make the
17 decision to stop this insanity today and let this --
18 and don't let this case go any further, and to keep
19 Joseph Sledge, a repeat offender, as he's already
20 stated today, behind bars for the rest of his life.
21 Thank you. My name is Katherine Brown.

22 JUDGE SUMNER: Any questions?

23 (No response.)

24 JUDGE SUMNER: Ms. Brown, we want to thank
25 you on behalf of the entire Commission for coming to

1 share with us. We offer our deepest, sincerest
2 condolences to you and your family at this time.

3 MS. KATHERINE BROWN: Thank you.

4 JUDGE SUMNER: Thank you so much for coming
5 and taking your time to be with us today.

6 MS. KATHERINE BROWN: Thank you.

7 MR. SMITH: Can I just briefly --

8 JUDGE SUMNER: Yes, I'm sorry.

9 MR. SMITH: I just want to say, you
10 understand that our hearing this does not mean we
11 disrespect your family at all.

12 MS. KATHERINE BROWN: Yes, sir, we sure do.

13 MR. SMITH: We're just doing the best that we
14 can to deal with this situation, and we appreciate your
15 being here so much.

16 MS. KATHERINE BROWN: Yes, sir.

17 (The victim impact statement is concluded.)

18 MS. MONTGOMERY-BLINN: We'll reopen the
19 hearing for the -

20 JUDGE SUMNER: For the media, yes.

21 (THEREUPON, A DISCUSSION WAS HAD OFF THE
22 RECORD WHICH WAS NOT REPORTED.)

23 JUDGE SUMNER: Just for the record, we are
24 now back on the record.

25 MS. MONTGOMERY-BLINN: Thank you, Your Honor.

1 Thank you all for your patience and attention during
2 this hearing. This concludes the presentation of this
3 case. You are now asked to decide whether or not there
4 is sufficient evidence of factual innocence to merit
5 judicial review. Because this conviction resulted from
6 a trial, your vote will be by majority. You may decide
7 that there is sufficient evidence and the case will be
8 referred to a three-judge panel. You may decide that
9 there is not sufficient evidence and the case will be
10 closed. You may instruct the Commission staff to
11 continue investigation and reconvene the hearing at a
12 later date. During your deliberation I will leave the
13 standard of review slide up for you all. Thank you.

14 JUDGE SUMNER: Thank you. This will now
15 conclude the public portion of this hearing. We'll be
16 going into closed session for purposes of deliberation.
17 Thank you.

18 (THEREUPON, THE PROCEEDINGS ARE OFF THE
19 RECORD FOR DELIBERATION AT 12:12 P.M.)

20 JUDGE SUMNER: We're back on the record in
21 this matter. And before I enter the opinion in this
22 matter, I'd like to state publicly for the record that
23 the Commission staff wishes to thank Ms. Montgomery-
24 Blinn and the entire staff for all the hard work and
25 effort that you put into this matter. We are certainly

1 appreciative of all of you, what you've done.

2 Having said that, the Commission has the
3 matter of the State of North Carolina versus Joseph
4 Sledge, File Number 78-CRS-2415 and 2416, after careful
5 consideration of the evidence, the Commission has
6 unanimously concluded that there is sufficient evidence
7 of factual innocence to merit judicial review.

8 Wherefore pursuant to North Carolina General Statute
9 15A-1469(a), and as Chairman of the Commission, the
10 undersigned refers this case to the Honorable Douglas
11 B. Sasser, Senior Resident Superior Court Judge for
12 Judicial District 13A, and respectfully requests that
13 the Chief Justice of the North Carolina Supreme Court
14 appoint a three-judge panel to issue commissions to its
15 members to convene a special session of superior court
16 in Columbus County to hear evidence relevant to the
17 Commission's recommendations. This is the 5th day of
18 December, 2014, Quentin T. Sumner, Chair of the North
19 Carolina Innocence Inquiry Commission.

20 With that being said, I want to thank each
21 commissioner for your presence and your hard work over
22 the last couple of days. And this matter is now
23 signed. Thank you.

24 (THEREUPON, THE HEARING CONCLUDED AT
25 2:19 P.M.)

STATE OF NORTH CAROLINA)
) C E R T I F I C A T E
COUNTY OF CABARRUS)

I, Ira Anderson, do hereby certify that the foregoing hearing was taken and transcribed by me; and the foregoing 120 pages constitute a true and accurate transcript of the proceedings.

I do further certify that the parties were present as stated in the caption.

I do further certify that I am not of counsel for or in the employment of either of the parties to this action, nor am I interested in the results of said action.

This the 11th day of February, 2015.

Ira Anderson
Electronic Signature
Ira Anderson
Notary Public No. 19973380004